

Planning Committee

21 August 2023



Working in partnership with **Eastbourne Homes**

Time and venue:

6.00 pm in the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG

Membership:

Councillor Hugh Parker (Chair); Councillors Amanda Morris (Deputy-Chair) Nick Ansell, Andy Collins, Jane Lamb, Anita Mayes, Teri Sayers-Cooper and Candy Vaughan

Quorum: 2

Note: Due to expected number of attendees, only registered public speakers will be allowed in the Court Room. Other attendees will be directed to watch the meeting in the overflow room upstairs. If you prefer to watch from home, this meeting will be live webcast.

Published: Friday, 11 August 2023

Agenda

1 Introductions

2 Apologies for absence and notification of substitute members

3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.

4 Urgent items of business.

The Chair to notify the Committee of any items of urgent business to be added to the agenda.

5 Minutes of the meeting held on 17 July 2023 - To Follow

6 Right to address the meeting/order of business.

The Chair to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.

7 Officer Update

Where additional information has been received by Planning Officers subsequent to the publication of the agenda, a supplementary report will be added to this item and published on the Council's website the day before the meeting to update the main reports with any late information.

- 8 Site 7a, Pacific Drive (Aldi Store Ltd.) ID: 220849 (Pages 5 - 46)
- 9 Site 7a, Pacific Drive (McCarthy and Stone Retirement Lifestyles Ltd.) ID: 220850 (Pages 47 - 78)
- 10 Site 7a, Pacific Drive (LNT Care Developments Ltd.) ID: 220852 (Pages 79 - 108)
- 11 Saffrons Sports Club, Compton Place Road. ID: 230105 (Pages 109 - 128)
- 12 Land off Biddenden Close. ID: 220453 (Pages 129 - 144)
- 13 6 Somerville Close. ID: 230411 (Pages 145 - 152)
- 14 Date of next meeting

To note the next meeting of the Planning Committee is scheduled to be held on 18 September 2023 at 6 pm.

Information for the public

Accessibility:

Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. If you would like to use the hearing loop please advise Democratic Services (see below for contact details) either in advance of the meeting or when you arrive so that they can set you up with the relevant equipment to link into the system.

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Filming/Recording:

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Speaking at Planning

Registering your interest to speak on Planning Applications

If you wish to address the Committee regarding a planning application, you need to register your interest by emailing committees@lewes-eastbourne.gov.uk **by 12 noon on Thursday 17 August**. Requests made beyond this date cannot normally be accepted. Please provide your name, address and contact number, the application number and the proposed development to which it refers. You need to make clear whether you wish to speak in favour or against the application and your relationship to the site.

The Public Speaking Scheme rules place a limit on the numbers of public speeches allowed and time allotted apply. So up to 2 members of the public can speak (up to 1 objector and 1 supporter) on a first come first served basis and that one person can act as

spokesperson for a group. In addition, the ward member will be allowed to speak. Anyone who asks to speak after someone else has registered an interest will be put in touch with the first person, or local ward Councillor, to enable a spokesperson to be selected. Those who are successful, will receive an email to formally confirm their request to speak has been granted. The speech should take no longer than 3 minutes (which is approximately 500 words).

Please note:

Objectors will only be allowed to speak where they have already submitted objections in writing, new objections must not be introduced when speaking.

You should arrive at the Town Hall at least 15 minutes before the start of the meeting and will be advised which microphone to use.

The Chair will announce the application and invite officers to make a brief summary of the planning issues.

The Chair will then invite speakers to the meeting table to address the Committee in the following order:

- Objector
- Supporter
- Ward Councillor(s)

The objector, supporter or applicant can only be heard once on any application, unless it is in response to a question from the Committee. Objectors are not able to take any further part in the debate.

Information for Councillors

Disclosure of interests:

Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Democratic Services

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Agenda Item 8

Report to: Planning Applications Committee
Date: 21 August 2023
Application No: 220849
Location: Site 7a, Pacific Drive, Eastbourne, BN23 6DW
Proposal: Erection of Class E foodstore alongside access, parking, landscaping, and associated works
Applicant: Aldi Store Ltd.
Ward: Sovereign
Recommendation:

1. That the application be delegated to the Head of Planning to secure agreement to the scheme from
 - the Councils Air Quality officer,
 - landscaping issues,
 - affordable housing issues, and
 - ecological translocation issues.

On reaching agreement to these issues then 2 below.

2. That the Head of Planning be authorised to Grant permission subject to conditions and S106 / S278 agreement for
 - Travel Plan audit fees
 - Other highway works.
 - Late-stage review to establish affordable housing position (unless otherwise agreed),
 - Local Labour Agreement,
 - Ecological translocation controls
 - 'Golden Brick' clause to limit the trading of the foodstore until the schemes on the adjacent sites (Care Home & McCarthy and Stone) have reached a defined point in their construction.

3. If no meaningful engagement with the legal agreement is pursued within six months, then the Head of Planning be authorised to refuse planning permission due to the lack of infrastructure.

Contact Officer: **Name: Leigh Palmer**
E-mail: leigh.palmer@lewes-eastbourne.gov.uk

Site Location Plan



1.	Executive Summary
1.1	This application is brought before the Planning Committee due to the significant number of objections received following public consultation.
1.2	<p>The application seeks planning permission for the erection of a foodstore (Class E) with associated access, parking, landscaping and works.</p> <p>This application is one component in a tripartite submission. Two other applications have been independently submitted and reported elsewhere on this agenda.</p>
1.3	The development is considered to be sympathetic to the surrounding built and natural environment as well as the amenities of neighbouring residents and would provide good quality retail offer, providing choice for the local community.
1.4	The application subject to further matters of detail is recommended for approval subject to S106 agreement and conditions.
1.5	<p><u>Sustainability</u></p> <p>The scheme delivers a 48% reduction in carbon emissions through the use of improved building fabric, air source heat pump supplemented by refrigeration heat recovery and a photo voltaic array.</p> <p>This is considered to be given significant positive weight in the planning balance.</p>
1.6	<p><u>Land Allocation</u></p> <p>The site is allocated for employment purposes within the Local Plan and has dedicated policies limiting the use of the site. This has existed in various forms for more than 30 years.</p> <p>The site forms part of the wider development area for which outline approval for a mix of employment uses has been granted and this allowed for the reserved matters submission to be submitted within a 10-year period, this expires December 2024.</p> <p>The redevelopment for retail purposes is contrary to the Local Plan and as such should be afforded significant negative weight in the planning balance.</p>
1.7	<p><u>Under Delivery on land allocation aspiration</u></p> <p>It is recognised that despite the land being allocated and having an outline planning consent there has been no market interest by way of further planning applications for redevelopment.</p>

	<p>The application is silent on long term marketing but does evidence that there is no current market demand for office accommodation.</p> <p>It is evident that Pacific House (on adjacent site) was developed with the support of public grant and that no further office accommodation has come forward on that site.</p> <p>In part recognition that the wider application (site 7a as a whole) had not come forward over the past 30 years and that no reserved matters had been submitted following the outline approval approaching 10 years ago the recently published growth strategy identified a wider range of uses that may be considered appropriate.</p> <p>This clearly show the direction of travel of the emerging local plan and specifically at this stage it is not envisaged that the site should be developed for/as 100% residential. There remains the ambition of job creation to support the local economy on this site. It is also important to note that the emerging Local Plan does not recognise retail on the site as referred to above.</p> <p>Against this background and notwithstanding the commentary within the growth strategy the redevelopment of the site for a retail food store would to some degree see the regeneration benefits of inward invest, job creation and retail choice in a sustainable location.</p> <p>These regeneration benefits should be afforded <u>moderate positive weight</u> in the planning balance.</p>
1.8	<p><u>Economic Impact</u></p> <p>As outlined above there is not demonstrable evidence that employment uses in accordance with the local plan allocation will come forward.</p> <p>Against this background the scheme represents a multi-million-pound investment into the Borough that would create jobs through the construction and operational phases of the development.</p> <p>50 new job opportunities will come from the development offering full and part time opportunities to the whole community.</p> <p>The investment and job creation to be given <u>significant positive weight</u> in the planning balance.</p>
1.9	<p><u>Retail Impacts</u></p> <p>The applicant has undertaken a search of the Borough to establish if there are any other suitable sites available and their evidence concludes that there are none.</p> <p>The size of the store is below the threshold defined by the National Planning Policy Framework whereby a retail impact assessment is</p>

	<p>required. Given this parameter the development is too small to be deemed to have negative impact upon existing centres.</p> <p>The evidence assessed by this element of scheme should be given <u>moderate positive weight</u> in the planning balance.</p>
1.10	<p><u>Noise Impacts</u></p> <p>Post construction noise impacts will be limited to the use of the car park and deliveries to the store.</p> <p>The noise from the car park will be low and not deemed to result in a loss of amenity and the deliveries to the store will be controlled by condition.</p> <p>Given suitable controls in place to prevent/mitigate noise impacts beyond the boundary of the site this issue should be given <u>moderate positive weight</u> in the planning balance.</p>
1.11	<p><u>Landscape and Ecology Impacts</u></p> <p>Change in the landscape would be limited to the immediate site area due to the self-contained nature of the site. The scale and density of the development would be comparable with surrounding commercial development and the design incorporates significant green landscape buffers, with a significant landscape area to adjacent to the A259 Pevensey Bay Road.</p> <p>It is recognised that this is an allocated development site for employment uses and to some extent the existing habitat would have been impacted if the allocation had been implemented.</p> <p>The scheme proposes the incorporation of an ecological roof to mitigate the loss of habitat; given this and other landscaping at the site it is considered that the development would result in limited landscape harm, and this should be attributed <u>moderate positive weight</u> in the planning balance.</p> <p>In addition to the on-site landscape and biodiversity benefits the scheme proposes the translocation of protected species where appropriate and deemed to be necessary. All aspects of this translocation accord with best practice.</p> <p>This is considered to be attributed <u>moderate positive weight</u> in the planning balance.</p>
1.12	<p><u>Highways Safety & Car Parking</u></p> <p>The scheme provides car parking, EV charging positions and cycle parking for customers and staff in accordance with local and County standards.</p>

	<p>The access and servicing requirements have been endorsed by ESCC Highways. The increase in traffic is of a degree that would NOT result in disruption or congestion on the surrounding highway network.</p> <p>It is considered that this should be attributed <u>moderate positive weight</u> in the planning balance.</p>
1.13	<p><u>Accessibility</u></p> <p>The scheme's design has been considered with regards to its access arrangements and servicing arrangements.</p> <p>The site is located with access to alternative modes of transport, cycling, walking and bus routes.</p> <p>This is considered to be attributed <u>moderate positive weight</u> in the planning balance.</p>
1.14	<p><u>Flood Risk & Drainage</u></p> <p>At the time of writing this matter is under review by external consultees.</p> <p>On the presumption that the scheme does not give rise to off-site flooding and a designed drainage system that satisfies the lead Local Flood Authority can be achieved then this should be given <u>moderate positive weight</u> in the planning balance.</p>
1.15	<p><u>Heritage and Archaeology</u></p> <p>The intrusive site survey has heralded little archaeology remains at the site and as such this should be given <u>limited positive weight</u> in the planning balance.</p>
1.16	<p><u>Design & Appearance</u></p> <p>The design is considered functional and appropriate for its use and would not in and of itself be harmful to the site and surrounding area.</p> <p>The design and appearance should be given <u>limited positive weight</u> in the planning balance.</p>
1.17	<p><u>High Pressure Gas Main</u></p> <p>The location of the new building is outside of the access/exclusion zone for the high-pressure gas main.</p> <p>This issue is considered to be given <u>limited positive weight</u> in the planning balance.</p>
1.18	<p><u>Brownfield Land</u></p>

	<p>The scheme promotes the redevelopment of brownfield land.</p> <p>This issue is considered to be given <u>significant positive weight</u> in the planning judgement.</p>
2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>6. Building a strong, competitive economy</p> <p>8. Promoting healthy and safe communities</p> <p>9. Promoting sustainable transport</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment</p> <p>31 Local Plans to have regard to Market signals.</p> <p>38 Local Planning Authorities to work cooperatively with applicants to improve the economic, social, and environmental conditions of the area.</p> <p>81 Significant weights to economic growth</p> <p>87 Requirements for sequential test for sites that are not in accordance with the development plan.</p> <p>124 Make efficient use of land.</p> <p>126 High quality beautiful and sustainable developments</p> <p>130 Reflective of local character</p> <p>132 Importance of design quality.</p>
2.2	<p><u>Eastbourne Core Strategy 2006-2027:</u></p> <p>B1: Spatial Development Strategy and Distribution</p> <p>B2: Creating Sustainable Neighbourhoods</p> <p>C14: Sovereign Harbour Neighbourhood Policy</p> <p>D1: Sustainable Development</p> <p>D5: Housing</p> <p>D7: Community, Sport, and Health</p> <p>D8: Sustainable Travel</p> <p>D9: Natural Environment</p> <p>D10a: Design</p>

	E1: Infrastructure Delivery.
2.3	<p><u>Saved polices of the Eastbourne Borough Plan 2001-2011:</u></p> <p>BI7: Design Criteria HO20: Residential Amenity NE4: Sustainable Drainage Systems NE16: Dev within 250m of Former Landfill Site NE18: Noise NE23: Nature Conservation of Other Sites NE28: Environmental Amenity UHT1: Design of New Development UHT4: Visual Amenity UHT7: Landscaping US1: Hazardous Installations US5 Tidal Risk HO20: Residential Amenity TR2: Travel Demands TR5: Contributions to the Cycle Network TR8: Contributions to the Pedestrian Network TR6: Facilities for Cyclists TR11: Car Parking TR12: Car Parking for those with Mobility Problems.</p>
2.4	<p><u>Eastbourne Employment Land Local Plan (ELLP- adopted 2016)</u></p> <p>Policy EL1 – Economy and Employment Land Policy EL4: Sovereign Harbour.</p>
2.5	<p><u>Supplementary Planning Documents and other relevant guidance</u></p> <p>Eastbourne Sovereign Harbour SPD Local Employment and Training SPD EBC Sustainability in Development TAN EBC Biodiversity Net Gain TAN EBC Electric Vehicle Charging Points TAN</p>

3.	Site Description
3.1	The application site forms part of Sovereign Harbour and is situated along the northern boundary of the north harbour.
3.2	The site is bounded by Pevensy Bay Road (A259) to the north, one of the main routes to Pevensy Bay from Eastbourne and forms part of a national cycle network route. Pacific Drive is to the south of the application site and is the only vehicular access to the north harbour area.
3.3	In the Southwest corner of site 7a is the development of the Harbour Medical Centre approved in 2009.
3.4	The site is currently undeveloped land that has permission for a mixed use of residential, employment uses (office) and open space. See planning history for more context).
3.5	The nearest residential properties of Coral Reef Close and Barrier Reef Way. are located on the opposite side of Pacific Drive to the south of the application site.
3.6	The application site is located within the Environment Agency's Flood Zone 3.
3.7	Along the border with Pevensy Bay Road runs a high-pressure gas pipeline.
3.8	<p>The application site is within close proximity to, but not within the District Shopping Centre of Sovereign Harbour, which is also known locally as The Crumbles. The separation distance is some 360m - 5 minutes' between the application site and the boundary of the District Centre.</p> <p>The shopping centre is comprised of large industrial designed retail units that are currently occupied by Asda, Next, Boots, Sports Direct, Matalan, TK Maxx, The Gym, Harvey's Furniture, Wilko, and Defiant Sport. There are two closed units, one previously occupied by Cineworld which has permission for a B&M franchise and one occupied by Frankie and Benny's which has closed and no longer represented within Eastbourne.</p>

4.	Proposed Development
4.1	The application is seeking permission for the erection of a single storey building with Class E use to be used as a Foodstore to be occupied by Aldi Stores Ltd.
4.2	Proposed access to the site is via Pacific Drive opposite the residential properties of Coral Reef Close.
4.3	The proposal includes the provision of 130 car parking spaces, 7 spaces allocated as disabled parking, 8 spaces allocated for those with children and 16 spaces for electric vehicle parking of which 4 will be active and 12 passives for future demand.

4.4	20 Cycle parking spaces will be provided onsite, 10 allocated for customers visiting the store and 10 allocated for staff use.
4.5	The proposal includes landscaping of the site featuring soft landscaping to the borders of the carparking area and a larger landscaped area to the northeast area of the site adjacent to Pevensey Bay Road.

5.	Relevant Planning History:
5.1	There have been numerous historic applications concerning the wider site, below is the most recent application that refers to the application site.
5.2	<p><u>131002</u></p> <p>Outline planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour, Eastbourne:</p> <p>Site 1 - up to 72 dwellings and access</p> <p>Site 4 - Commercial and employment uses (A1-A5 3,200sqm) (B1, C1 and D13,600sqm)</p> <p>Site 5 - Community use (800sqm)</p> <p>Site 6 - Employment and office uses (B1 up to 15,000sqm)</p> <p><u>Site 7 - Mix of employment uses (B1 6,700sqm) (C1 & C2 up to 5,500sqm) (D1 up to 200sqm), up to 70 dwellings and open space (0.80 has)</u></p> <p>Site 8 - Up to 8 dwellings, open space, and berth holder facilities</p> <p>Planning Permission Approved Conditionally 02/12/2014.</p>

6.	Consultations:
6.1	<p><u>East Sussex Highways Agency</u></p> <p>It is considered to have a single transport assessment reviewing the impacts of all three schemes to be acceptable.</p> <p>Trip rates and methodology for assessing impact considered acceptable.</p> <p>The existing junctions would work within capacity.</p> <p>No objections subject to conditions.</p>
6.2	<p><u>Environment Agency</u></p> <p>No objection subject to conditions controlling: -</p>

	<ul style="list-style-type: none"> • Flood risk assessment implementation • Contamination • Verification of remediation strategy • Previously unidentified contamination • SUDS Infiltration • Piling and boreholes.
6.3	<p><u>Environmental Health (Contaminated Land)</u></p> <p>No objections subject to conditions that mirrored the EA conditions with the addition of a condition controlling the provision of construction Environmental Management Plan.</p>
6.4	<p><u>CIL</u></p> <p>The application would not be liable for CIL as per the Eastbourne CIL Charging Schedule.</p>
6.5	<p><u>Southern Water</u></p> <p>No objections but guide the developer in terms of required clearance works (for access) to exist SW assets in the locality.</p> <p>Approval is required by SW prior to any connection to the SW assets.</p> <p>Any surface water management proposal cannot utilize SW foul water assets.</p>
6.6	<p><u>Wealden District Council</u></p> <p>The Council raise no objections to this application subject to:</p> <ol style="list-style-type: none"> 1) Wealden District Council has no objection in principle, and considers that the proposed development would not have any implications for the strategic planning aims of Wealden District Council.
6.7	<p><u>County Archaeology</u></p> <p>No objection subject to conditions requiring further survey work to be carried out.</p>
6.8	<p><u>Environmental Protection (Noise & External Lighting)</u></p> <p>No objection subject to conditions controlling hours of work for construction and controls on external lighting.</p>

6.9	<p><u>Arboriculture</u></p> <p>No objection on arboricultural grounds subject to conditions relating to the provision of arboricultural method statement and site supervision and monitoring.</p> <p>The submitted landscape proposals (Ref: 17800-VL-L01 - 17800-VL-L06) are comprehensive and ensure continuity of tree cover and other areas of soft landscaping on the application site.</p>
6.10	<p><u>Regeneration</u></p> <p>No objection subject to a local labour agreement covering construction and operational jobs.</p>
6.11	<p><u>Planning Policy</u></p> <p>Planning Policy Context Eastbourne Core Strategy 2013 Policy B1 sets out the spatial development strategy to deliver at least 5,022 dwellings and 55,430sqm of employment land by 2027 within the built-up area boundary. The policy sets out that the priority locations for growth are the Town Centre, and Sovereign Harbour.</p> <p>Core Strategy Policy C14, sets out the vision for the Sovereign Harbour neighbourhood as increasing its levels of sustainability through the delivery of community infrastructure and employment development. The policy identifies Site 7 as a key area of change, and an employment opportunity site.</p> <p>Employment Land Local Plan (ELLP) policy EL4 sets out that within Sovereign Harbour, a total of 23,125sqm (GEA equivalent to 18,500sqm NIA) of B1 floorspace shall be provided (delivered predominantly on Site 6 and Site 7a). This policy sets out that other employment generating uses that are compatible with the residential area (with the exception of Class A1, A3 and A5 uses) will be acceptable on any remaining land on Sites 6 and 7 following the delivery of the 23,125sqm of B1 floorspace.</p> <p>Paragraph 4.48 of the ELLP sets out that Class A uses would not be appropriate outside of the defined Sovereign Harbour District Centre.</p> <p>The Sovereign Harbour SPD 2013 sets out the vision for site 7 as providing a mix of uses, including employment, residential and public open space. The SPD identified the opportunity to provide some sheltered or assisted living/extra care accommodation (Class C3) on the site and perhaps a limited amount of care home accommodation (Class C2), however it stated this must not compromise the delivery of the proposed employment space requirements.</p>

Paragraph 86 of the National Planning Policy Framework (NPPF) sets out how planning policies should define a network and hierarchy of town centres and promote their long-term vitality and viability.

To provide a sustainable network of local shopping, Eastbourne Core Strategy Policy D4 sets out the retail hierarchy of District, Local and Neighbourhood Centres. The site is not located within a designated District, Local nor Neighbourhood Centre.

New Eastbourne Local Plan

Paragraph 122 of the National Planning Policy Framework sets out that planning policies and decisions need to reflect changes in the demand for land and where the local planning authority considered there to be no reasonable prospect of an application coming forward for the use allocated in a plan;

- a) *It should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate., deallocate a site which is undeveloped); and*
- b) *In the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.*

The Eastbourne Core Strategy was adopted in 2018, the NPPF requires that local plans are reviewed to assess whether they need updating at least once every five years. The Core Strategy was five years old in 2018, a review at the time concluded **that the plan could no longer be considered up to date.**

Eastbourne are currently preparing a new local plan that will guide the type, amount, and location of development in the borough up to 2039.

The NPPF requires that local plans have an overall strategy for the pattern, scale and quality of development and make sufficient provision for housing, employment, retail, leisure, and other commercial development needs.

There are strong reasons why Eastbourne is unable to meet its development needs in full, this means that the Local Plan will be required to consider all sites with potential for development and to ensure that **all opportunities** are maximised in a sustainable way. A Regulation 18 consultation on a proposed Growth Strategy for the new Local Plan was undertaken between November 2022 and January 2023.

The Eastbourne and Wealden Economic Study 2022 has been published since the writing of the applicants planning statement. This states that the local plan should plan positively for office space at 21,946 and it should be noted that will increase with further losses which should be considered for replacement. The new Local Plan Growth Strategy suggested that Key

Development Sites identified could accommodate 13,000sqm of office space, including 10,000sqm at Sovereign Harbour Site 6 and 3,000 within the Town Centre, on land adjacent the Enterprise Centre and Railway Station.

The new Local Plan Growth Strategy identified Site 7a as a key development site, with potential to deliver a mix of uses. Although it is noted that the site is allocated for employment uses, it is relevant that the site has had outline consent for almost 10 years without a forthcoming reserved matters application for development. As set out in Paragraph 122 of the NPPF as above, the high need for homes means that different uses for the site need to be considered. The site is identified in the Growth Strategy of potentially being able to provide around 40 residential units, whilst also providing some employment generating uses.

The Eastbourne Town Centre, Retail and Leisure Needs Study 2022 sets out capacity forecasts for convenience goods floorspace in Eastbourne over the plan period showing that there is an oversupply across Eastbourne in 2023, albeit with some small capacity of around 400sqm towards the end of the plan period.

The NPPF paragraph 86 sets out that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation. Criteria of this paragraph sets out that planning policies should allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead.

Current evidence supporting the new Eastbourne Local Plan, shows there is little forecast capacity for convenience goods floorspace, and therefore no need for additional retail space over the plan period therefore no sites are currently being considered in the Growth Strategy for retail or leisure provision.

Planning Policy agree that given the lack of delivery since the site was granted outline planning permission in 2014, and the lack of developable sites for development in the borough, the site should be considered for alternative uses. Given the high housing need in the borough the Eastbourne Growth Strategy for the new local plan identified Site 7a as a key development site, with potential to deliver a mix of uses including around 40 residential units, whilst also providing some employment generating uses.

However, the proposal is in conflict with ELLP policy EL4 which states other employment generating uses that are compatible with the residential area will be acceptable on site 7, except class A1, A3 and A5 uses.

The site is also considered contrary to Core Strategy Policy D4 of the Core Strategy as the proposal is not fully integrated within an existing shopping area, it has not been evidenced that the proposal will not have an

	<p>unacceptable adverse impact on the designated shopping centres, particularly the Sovereign Harbour District Centre, and the proposal is not appropriate in scale and function to its location.</p> <p>Therefore, the application is considered contrary to Core Strategy Policy D4 and Policy EL4 of the ELLP.</p>
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7.	Other Representations:
7.1	<p><u>Notification:</u></p> <p>Notification of this application has been undertaken in the form of:</p> <ol style="list-style-type: none"> a. neighbour notification letters b. site notices displayed in roads neighbouring the site and c. a press advert in a locally distributed newspaper.
7.2	<p><u>Neighbour Representations:</u></p> <p>Circa 400 letters of objection have been received, which raise the following concerns based upon material planning grounds:</p> <ul style="list-style-type: none"> • Proposed access to the site is inappropriate due to being the only vehicular access to the north harbour. • Access should be from Pevensey Bay Road • Surrounding road network is insufficient to support the level of trips to and from a supermarket. • Proposed access could impact access for the RNLI, emergency services and bus routes. • Impact to highway safety for pedestrians, cyclists, and vehicles • Parking provision on site is insufficient. • Air pollution from additional traffic • Noise nuisance • Out of keeping with the surrounding residential area • Land should be used for additional housing. • Foodstore should be located in the retail park. • North Harbour is being overdeveloped. • Should be used as recreational space. • Discordant with planning policies • Applicant did not take into consideration any of the comments from the public consultation prior to the submission of the planning application.

7.3	<p><u>Other Representations:</u></p> <p>Circa 13 letters of general observations have been received, which raise the following points:</p> <ul style="list-style-type: none"> • Level of traffic will be detrimental to the residential area. • Additional foodstore is not required. • Access should be from Pevensey Bay Road • Should be located in the retail park. <p>Circa 25 letters of support have been received, which raise the following points:</p> <ul style="list-style-type: none"> • Will provide jobs for the town. • Will support the local economy. • Will relieve traffic around the Hampden Park store. • Land is allocated for development. • Accessible site • Will provide choice. • Will take the pressure off Hampden Park.
7.4	<p><u>Comments received from competing retailers:</u></p> <p><u>Waitrose</u> Breach of Strategic Allocation for Employment Uses at Sovereign Harbour Conflict with Emerging Policy and Undermining Housing Delivery Inadequate Application of the Sequential Assessment.</p> <p><u>Asda</u> Breach of Strategic Allocation for Employment Uses at Sovereign Harbour Conflict with Emerging Policy and Undermining Housing Delivery Inadequate Application of the Sequential Assessment.</p> <p><u>Tesco</u> Breach of Strategic Allocation for Employment Uses at Sovereign Harbour Conflict with Emerging Policy and Undermining Housing Delivery Inadequate Application of the Sequential Assessment Inappropriate Reliance on Historic Sovereign Harbour Permission Unsubstantiated Reliance upon the Separate Applications on Site 7a.</p> <p>OFFICERS RESPONSE The applicant has provided within their supporting documentation justification for the siting, size, and function of the store.</p> <p>A summary is outlined below: -</p>

A sequential assessment has been undertaken; this is only required to relate to the functional trading catchment of the application site (Eastern Eastbourne). Notwithstanding this the applicant has assessed sites within whole Borough including Eastbourne town centre and District Centres of Sovereign Harbour and Langney Shopping Centres.

The sequential assessments of these areas have confirmed that there are no suitable sites.

For Eastbourne centre a number of sites were assessed including the sites of Debenhams and Bonners.

- **Former Debenhams** - The former store, as it is, has been dismissed on the basis that it has no parking and irregular sales area and on this basis is not suitable. That the site may still be technically available however is not reason for it to pass the sequential test. In order to bring this site forward, it would be necessary to demolish this building, which is an attractive feature within the conservation area and capable of being used for other purposes. In this context, loss of this building is unlikely to be supported and indeed we are not aware that officers would support such an approach.
- **Former Bonners** - At just 0.13ha this site is simply too small to even accommodate the sales area proposed, let alone supporting car parking and servicing. In any event, the site is now occupied by St Wilfred's Hospice and is no longer available.

The application proposes a Limited Assortment Discount (LAD) Retailer with a limited floorspace 1,315 sqm net retail sales area. This limited sales area is below that specified within the legislation whereby a retail impact assessment is required.

Notwithstanding this given the limited range of goods around 2,000 product lines with this particular retailer compared to 40,000 product lines within a major retail supermarket it is considered that the proposal would not adversely impact upon the retail function of the existing superstores within the Borough.

It is recognised that the Borough already has existing LAD's and as such the superstores are currently competing in this market.

In addition, the limited product lines within the store whilst offering choice would still mean that wider comparison shopping will be required for consumer to complete all their shopping needs, and this will mean accessing other retail outlets including the supermarkets.

In conclusion it is not considered that the proposal will adversely affect the retail function of this part of the Borough and moreover it will offer retailing choice for those residents of Sovereign Harbour and neighbouring wards.

8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>Key considerations for this application are whether the proposal complies with national and local policy, and the level of impact the proposal may have on the residents of the North Harbour and surrounding area.</p>
8.2	<p><u>Principle:</u></p> <p>In decision making, Local Planning Authorities are required by the National Planning Policy Framework (NPPF) to consider the balance between the 3 overarching objectives of sustainable development: social, economic, and environmental benefits.</p> <p>The use applied for is contrary to the adopted Local Plan and this is not in dispute however, equally both national and local require that regard is given to other relevant material considerations.</p> <p>Paragraph 12 of the NPPF states, “local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.</p> <p>Further and specifically in respect of allocations, Paragraph 122 of the NPPF recognises that where there is no reasonable prospect of an application coming forward for the use allocated in a plan, this should either be reallocated, or, in the interim, alternative uses proposed where these would contribute to meeting an unmet need for development in the area.</p> <p>The NPPG (Paragraph 66-001-20190722) provides further guidance, noting the following factors may be relevant to determine whether there is a realistic prospect of an allocated site being developed for its intended use:</p> <ul style="list-style-type: none"> • The length of time since the site was allocated in the development plan. • The planning history of the site including any planning applications or pre-application enquiries. • Whether there is evidence that the site has been actively marketed for its intended use for a reasonable period, and at a realistic price; and • Whether there are any changes of circumstance that mean that take-up of the site for its intended use is now unlikely. <p>The guidance goes on to state that:</p> <p>“Where an alternative use for the allocated site is proposed, it will also be relevant to consider the extent to which evidence suggests the alternative</p>

use would address an unmet need, as well as the implications for the wider planning strategy for the area and other development plan policies.”

- In respect of points 1 and 2 of NPPG guidance above, detailed commentary on the history of the site allocation and various planning applications is set out below, noting that the original planning permission for redevelopment of the site for office use was granted over 30 years ago.
- Outline planning permission for the comprehensive mixed-use development of the Sovereign Harbour area was originally granted in 1988 (ref: EB/1986/0431).
- Following this, further outline applications were submitted and approved in the 1990s for the comprehensive delivery of residential dwellings along with employment uses including ref: EB/1995/0267.
- At this stage, Policy BI4 (Retention of Employment Commitments) of the Eastbourne Borough Plan 2001 – 2011 allocated land at Sovereign Harbour for office use in line with the permitted outline consent, noting that “in the event that planning permission expires on the following sites, the Council will grant planning permission for industrial, and business uses as specified, subject to other policies in this plan”.
- From this point, development of the area has come about incrementally with plots around the harbour sold individually to residential developers or commercial developments such as the Sovereign Harbour Retail Park.
- It is recognised however within the Sovereign Harbour SPD (February 2013) that the completion of such regeneration is long overdue, with the area still missing social and economic infrastructure that is required for it to become a sustainable community.
- It is noted that Core Strategy (2013) policies C14 and D2 continue to support allocation of remaining sites at Sovereign Harbour for offices through development of a business park.
- In line with this, the most recent outline planning permission (ref: 131002) was granted in 2014 for development of six sites within Sovereign Harbour (including the application site – Site 7a) which were identified for potential development but remained undelivered. This included an approved masterplan for a mix of employment uses including offices (Use Class B1), community uses (Use Class D1), care home (Use Class C2) as well as residential dwellings (Use Class C3). Condition 5 attached to this permission required reserved matters for site 7a to be submitted within 10 years of the date of the decision. In line with policy aspirations, condition 10 required development of sites 6, 7a and 4 to provide a maximum of 20,000 sqm of B1 floorspace.
- Despite the longstanding policy aspirations for employment uses and permission in principle being in place and remaining extant, no

reserved matters applications have been submitted in relation to Site 7a and no deliverable development has progressed. This is also despite both online and in-situ marketing efforts in line with uses sought by the allocation as set out within the submission, having regard to part 3 of the above NPPG guidance.

Notwithstanding the above and having regard to the final part of NPPG guidance set out above, namely '*whether there are any changes of circumstance that mean that take-up of the site for its intended use is now unlikely*', the relevance of the lack of 'on the ground' progress identified above and the clear direction of travel as a result, as noted within the Council's own evidence base and adopted and emerging policy wording is recognition of this fact.

The Council's own independent evidence base, including that prepared in the relation to the Employment Land Local Plan ('ELLP') (prepared by JLL) which was adopted in 2016 noted the viability issues associated with delivering development on the remaining sites at Sovereign Harbour, including that office floorspace would be unviable to bring forward due to weak levels of demand for new purpose-built office space in Eastbourne.

Further in respect of the application site, the viability analysis undertaken at Section 3 of the JLL Report which considered the potential for further office development to come forward at Sovereign Harbour concluded that:

- "At all the points in this sensitivity analysis the scheme fails to reach the level of profitability necessary to encourage a private developer to bring the site forward and these appraisals assume that the site can be acquired for a pound which will not be the case in reality. In our opinion the GVA analysis updated by us suggests an unviable proposition likely to remain unviable for the foreseeable future." (Page 5).

The Eastbourne Economic Development Needs Assessment ('EEDNA') (2017) further acknowledged the challenges in delivering new office development at Sovereign Harbour due to suitability and viability issues as identified in the ELLP. Of note, paragraph 9.28 recognises that less than 10% of the original 1988 permission for 30,000 sqm of office space across two sites at Sovereign Harbour has been delivered. This refers to Pacific House which as noted, was made possible only by public funding. In terms of the remaining allocation of land at Sovereign Harbour, the EEDNA notes that this exceeds the objectively assessed need for office space in Eastbourne in quantitative terms over the study period to 2035, stating at paragraph 9.30 that "the development of Pacific House in early 2016 (providing 2,350 sqm of new office floorspace) in itself delivers approximately 25% of the highest Borough-wide requirement for office space over the 20-year plan period to 2035."

As a further indication of changes of circumstance, Eastbourne are now underway with preparation of a new Local Plan – The New Eastbourne Local Plan ('NELP'), which sets out the vision for the development of

Eastbourne going forward. The Issues and Options Consultation draft (2019) noted that the current planning policies allocate land for 28,750 sqm of additional office floorspace, before going on to recognise that (pages 37 - 38):

- “This is in excess of the amount of office space that more recent forecasts suggest is needed in Eastbourne over the next 20 years, which means that not all of the existing office space land allocations will need to be carried forward into the new Local Plan.”

With specific regard to the role of Sovereign Harbour in terms of a location for providing additional office floorspace the Issues and Options Consultation draft recognised that (page 40):

- “At the current time, Sovereign Harbour Site 7a is no longer needed to meet the office space forecast. However, it is considered the land should be developed for alternative employment-generating use to support the local community at Sovereign Harbour.”

Whilst it is accepted that New Eastbourne Local Plan is at an early stage of preparation, it nevertheless indicates a clear direction of travel and is reflective of viability concerns indicated within various policy and evidence base documents prepared over the last 25 years or so. This is a highly compelling material consideration, acknowledging that the historic allocation aspirations for office space are simply not a viable or realistic option, thereby opening the door for alternative employment generating uses to come forward.

To provide further commentary on this matter, a report on the state of the Eastbourne Office Market was prepared by Hunt Commercial (HC) and submitted in May 2023. This note’s the extremely limited demand for space, combined with “steady stream of office buildings becoming vacant... with offices lying vacant often for several years”.

It is abundantly clear both from evidence and (perhaps most pertinently) from the on the ground situation that historic forecasts for office space have not materialised and there is clearly no reasonable prospect of historic policy aspirations for the site being met.

Since submission of the application, the emerging Local Plan has continued to progress; the Council consulted on the next stage (Regulation 18) of the Local Plan (The 'Growth Strategy'), between November 2022 and January 2023. This consultation document provides more detail on the level of housing and employment growth that could be accommodated in Eastbourne up to 2039 and where it might be located.

Specifically with regard to site 7a, the Growth Strategy on page 15 comments,

- “...the site is currently allocated for employment (office) use, but the high need for homes means that new uses now need to be considered”.

Nevertheless, the desire to see a mix of uses is also recognised, stating that...

	<ul style="list-style-type: none"> • “The site should still provide some employment-generating uses, but could also provide around 40 residential units”. <p>In this context, the proposals provide an appropriate option, delivering an employment generating use for the site which will also support the local community.</p> <p>In conclusion therefore and despite being contrary to the adopted local plan the development when assessed against the Local Plan and the NPPF as a whole provides sustainable economic development and therefore is considered acceptable in principle.</p>
8.3	<p><u>Sustainability</u></p> <p>The new building will be built to BREEAM standard very good. This is a high threshold for commercial property. This will be delivered by a fabric first approach, meaning that the construction of the building would be constructed to a highly thermal efficiency standard.</p> <p>The construction elements would be further supplemented by heat recovery from fridges and solar panels on the roof.</p> <p>The external layout delivers a number of EV charging points with the potential for growth if there is demand and also includes cycle parking/storage for customers and staff.</p> <p>Given the above it is considered that the sustainable elements of the scheme are considered to be acceptable and appropriate for this scale of the development.</p>
8.4	<p><u>Land Allocation</u></p> <p>The site was previously granted outline planning permission in December 2014 for a mix of employment uses including B1 (6,700sqm), D1 (up to 200sqm), C1 and C2 (up to 5,500sqm) (Ref: 131002).</p> <p>The S106 of the above permission, required 8900sqm (NIA) of B1 floorspace on site 4 and 7a, or if less, then the difference between the allocation (in the Employment Land Local Plan) and 11,100sqm.</p> <p>The S106 also required that site 7a was marketed for a maximum of 10 years, if by the date 6 months before the end of the marketing period no acceptable offers have been received then the requirement to market and utilise the Business Area for B1 space purposes shall be deemed to have been satisfied and the council shall have due regard to this when considering any subsequent application for reserved matters for an alternative development.</p> <p>Limited evidence has been provided to show compliance with the Business Areas Marketing Obligations of the S106 and no Reserved matter application has been submitted.</p>

	<p>It is not in dispute that the site is allocated for employment/commercial uses with retail positively excluded from the potential mix.</p> <p>The land allocation has been in place in various guises and in a number of different policy documents for about 20years. The site also has the benefit of an outline planning permission with a requirement for the reserved matters submitted within a 10-year period. This period for submission of details was imposed given the exceptional circumstances of the site and the give the best possible chance that the site would be developed for its designated purpose.</p> <p>In this regard the proposal would be contrary to the adopted Local Plan and the outline planning permission, and this should be given significant weight in deciding this proposal.</p>
8.5	<p><u>Under-delivery on land allocation aspirations</u></p> <p>It is not in dispute that the site lies fallow and vacant, which in part is a reflection of the markets' desire to implement the site's land use allocation.</p> <p>It is considered that the period of time that the site has not been developed is a material consideration and with no indication that things will alter into the future it is considered that to retain the allocation for the plan period would not be appropriate.</p> <p>It is considered that to bring the site forward and to develop and conclude the development of this site and neighbouring plots then there is the requirement to consider alternative uses.</p>
8.6	<p><u>Economic impacts</u></p> <p>This proposal will deliver a multi-million-pound inward investment into the Borough and will also create 50+jobs (mixed full and part time) for the operational phase and also construction jobs from the construction phase.</p> <p>This level of job creation should be given significant weight in the planning balance as is it considered to support the principles of economic sustainability, one of the three pillars of sustainable development with in the NPPF.</p> <p>When taking the NPPF as a whole and the Local Plan as whole, job creation and the associated spend within the local economy is of paramount importance. This position is highlighted further by Policy E1 of the Eastbourne Employment Local Land Local Plan which stipulates that job and economic growth will be supported, with the authority taking a positive approach which reflects a presumption in favour of sustainable economic development. This is stated to be achieved through encouraging development which supports improvements in the local jobs market through the additional job creation and employment diversification.</p>

	<p>The proposals form a significant employment generating use on a currently vacant site which is allocated for development.</p> <p>Paragraph 81 of the NPPF clearly states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and the wider opportunities for the development.</p>
8.7	<p><u>Retail impacts</u></p> <p>A sequential site selection process has been undertaken by the developer looking at sites in established centres, edge of centre locations and also transitional areas (12 in total) and no sites are available and or suitable to accommodate this form of development.</p> <p>The size of the store falls below that defined by the NPPF as requiring a retail impact assessment. (for further details see under the</p> <p>The application promotes a discount food retailer which offers consumers a choice of retail shopping in a sustainable location.</p> <p>It is acknowledged that the location of the store is outside of any existing commercial centre, but given its proximity and its form and operating nature and the weight given to job creation is considered acceptable.</p> <p>The applicants are accepting of a planning condition limiting the size of the store.</p>
8.8	<p><u>Noise impacts</u></p> <p>Noise impacts will fall into two categories; construction and operational.</p> <p>For the construction phase there will be controls via recommended conditions such as the construction method statement and hours of working condition. These controls are considered necessary and appropriate to mitigate construction noise.</p> <p>For the operational phase there will be two sources of potential noise; one from the customer use of the carpark and the other from the deliveries to the establishment.</p> <p>The carpark noise given the relatively low-level noise generated is not likely to give rise to a statutory noise nuisance and as such there are no controls limitations over its use.</p> <p>There is the potential for noise nuisance from the servicing and delivery of stock to the new retail store. These risks are controlled via planning conditions such as the operational method statement. Subject to the details of this condition being supported and maintained on site any noise impacts are considered to acceptable and appropriate for the site and surrounding area.</p>

8.9	<p><u>Landscape and Ecology impacts</u></p> <p>The hard landscaping is considered appropriate to the form and function of the development and as such is deemed to be acceptable.</p> <p>The soft landscaping includes traditional ‘retail park’ planting around the perimeter of the site/car park, this is deemed to be appropriate and acceptable.</p> <p>In addition, there is a large area of appropriate contextual landscaping provided to the east of the site. This area is significant in its size and considered to make a positive contribution to the appearance of the site and surrounding area.</p> <p>The scheme also proposes the inclusion of an ecology roof over the store, which will help mitigate the habitat lost through/by the re-development of site 7a as a whole.</p> <p>The site has the potential to carry populations of protected species and where they cannot be retained in site then the applicant has secured an appropriate translocation site. The method of capture and translocation and the ongoing maintenance of the receptor site will be controlled via the S106 legal agreement.</p> <p>The landscaping will be controlled via planning condition.</p>
8.10	<p><u>Highway safety and car parking</u></p> <p>There have been a significant number of representations received stating that the development should utilize and form an access directly onto the Pevensy Bay Road the A259. This is not part of the development proposal and should be discounted from Members assessment as to the appropriateness of the scheme.</p> <p>The scheme before members uses the access onto the Pacific Drive to service the development, this has the full endorsement of ESCC Highways. Their assessment has been outlined below for ease of reference.</p> <p><u>Trip Generation and Impact</u></p> <p>The applicant has submitted trip generation analysis. Based on survey data obtained from an existing site at Lottbridge Drove, the applicant estimates that the site could attract approximately 123, 176 and 268 trips in the AM, PM, and Saturday Peaks respectively. The survey data has not been provided as part of the submission. However, these figures do appear reasonable for the proposed development and are considered acceptable in this instance.</p> <p>The applicant has also applied values for secondary trip types, such as transferred trips and linked trips, which assumes that 35% of the trips</p>

outlined above are new to the network. This value is considered acceptable in this instance.

It is noted that whilst the secondary trips are not new the overall transport network, the majority of these trips would be new to the immediate local roads and junctions, with pass-by trips forming a reduction in some movements at local junctions. This appears to have been correctly applied to the development flows.

Site Access

The site has an existing vehicular access from Pacific Drive, though this is currently a stub access and does not serve any developments. This is to remain as existing for the proposed development. Two new pedestrian accesses, each 2.0m wide, are proposed from Pacific Drive.

Although swept paths have not been submitted as part of this planning permission, the appears to be suitable visibility from the proposed access in both directions, and is considered acceptable in this instance.

An existing bus stop is located to the west of the proposed access. The interactions between the bus stop and turning traffic into the proposed site is a concern, and the bus stop would require relocation and / or incorporation into a layby. This would be undertaken by through a S278 agreement, with details to be agreed at that stage.

Road Safety Audit

A Stage 1 Road Safety Audit has been undertaken as part of this application. The auditors concluded there were no areas of concern with regards to highway road safety.

Parking

The proposed development will consist of 1,802m² of A1 use. In accordance with the County Council's parking guidance, for A1 use, 1 space per 18m²gfa plus 50m² of usable space for loading & unloading for each 750m²gfa is allowed, which equates to approximately 120 spaces, and an area for loading and unloading measuring 120m². The proposed development is proposing 130 car parking spaces, including 7 disabled spaces, 8 spaces for parents with children, 4 electric vehicle spaces and 12 passive electric spaces. A loading area measure approximately 4m x 25m is provided adjacent to the proposed building. This level of parking and loading is considered acceptable in this instance, and should be secured by condition.

ESCC parking guidance requires the minimum dimensions of parking bays to be 5m x 2.5m, with an additional 0.5m in either/both dimensions if the space is adjacent to a wall or fence. The submitted drawings indicate that the parking spaces meet these dimensions.

	<p>In terms of cycle parking, the County Council’s guidance advises that there should be provision for 1 short term space per 250m² plus 1 long term space per 10 full time staff for A1 use. The applicant indicates that the proposed development would employ approximately 50 staff members. Therefore 8 short term spaces and 5 long term spaces should be provided. The plans indicate 10 short term cycle parking spaces, and 10 long term cycle spaces are proposed, which is considered acceptable. The cycle storage should be covered, secure and convenient. Further details of cycle parking facilities should be secured by condition.</p> <p><u>Servicing</u></p> <p>Swept path drawings have been submitted on drawing no. 21137-TR001 for a 16.4m long articulated vehicle which shows the vehicle can enter and exit the site in a forward motion. The applicant indicates that the store waste is also taken away in the servicing vehicle. This is considered acceptable. A servicing management plan should be submitted, which should be secured by condition. Servicing should be undertaken outside of the network peak, to minimise the impact of servicing vehicles on the local highway network.</p> <p>Given the support given by ESCC Highways it is considered that a refusal based on this issue could not be substantiated or sustained through to appeal.</p>
8.11	<p><u>Accessibility</u></p> <p>The site is located approximately 4.8km from Eastbourne town centre. The nearest bus stop to the site is located within 200m from the site which provides services to Eastbourne, Langney, Silverhill, Hastings, Pevensey Bay, and Willingdon. The nearest train station to the site is located 2.8km from the site. Additional/improvements to the local bus-stops will be facilitated by the S106 agreement. The application provides cycling parking and cycle storage in addition the site is relatively level and provides for footpath access to customers on foot and or mobility scooters.</p> <p>The site is therefore considered to be located in an accessible location.</p> <p>An outline travel plan has been submitted. The measures outlined within the submitted outline travel plan appear reasonable. The completion and implementation of a full travel plan should be secured by condition, with a S106 agreement for audit fees for the Travel Plan.</p>
8.12	<p><u>Flood Risk and Drainage</u></p> <p>These issues have been addressed by documentary evidence and supported by the Environment Agency and Southern Water subject to conditions. The imposition of conditions mitigates the risks to an acceptable and appropriate level.</p>

	<p>Through the design of the surface water drainage scheme there should not be any discharge over and into the Public Highway.</p>
8.13	<p><u>Heritage and Archaeology</u></p> <p>NPPF Paragraph 205. says that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.</p> <p>This application is accompanied by a desk – based archaeological assessment and detailed geotechnical records which place the site in its archaeological, historic and geoarchaeological context.</p> <p>The British Geological Survey has mapped the superficial geology at the site as Storm Beach Deposits – gravel. This gravel accumulation is known as ‘The Crumbles’ and may have developed in the medieval period.</p> <p>The proposed development does not lie within an Archaeological Notification Area. However, an Archaeological Notification Area (a non – designated heritage asset) associated with an area of wetland / peat deposits on East Langney Levels is located just c.45m. to the north-west of the site. Analogous peat deposits found c.2.3km. to the west of the site are known to contain the remains of a nationally important Late Bronze Age timber platform and causeway, together with elements of at least two other prehistoric timber trackways, all preserved by waterlogging.</p> <p>Seven geotechnical boreholes have been excavated across the area of proposed development. Six of these (BH2, BH3 and WS01, WS02, WS03, WS04) recorded the presence of c.1.30m. to 4.0m. - thick ‘made–ground’ above gravel / gravel-clay. However, borehole BH1 revealed a sequence of ‘made-ground’ (c.2.10m. thick) above gravel (c.2.40m. thick) above a 1m. – thick layer of ‘organic clay’ and peat. No absolute evidence for the date or formation process of this relatively thick peat deposit has as yet been recorded, although it does appear to lie beneath gravel deposits thought to have developed in the medieval period. Indeed, it is entirely possible that this horizon represents an extension of the peat deposits known to exist just c.45m. to the north-west of the site on East Langney Levels (see above). Until proven otherwise, the peat deposit recorded in borehole BH1 must be considered to have the potential to hold important geoarchaeological and palaeoenvironmental evidence and even preserved prehistoric structures analogous to those found on Shinewater Marsh. At c.4.50m. beneath the current land surface this peat deposit is likely to be impacted by the piling suggested as a construction method for the new development.</p> <p>In light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the</p>

	<p>proposals should be the subject of a <i>programme of archaeological works</i>. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved <i>in situ</i> or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):</p> <p>This issue will be controlled via planning conditions.</p>
8.14	<p><u>Design</u></p> <p>The design of the building is a typical format store building and as such considered to be appropriate in terms of the form and function.</p> <p>The site is allocated for development within the local plan and as such development of this or similar scale would be likely to happen.</p> <p>There is no objection to the proposal in design terms.</p>
8.15	<p><u>High Pressure Gas Main</u></p> <p>There is a high-pressure gas main running adjacent to the A259.</p> <p>The statutory undertaker and the health and safety executive require safeguarded land, essentially a protected buffer strip in order to ensure that there is not development that may impact upon the gas main causing risk to life/property. In addition, this buffer strip allows for ease of access for repairs and maintenance of the gas main if required.</p> <p>The development falls outside of this buffer zone and therefore there are no issues with this element of the development.</p>
8.16	<p><u>Brownfield Land</u></p> <p>Paragraph 120 (c) of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.</p> <p>It is considered that the economic and social aspects of the application proposal support the redevelopment of this brown field land.</p>
8.17	<p><u>Planning Obligations:</u></p> <p>There will be a need for a S106/S278 agreement to cover: -</p> <ul style="list-style-type: none"> • Travel Plan audit fees • Other highway works including public transport enhancements. • Late-stage review to establish affordable housing position (unless otherwise agreed), • Local Labour Agreement,

	<ul style="list-style-type: none"> • Ecological translocation controls • 'Golden Brick' clause to limit the trading of the foodstore until the schemes on the adjacent sites (Care Home & McCarthy and Stone) have reached a defined point in their construction.
8.18	<p><u>Human Rights Implications:</u></p> <p>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.</p>
8.19	<p><u>Conclusions:</u></p> <p>The local plan is more than 5 years old, and is therefore out of date in so far as it relates to housing delivery. The policies of relevance to this application are considered to be up to date and in accordance with the NPPF therefore they should be given full weight in decision making.</p> <p>The application proposal is contrary to the Local Plan allocation, and decisions must be made in accordance with the development unless material considerations indicate otherwise.</p> <p>For the reasons outlined in this report and when taken as a whole the benefits of the scheme outweigh them harm of retail on this site.</p> <p>The scheme is recommended for approval subject to a legal agreement and conditions.</p>

9.	Recommendations
9.1	Grant Planning Permission subject to condition and legal agreement.

10.	Conditions:
10.1	<p>Bus stops</p> <p>Prior to the commencement of development details of off-site highway works detailing the relocation of the bus stop shall be submitted the Local Planning Authority for approval in consultation with the Highway Authority.</p> <p>Reason: To safeguard the operation of the public highway</p>
10.2	<p>Travel Plan</p> <p>No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved</p>

	<p>shall thereafter be implemented as specified within the approved document. The Travel Plan 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.</p> <p>Reason: To encourage and promote sustainable transport.</p>
10.3	<p>Parking layout</p> <p>The development shall not be occupied until a parking area has been provided in accordance with the approved plans and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.4	<p>Size of parking spaces</p> <p>The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).</p> <p>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.</p>
10.5	<p>Cycle Parking</p> <p>The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.</p> <p>Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.</p>
10.6	<p>Servicing Management Plan</p> <p>No part of the development shall be occupied until such time as 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 Servicing Management Plan.</p> <p>Reason: To safeguard the operation of the public highway.</p>
10.7	<p>Surface Water Drainage</p>

	<p>Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway in line with the submitted drainage strategy 79-E0000-CDY-XX-XX-RP-D-PM_30_30_29-0001 Rev F Dated 07/07/2023 onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.</p> <p>Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.</p>
10.8	<p>Visibility Splays</p> <p>The access shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.9	<p>Construction Management Plan</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>Reason: In the interests of highway safety and the amenities of the area.</p>
10.10	<p>Wheel washing</p> <p>During any form of earthworks and/or excavations that is carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority in</p>

	<p>consultation with the Highway Authority, to prevent contamination and damage to the adjacent roads.</p> <p>Reason: In the interests of highway safety and for the benefit and convenience of the public at large</p>
10.11	<p>Flood Risk Assessment Implementation</p> <p>The development shall be conducted in accordance with the submitted drainage strategy, 79-E0000-CDY-XX-XX-RP-D-PM_30_30_29-0001 Rev F, DATED July 2023) and the following mitigation measures it details:</p> <ul style="list-style-type: none"> • Finished floor levels shall be set no lower than 5.06 metres above Ordnance Datum (AOD) as per section 5.1 of the FRA. • A formal flood warning and evacuation plan (to be approved by the Local Authority emergency planners) is to be implemented (Section 5.3 of FRA). • The owners are to sign up to the Environment Agency’s free Flood Warning Service (Section 5.2 of FRA) <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants.</p>
10.12	<p>Development on land affected by contamination.</p> <p>No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority.</p> <p>This strategy will include the following components:</p> <ol style="list-style-type: none"> 1. A preliminary risk assessment which has identified: <ul style="list-style-type: none"> • all previous uses • potential contaminants associated with those uses. • a conceptual model of the site indicating sources, pathways, and receptors. • potentially unacceptable risks arising from contamination at the site. 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the

	<p>remediation measures required and how they are to be undertaken.</p> <p>4. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.</p> <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.</p> <p>The previous use of the proposed development site as a tramway and infilled areas presents a medium risk of contamination that could be mobilized during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A.</p>
10.13	<p>Verification report</p> <p>Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority.</p> <p>The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p>Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.</p>
10.14	<p>Unexpected Contamination Report</p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination</p>

	<p>sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.</p>
10.15	<p>Suds infiltration into the ground</p> <p>No drainage systems other than infiltration shall be used unless otherwise agreed in writing by the Local Planning Authority.</p> <p>No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be conducted in accordance with the approved details.</p> <p>Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.</p> <p>The previous use of the proposed development site as tramway and infilled areas presents a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A.</p>
10.16	<p>Piling and Boreholes</p> <p>Piling and investigation boreholes using penetrative methods shall not be conducted other than with the written consent of the local planning authority. Where piling is proposed, this should include a foundation works risk assessment to be submitted for approval in writing by the local planning authority prior to piling taking place. The development shall be conducted in accordance with the approved details.</p> <p>Reason: To ensure that the proposed construction and monitoring, does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement A4 of the ‘The Environment Agency’s approach to groundwater protection’.</p> <p>Piling and investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilizing contamination, drilling through different aquifers, and creating preferential pathways.</p>
10.17	<p>Construction and Environmental Management Plan</p> <p>No development shall take place, including any works of demolition, until a Construction Environment Management Plan has been submitted to, and approved in writing by the local planning authority. The Construction</p>

	<p>Environment Management Plan shall provide for:</p> <ul style="list-style-type: none"> i) traffic management in the adjoining highways; ii) site operatives' travel plan; iii) the parking of vehicles of site operatives and visitors; iv) loading and unloading of plant and materials; v) storage of plant and materials used in constructing the development; vi) the erection and maintenance of security hoarding; vii) measures to control all environmental effects of the development including artificial illumination, noise, vibration, dust, air pollution and odour, including the effects of decontamination, and site illumination during construction. <p>The approved Construction Environment Management Plan shall be adhered to throughout the construction period for the development.</p> <p>Reason: In the interests of amenity of the locality</p>
10.18	<p>Archaeological Reporting/Investigation</p> <p>[ARCH 1] No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>[ARCH 3] No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the <i>Local Planning Authority</i>. <i>The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition [ARCH 1].</i></p> <p>Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.</p>
10.19	<p>Hours of Construction Work</p> <p>Permitted hours of work:</p> <p>The permitted hours of work when noise can be audible at a site boundary are:</p> <p>MONDAY TO FRIDAY 8:00am to 6:00pm</p> <p>SATURDAY 8:00am to 1:00pm</p> <p>SUNDAY AND BANK HOLIDAYS No work allowed.</p>

	<p>Best practicable means” shall be used to minimise noise and vibration resulting from construction operations. The developer and all contractors shall use methods of work that conform with the Code of practice for Noise and Vibration on Construction and Open Sites, BS 5228 Parts 1 and 2; 2009.</p> <p>Any noisy operations outside the permitted hours (including delivery of materials) cannot be undertaken without prior approval of the Local Planning Authority. Note: permission would only be granted in exceptional circumstances e.g., Emergency works.</p> <p>The movement of vehicles to and from the site must be controlled to minimise noise and disturbance to nearby residents.</p> <p>All workers on the site including sub-contractors, self-employed staff and employees must be made aware of the need to keep noise and disruption to a minimum from building works, equipment, plant and machinery, radios, music, vehicles, or any other sources.</p> <p>Contact details shall be clearly visible on the site to provide local residents a relevant point of contact in the event of any issues arising.</p> <p>Liaison between officers from the Environmental Health and the site management should be established at the earliest possible stage of any construction works.</p> <p>Reason: To protect the amenities of surrounding properties.</p>
10.20	<p>External lighting</p> <p>Prior to the first occupation of the store, lighting shall be installed in accordance with the details as shown on proposed lighting plan – 69171.0 Rev 0 and thereafter permanently retained.</p> <p>Reason: In the interests of the visual amenities of the area</p>
10.21	<p>Arboricultural Method Statement</p> <p>Prior to the commencement of any work on site you must apply to us for our approval of a detailed Arboricultural Method Statement that shall expand on the heads of terms listed in paragraph 2.5 (page 7) of the supporting Arboricultural information (Ref: 22038-AA-PB). This shall include details of an auditable system of Arboricultural site supervision and record keeping prepared by an Arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:</p> <ul style="list-style-type: none"> i) identification of individual responsibilities and key personnel. ii) induction and personnel awareness of Arboricultural matters. iii) supervision schedule, indicating frequency and methods of site visiting and record keeping. iv) procedures for dealing with variations and incidents.

	<p>You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery, or materials for the development onto the site, until we have approved what you have sent us.</p> <p>You must then adhere to the approved supervision schedule. You must produce written site supervision reports and accompanying photographic evidence after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.</p> <p>Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.</p>
10.22	<p>Damaged Trees</p> <p>No retained tree shall be cut down, uprooted, destroyed, pruned, cut, or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.</p> <p>Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental, and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.</p>
10.23	<p>Approved Plans</p> <p>To be updated via the addendum report.</p>
10.24	<p>Surface Water Drainage onto the Public Highway</p> <p>Notwithstanding the details submitted with this application no surface water is permitted to be discharged from the proposed site layout onto the public highway</p> <p>Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.</p>
10.25	<p>Time Limit</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p>

	<p>Reason: To comply with Sections 91 & 92 of the Town & Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)</p>
10.26	<p>Landscape and Ecological Management Plan</p> <p>Landscape and Ecological Management Plan For Reptile Receptor Site A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior [...to the commencement or occupation...] of the development [or specified phase of development]. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> • a) habitat descriptions and evaluation of features/habitat types to be managed; • b) ecological trends and constraints on site that might influence management; • c) aims and objectives of management; • d) appropriate management options for achieving aims and objectives; • e) prescriptions for management actions, together with a plan of management compartments; • f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); • g) details of the body or organisation responsible for implementation of the plan; • h) legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. • i) ongoing monitoring and remedial measures. Note: The plan will set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. <p>Reason: - In order to comply with the terms of this application and in order to ensure that species and habitats are protected/mitigated.</p>
10.27	<p>External materials</p>
10.28	<p>Hard and Soft Landscaping</p> <p>The development hereby approved shall be landscaped in full accordance with the submitted Landscaping Plans during the first planting season following completion or first occupation of the development, whichever is sooner. Any new tree(s) that die(s) or are/is removed, becomes severely damaged or diseased, shall be replaced and any new planting other than trees which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall</p>

	<p>be in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To safeguard and enhance the character, amenity, and biodiversity of the site.</p>
10.29	<p>Hours of Use</p> <p>A) Store opening to the public between 08:00hrs and 22:00hrs Monday - Saturday and between 10:00 and 17:00 on Sundays. B) Deliveries to the store to be made between 06:00hrs and 23:00hrs Monday-Saturday, and 08:00hrs and 21:00hrs on Sundays.</p> <p>Reason: In order to maintain the character of the site and surrounding area and in the interest of amenity</p>
10.30	<p>Delivery Management Plan</p> <p>The development hereby approved shall not be first opened for trading unless and until a scheme specifying arrangements for deliveries to and removals from the site, to include details of:</p> <ul style="list-style-type: none"> (a) The types of vehicles to be used and hours of their operation (b) Confirmation that reversing alarms will be turned off outside of trading hours (c) No movement of goods or pallets or roll cages on open areas of the service yard (d) Refrigeration units to be switched off prior to vehicles entering the service area has been submitted to and approved in writing by the Local Planning Authority. (e) Refuse storage and servicing details. <p>Thereafter the approved details shall be implemented and operational from the first day of opening of the store for the lifetime of the development.</p> <p>Reason: In the interests of the amenity of the site and surrounding area.</p>
10.31	<p>Floorspace Restriction</p> <p>Notwithstanding the provisions of the Use Classes Order 1987 (as amended) (or any other Order amending, revoking, and re-enacting that order), no more than 20 per cent of the net internal sales area shall be used for the display of comparison goods. The net internal sales area of the food store hereby approved shall not exceed 1,315sqm, and no additional internal floor space shall be created (for example by the installation of mezzanine floors), nor internal subdivision or extension, without the prior permission of the Local Planning Authority, following the formal submission of a planning application.</p> <p>Reason: To accord with the terms of the application.</p>
10.32	<p>External materials</p>

	<p>No external materials or finishes shall be applied until a schedule of materials has been submitted and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and maintained as such, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of the character and amenity of the area.</p>

11.	Informatives
11.1	<p>The Proposed Site Layout (ref 17800_110 rev D) has not incorporated the proposed finished floor levels of 5.06mAOD. Please ensure the proposed plans include the proposed finished floor level (FFL) in line with the approved FRA.</p> <p>The “Conclusions” section of the FRA refers to raising the FFL to 50.06mAOD which is an obvious typographical error, and we accept the proposed 5.06mAOD.</p> <p>We note that in section 5.1 of the FRA, it is stated that it is expected that the crest of defenses will be increasing in line with climate change. New built development should be fully resilient for their lifetime and should not be reliant on existing defenses or assumed improvements. Although we acknowledge that the proposed development will be protected by the Pevensy Bay coastal defenses, it cannot be guaranteed that the same standard of protection will be in place for the whole life of the development. The applicant should always consider that flood defenses can fail or be overtopped at any time.</p>
11.2	<p>The applicant is hereby reminded of the Control of Asbestos Regulations 2012 when carrying out demolition and other works associated with the development hereby permitted. For more information, please visit http://www.hse.gov.uk/Asbestos/regulations.htm</p>
11.3	<p>All waste material arising from any site clearance, demolition, preparation, and construction activities at the site should be stored, removed from the site, and disposed of in an appropriate manner following current guidance and practices.</p>

12.	Background Papers
12.1	None.

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Agenda Item 9

Report to: Planning Applications Committee
Date: 21 August 2023
Application No: 220850
Location: Site 7a, Pacific Drive, Eastbourne, BN23 6DW
Proposal: Erection of apartment retirement living development (Use Class C3), access, car parking, and associated landscaping
Applicant: McCarthy and Stone Retirement Lifestyles Ltd.
Ward: Sovereign
Recommendation:

1. That the application be delegated to the Head of Planning to secure agreement to the scheme from
 - the Councils Air Quality officer,
 - landscaping issues,
 - affordable housing issues and
 - ecological translocation issues.

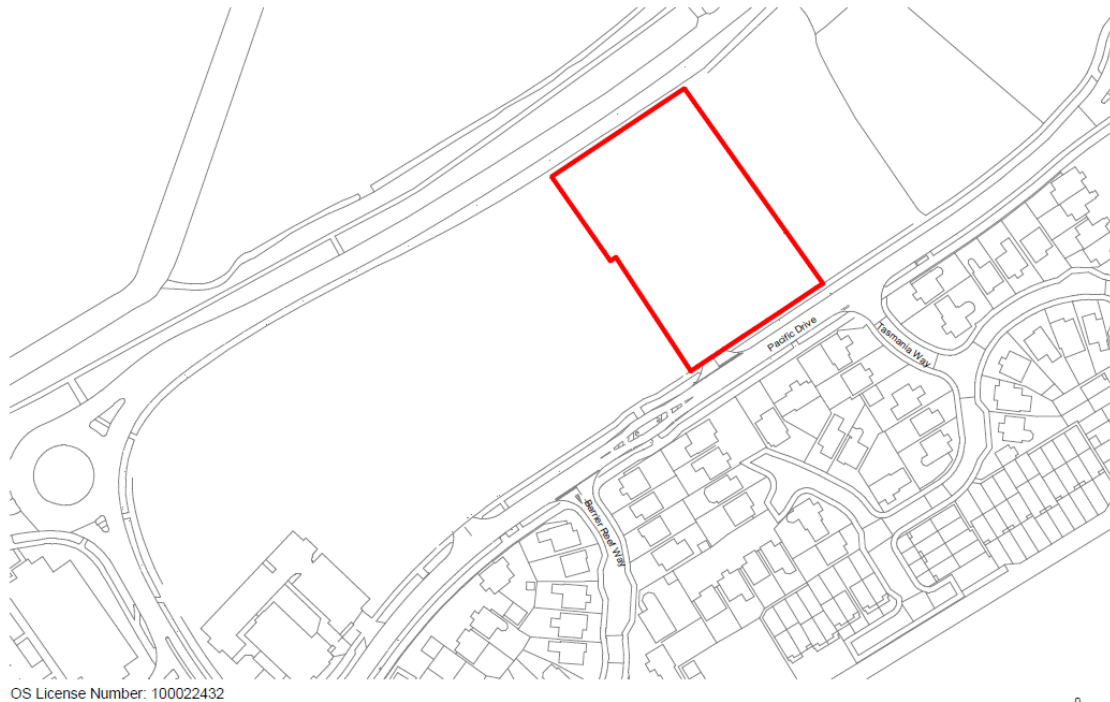
On reaching agreement to these issues then 2 below:

2. That the Head of Planning be authorised to Grant permission subject to conditions and S106 / S278 agreement for
 - Travel Plan audit fees
 - Other highway works including public transport initiatives
 - Late-stage review to establish affordable housing position (unless otherwise agreed),
 - Local Labour Agreement,
 - Ecological translocation controls
3. If no meaningful engagement with the legal agreement is pursued within six months, then the Head of Planning be authorised to refuse planning permission due to the lack of infrastructure.

Name: Leigh Palmer

E-mail: Leigh.palmer@lewes-eastbourne.gov.uk

Site Location Plan



Map of the application site

1.	Executive Summary
1.1	This application is brought before the Planning Committee due to the significant number of objections received following public consultation.
1.2	The application seeks planning permission for the erection of apartment retirement living development (Use Class C3), access, car parking, and associated landscaping. This application is one component in a tripartite submission. Two other applications have been independently submitted and reported elsewhere on this agenda.
1.3	The development is considered to be sympathetic to the surrounding built and natural environment as well as the amenities of neighbouring residents and would provide good quality residential offer, providing housing choice for the local community.
1.4	The application is recommended for approval subject to S106 agreement and conditions.
1.5	<u>Sustainability</u> The scheme delivers an improvement over Part L of the current building regulations therefore securing a reduction in carbon emissions through the

	<p>use of improved building fabric, efficient heating and lighting systems supplemented by a photo voltaic array.</p> <p>This is considered to be given <u>significant positive weight</u> in the planning balance.</p>
1.6	<p><u>Land Allocation</u></p> <p>The site is allocated for employment purposes within the Local Plan and has dedicated policies limiting the use of the site. This has existed in various forms for more than 30 years.</p> <p>The site forms part of the wider development area for which outline approval for a mix of employment uses has been granted and this allowed for the reserved matters submission to be submitted within a 10-year period, this expires December 2024.</p> <p>The redevelopment for residential purposes is not in conformity to the Local Plan and as such should be afforded <u>significant negative weight</u> in the planning balance.</p>
1.7	<p><u>Under Delivery on land allocation aspiration</u></p> <p>It is recognised that despite the land being allocated and having an outline planning consent there has been no market interest in the development of the site.</p> <p>Against this background the redevelopment of the site for residential would see the regeneration benefits of inward invest, additional housing, job creation and contribution to the local economy through local purchasing of goods services and supplies.</p> <p>These regeneration benefits should be afforded <u>significant positive weight</u> in the planning balance.</p>
1.8	<p><u>Economic Impact</u></p> <p>The scheme represents a multi-million-pound investment into the Borough that would create jobs through the construction and operational phases of the development.</p> <p>It would also help to support the circular economy with goods and services secured through local supply chains.</p> <p>The investment and job creation and support through local supply chains to be given <u>significant positive weight</u> in the planning balance.</p>
1.9	<p><u>Noise Impacts</u></p> <p>Post construction noise impacts will be limited to the use of the car park by residents/visitors and service vehicles.</p>

	<p>The noise from the car park will be low and not deemed to result in a loss of amenity.</p> <p>Given suitable controls under other legislation (environmental health) in place to prevent/mitigate noise impacts beyond the boundary of the site this issue should be given <u>moderate positive weight</u> in the planning balance.</p>
1.10	<p><u>Landscape and Ecology Impacts</u></p> <p>Change in the landscape would be limited to the immediate site area due to the self-contained nature of the site. The scale and density of the development would be comparable with surrounding commercial development and the design incorporates significant green landscape buffers, with a significant landscape area to adjacent to the A259 Pevensey Bay Road.</p> <p>It is recognised that this is an allocated development site for employment uses and to some extent the existing habitat would have been impacted if the allocation had been implemented.</p> <p>The Aldi scheme proposes the incorporation of an ecological roof to mitigate the loss of habitat; given this and other landscaping at the site it is considered that the development would result in limited landscape harm, and this should be attributed moderate positive weight in the planning balance.</p> <p>In addition to the on-site landscape and biodiversity benefits the scheme proposes the translocation of protected species where appropriate and deemed to be necessary. All aspects of this translocation accord with best practice.</p> <p>This is considered to be attributed moderate positive weight in the planning balance.</p>
1.11	<p><u>Highways Safety & Car Parking</u></p> <p>The scheme provides car parking, 20 EV charging positions and 4 cycle parking for residents, there is also safe/secure charging for 8 mobility scooters.</p> <p>The access and servicing requirements have been endorsed by ESCC Highways. The increase in traffic is of a degree that would NOT result in disruption or congestion on the surrounding highway network.</p> <p>It is considered that this should be attributed <u>moderate positive weight</u> in the planning balance.</p>
1.12	<p><u>Accessibility</u></p>

	<p>The scheme's design has been considered with regards to its access arrangements and servicing arrangements.</p> <p>The site is located with access to alternative modes of transport, cycling, walking and bus routes.</p> <p>This is considered to be attributed <u>moderate positive weight</u> in the planning balance.</p>
1.13	<p><u>Flood Risk & Drainage</u></p> <p>At the time of writing this matter is under review by external consultees (ESCC Suds)</p> <p>The proposal has the endorsement of The Environment Agency.</p> <p>On the presumption that the scheme does not give rise to off-site flooding and a designed drainage system that satisfies the lead Local Flood Authority can be achieved then this should be given <u>moderate positive weight</u> in the planning balance.</p>
1.14	<p><u>Heritage and Archaeology</u></p> <p>The intrusive site survey has heralded little archaeology remains at the site and as such this should be given <u>limited positive weight</u> in the planning balance.</p>
1.15	<p><u>Design & Appearance</u></p> <p>The design is considered functional and appropriate for its use and would not in and of itself be harmful to the site and surrounding area.</p> <p>The design and appearance should be given <u>limited positive weight</u> in the planning balance.</p>
1.16	<p><u>High Pressure Gas Main</u></p> <p>The location of the new building is outside of the access/exclusion zone for the high-pressure gas main.</p> <p>This issue is considered to be given <u>limited positive weight</u> in the planning balance.</p>
1.17	<p><u>Brownfield Land</u></p> <p>The scheme promotes the redevelopment of brownfield land and promotes residential accommodation which is supported in principle by the National Planning Policy Framework.</p> <p>This issue is considered to be given <u>significant positive weight</u> in the planning judgement.</p>

1.18	<p><u>Affordable Housing</u></p> <p>The application recognises that as the scheme proposes C3 residential accommodation that the Council's affordable housing policy is engaged.</p> <p>To this end the applicant is proposing a financial contribution towards off site provision.</p> <p>The precise detail /quantum of the contribution to be determined post resolution to approve stage.</p> <p>This approach is considered to be entirely in accordance with the Councils adopted affordable housing policy and as such should be given significant positive weight in the planning judgement.</p>
1.19	<p><u>Housing Delivery</u></p> <p>It is acknowledged that the units proposed under this scheme can be counted in terms of the Council's housing delivery targets.</p> <p>The number of units proposed by this scheme in isolation and those in conjunction with the adjacent care home scheme would deliver a quantum of new housing in excess of that perceived by the emerging local plan as identified within the Growth Strategy.</p> <p>In this regard housing delivery is considered to have significant positive weight in the planning balance.</p>

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>6. Building a strong, competitive economy</p> <p>8. Promoting healthy and safe communities</p> <p>9. Promoting sustainable transport</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment</p> <p>31 Local Plans to have regard to Market signals.</p> <p>38 Local Planning Authorities to work cooperatively with applicants to improve the economic, social, and environmental conditions of the area.</p> <p>81 Significant weights to economic growth</p> <p>87 Requirements for sequential test for sites that are not in accordance with the development plan.</p> <p>124 Make efficient use of land.</p> <p>126 High quality beautiful and sustainable developments</p> <p>130 Reflective of local character</p> <p>132 Importance of design quality.</p>
2.2	<p><u>Eastbourne Core Strategy 2006-2027:</u></p> <p>B1: Spatial Development Strategy and Distribution</p> <p>B2: Creating Sustainable Neighbourhoods</p> <p>C14: Sovereign Harbour Neighbourhood Policy</p> <p>D1: Sustainable Development</p> <p>D5: Housing</p> <p>D7: Community, Sport, and Health</p> <p>D8: Sustainable Travel</p> <p>D9: Natural Environment</p> <p>D10a: Design</p> <p>E1: Infrastructure Delivery.</p>
2.3	<p><u>Saved polices of the Eastbourne Borough Plan 2001-2011:</u></p>

	<p>BI7: Design Criteria</p> <p>HO20: Residential Amenity</p> <p>NE4: Sustainable Drainage Systems</p> <p>NE16: Dev within 250m of Former Landfill Site</p> <p>NE18: Noise</p> <p>NE23: Nature Conservation of Other Sites</p> <p>NE28: Environmental Amenity</p> <p>UHT1: Design of New Development</p> <p>UHT4: Visual Amenity</p> <p>UHT7: Landscaping</p> <p>US1: Hazardous Installations</p> <p>US5 Tidal Risk</p> <p>HO20: Residential Amenity</p> <p>TR2: Travel Demands</p> <p>TR5: Contributions to the Cycle Network</p> <p>TR8: Contributions to the Pedestrian Network</p> <p>TR6: Facilities for Cyclists</p> <p>TR11: Car Parking</p> <p>TR12: Car Parking for those with Mobility Problems.</p>
2.4	<p><u>Eastbourne Employment Land Local Plan (ELLP- adopted 2016)</u></p> <p>Policy EL1 – Economy and Employment Land</p> <p>Policy EL4: Sovereign Harbour.</p>
2.5	<p><u>Supplementary Planning Documents and other relevant guidance</u></p> <p>Eastbourne Sovereign Harbour SPD</p> <p>Local Employment and Training SPD</p> <p>EBC Sustainability in Development TAN</p> <p>EBC Biodiversity Net Gain TAN</p> <p>EBC Electric Vehicle Charging Points TAN.</p>

3.	Site Description
3.1	The application site forms part of Sovereign Harbour and is situated along the northern boundary of the north harbour.

3.1	The site is bounded by Pevensey Bay Road (A259) to the north, one of the main routes to Pevensey Bay from Eastbourne and forms part of a national cycle network route. Pacific Drive is to the south of the application site and is the only vehicular access to the north harbour area.
3.2	In the Southwest corner of site 7a is the development of the Harbour Medical Centre approved in 2009.
3.3	The site is currently undeveloped land that has permission for a mixed use of residential, employment uses (office) and open space. See planning history for more context).
3.4	The nearest residential properties of Coral Reef Close and Barrier Reef Way. are located on the opposite side of Pacific Drive to the south of the application site.
3.5	The application site is located within the Environment Agency's Flood Zone 3.
3.6	Along the border with Pevensey Bay Road runs a high-pressure gas pipeline.
3.7	The application site is within close proximity to, but not within the District Shopping Centre of Sovereign Harbour, which is also known locally as The Crumbles. The shopping centre is comprised of large industrial designed retail units that are currently occupied by mix of retail and leisure uses.

4.	Proposed Development
4.1	The application is seeking permission for the erection of a new building to accommodate 57 self-contained apartments providing C3 retirement living accommodation. 24 2-bed apartments and 33 1 bed apartments. The proposed building is uniformly 4-storeys in height. Whilst the building is a simple 'L' shape footprint with legs that are approximately equal in length, its long facades are highly articulated, with projecting bays, recessed top floors, and generous balconies. The combination of this physical articulation, together with the proposed palette of external facade materials, will provide architectural interest, 'modelling' and shading, from whichever angle the building is viewed, mitigating its scale and mass.
4.2	The proposed apartments are in a single building, 'L' shaped in footprint, located towards the northern corner of the site, with the 'L' shaped car park in the southern corner. The open space between the car park and building provides an appropriate, south-facing area for the proposed communal garden, which fronts the communal lounge at ground floor level. The building entrance is located at the southern corner of the building closest to Pacific Drive, making it clearly visible upon entry to the site and easily accessible from both the footpath on Pacific Drive and from the proposed car park. Pedestrian access to the building entrance, and

	<p>entrances to the mobility scooter garage and refuse store will all be broadly level, and with level thresholds as required for compliance with Approved Document Part M of the Building Regulations.</p> <p>The proposed palette of materials includes red and grey bricks, timber cladding, grey windows, and metal balconies.</p>
4.3	Proposed access to the site is via Pacific Drive opposite the residential properties of Coral Reef Close, providing access to a frontage parking court and pedestrian access to the building.
4.4	The proposal includes the provision of 41 TOTAL car parking spaces, including 6 spaces allocated as disabled parking, and 20 spaces for electric vehicle parking with the potential increase pending future demand.
4.5	<p>The proposal includes landscaping of the site featuring soft landscaping to the borders of the carparking area and a larger landscaped area to the north of the site adjacent to Pevensey Bay Road.</p> <p>In addition, all apartments will have access to a private balcony.</p>

5.	Relevant Planning History:
5.1	There have been numerous historic applications concerning the wider site, below are the most relevant to the consideration of this application.
5.2	<p><u>131002</u> Outline planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour, Eastbourne:</p> <p>Site 1 - up to 72 dwellings and access</p> <p>Site 4 - Commercial and employment uses (A1-A5 3,200sqm) (B1, C1 and D13,600sqm)</p> <p>Site 5 - Community use (800sqm)</p> <p>Site 6 - Employment and office uses (B1 up to 15,000sqm)</p> <p><u>Site 7 - Mix of employment uses (B1 6,700sqm) (C1 & C2 up to 5,500sqm) (D1 up to 200sqm), up to 70 dwellings and open space (0.80 has)</u></p> <p>Site 8 - Up to 8 dwellings, open space, and berth holder facilities</p> <p>Planning Permission Approved Conditionally 02/12/2014.</p>

6.	Consultations:
6.1	<u>East Sussex Highways Agency</u>

	No objections subject to conditions.
6.2	<p><u>Environment Agency</u></p> <p>Object on matters of technical detail.</p> <p>OFFICER COMMENT: - These technical need to be resolved prior to development being commenced. This can be controlled via planning conditions.</p>
6.3	<p><u>Environmental Health (Contaminated Land)</u></p> <p>No objections subject to conditions that mirrored the EA conditions with the addition of a condition controlling the provision of construction Environmental Management Plan.</p>
6.4	<p><u>CIL</u></p> <p>The application would not be liable for CIL as per the Eastbourne CIL Charging Schedule.</p>
6.5	<p><u>Southern Water</u></p> <p>No objections but guide the developer in terms of required clearance works (for access) to exist SW assets in the locality.</p> <p>Approval is required by SW prior to any connection to the SW assets.</p> <p>Any surface water management proposal cannot utilize SW foul water assets.</p>
6.6	<p><u>Wealden District Council</u></p> <p>The Council raise no objections to this application.</p>
6.7	<p><u>County Archaeology</u></p> <p>No objections have been raised to this scheme.</p> <p>OFFICER comments: - despite the recommendation to this element of the scheme it is considered that the further work is required as stipulated by the Aldi application.</p>
6.8	<p><u>Environmental Protection (Noise & External Lighting & Air Quality)</u></p> <p>No objection subject to conditions controlling hours of work for construction and controls on external lighting.</p>

	Air quality impacts needs further justification prior to be found acceptable, this can be controlled via planning condition.
6.9	<p><u>Regeneration</u></p> <p>No objection subject to a local labour agreement covering construction and operational jobs.</p>
6.10	<p><u>Sovereign Harbour Residents Association</u></p> <p>Object: lack of parking, parking in the street will increase, potentially a contaminated site.</p>
6.11	<p><u>Planning Policy</u></p> <p>No objections.</p> <p>The site is considered a sustainable location for development, with access to key services and public transport. The proposal if granted would contribute 57 residential units to the borough's housing supply. According to the Planning Statement the proposed development would also employ 1-2 people in the long term and would generate local jobs in the construction stage.</p> <p>The site is currently allocated through the Employment Land Local Plan for employment uses, however given the lack of delivery since the site was granted outline planning permission in 2014, and the lack of developable sites for housing in the borough, the site should be considered for alternative uses.</p> <p>The site is identified in the Regulation 18 Local Plan 'Growth Strategy' consultation as potentially being able to provide around 40 residential units, whilst also providing some employment generating uses.</p> <p>The borough faces a high housing need with limited sites available for delivery, therefore available sites should be maximised in a sustainable way to provide much needed new homes. Therefore, Planning Policy have no objection in principle to the proposed development of housing at the site, however conflicts with policy in relation to affordable housing should be fully considered and tested.</p>
6.12	<p><u>ESCC SUDS</u></p> <p>Object due to insufficient information.</p> <p>OFFICER COMMENT: - It is accepted by officers that the SuDS scheme is and will be a designed technical solution. The applicants are in discussion</p>

	with the Lead Local Flood Authority on these matters. It is considered that these details can adequately controlled via planning condition.
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7.	Other Representations:
7.1	<p><u>Notification</u></p> <p>Notification of this application has been undertaken in the form of:</p> <ul style="list-style-type: none"> neighbour notification letters site notices displayed in roads neighbouring the site and a press advert in a locally distributed newspaper.
7.2	<p><u>Neighbour Representations:</u></p> <p>Circa 105 letters of objection have been received, a summary of the responses received is outlined below:</p> <ul style="list-style-type: none"> • Proposed access to the site is inappropriate due to being the only vehicular access to the north harbour. • Access should be from Pevensey Bay Road <p>Officer Response: Members should focus on the application before them, and this is to access the site off Pacific Drive. There are no objections to this point of access from ESCC Highways.</p> <ul style="list-style-type: none"> • Surrounding road network is insufficient to support the level of trips to and from a supermarket. <p>Officer Response: There is no objections to the proposals from East Sussex Highways Department.</p> <ul style="list-style-type: none"> • Proposed access could impact access for the RNLI, emergency services and bus routes. • Impact to highway safety for pedestrians, cyclists, and vehicles <p>Officer Response: There is no objections to the proposals from East Sussex Highways Department.</p> <ul style="list-style-type: none"> • Expected price of the flats • Don't need another care home. • Extra pollution causing health impacts. • Land should be kept for wildlife. • Too much traffic • Impact upon GP/Doctors • Lead to on street parking • Light pollution • Noise impacts

	<ul style="list-style-type: none"> • Should be redeveloped for recreational purposes. • Overdevelopment of the site • Should be built in the retail park. • Should build flats for the young • Will change the character of the area. • Loss of view • 4 storeys very imposing • Block sunlight to new park • High water table will make it difficult to build. • More affordable housing should be built. • Parking provision on site is insufficient. • Should be used as recreational space.
7.3	<p><u>Other Representations:</u></p> <p>10 letters of support have been received, which raise the following points:</p> <ul style="list-style-type: none"> • Excellent use of this derelict site • Job creation • More homes are needed • Land is allocated for development • The sites are accessible.

8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>Key considerations for this application are whether the proposal complies with national and local policy, and the level of impact the proposal may have on the residents of the North Harbour and surrounding area.</p>
8.2	<p><u>Principle:</u></p> <p>In decision making, Local Planning Authorities are required by the National Planning Policy Framework (NPPF) to consider the balance between the 3 overarching objectives of sustainable development:</p> <ol style="list-style-type: none"> 1. social, 2. economic, and 3. environmental benefits.

	<p>Despite being contrary to an existing land use allocation the development when assessed against the Local Plan and the NPPF as a whole provides sustainable social and economic development in that delivers housing for which there is acute need.</p> <p>Therefore, it is considered acceptable in principle.</p>
8.3	<p><u>Sustainability</u></p> <p>The new building will be built to standard exceeding Part L of the current building regulations by 19%. This is a high threshold for residential property. This will be delivered by a fabric first approach, meaning that the construction of the building would be constructed to a highly thermal efficiency standard.</p> <p>The construction elements would be further supplemented by efficient lighting and heating systems and solar panels on the roof.</p> <p>The external layout delivers a number of EV charging points with the potential for growth if there is demand.</p> <p>Given the above it is considered that the sustainable elements of the scheme are considered to be acceptable and appropriate for this scale of the development.</p>
8.4	<p><u>Land Allocation</u></p> <p>The site was previously granted outline planning permission in December 2014 for a mix of employment uses including B1 (6,700sqm), D1 (up to 200sqm), C1 and C2 (up to 5,500sqm) (Ref: 131002).</p> <p>The S106 of the above permission, required 8900sqm (NIA) of B1 floorspace on site 4 and 7a, or if less, then the difference between the allocation (in the Employment Land Local Plan) and 11,100sqm.</p> <p>The S106 also required that site 7a was marketed for a maximum of 10 years, if by the date 6 months before the end of the marketing period no acceptable offers have been received then the requirement to market and utilise the Business Area for B1 space purposes shall be deemed to have been satisfied and the council shall have due regard to this when considering any subsequent application for reserved matters for an alternative development.</p> <p>Limited evidence has been provided to show compliance with the Business Areas Marketing Obligations of the S106 and no Reserved matter application has been submitted.</p> <p>It is not in dispute that the site is allocated for employment/commercial uses with retail positively excluded from the potential mix.</p>

	<p>The land allocation has been in place in various guises and in a number of different policy documents for about 20years. The site also has the benefit of an outline planning permission with a requirement for the reserved matters submitted within a 10-year period. This period for submission of details was imposed given the exceptional circumstances of the site and the give the best possible chance that the site would be developed for its designated purpose.</p> <p>In this regard the proposal would be contrary to the adopted Local Plan and the outline planning permission, and this should be given significant weight in deciding this proposal.</p>
8.5	<p><u>Under-delivery on land allocation aspirations</u></p> <p>It is not in dispute that the site lies fallow and vacant, which in part is a reflection of the markets desire to implement the site's land use allocation.</p> <p>It is considered that the period of time that the site has not been developed is a material consideration and with no indication that things will alter into the future it is considered that to retain the allocation for the plan period would not be appropriate.</p> <p>It is considered that to bring the site forward and to develop and conclude the development of this site and neighbouring plots then there is the requirement to consider alternative uses.</p> <p>Given the acute housing need within the Borough and that the Council is under the Government's 'Presumption in favour of sustainable development' it is considered that the delivery of 57 residential units in excess of the 40 scoped within the recent 'growth strategy' should be significant weight in the planning balance.</p>
8.6	<p><u>Economic impacts</u></p> <p>This proposal will deliver a multi-million-pound inward investment into the Borough and will also create a number of construction jobs during the construction phase.</p> <p>It is accepted that as these are residential flats that there will be limited jobs created from the operational phase of the scheme. However, it is evident that the scheme will through its local procurement of goods and services make a significant contribution to the local economy.</p> <p>This level of job creation and support for the local economy should be given significant weight in the planning balance as is it considered to support the principles of economic sustainability, one of the three pillars of sustainable development with in the NPPF.</p>
8.7	<p><u>Affordable Housing</u></p>

	<p>It is accepted that the Councils affordable housing policy is engaged by/with application.</p> <p>It is recognised that given that this scheme is an end user operator that it is unrealistic to expect that an onsite provision of affordable units would/could be delivered.</p> <p>The applicant does recognise the importance of the delivery of affordable housing to meet the Council aspirations and to this end against the backdrop of viability issues they are proposing that a financial contribution is offered to support the provision of offsite provision of affordable housing.</p> <p>Whilst the precise details of the sums on offer are still to be negotiated, if sums offered do not amount to an appropriate level, then the Council will invoke a late-stage review with the S106 in order to analyse whether additional contributions can be sought.</p>
8.8	<p><u>Noise impacts</u></p> <p>Noise impacts will fall into two categories; construction and operational.</p> <p>For the construction phase there will be controls via recommended conditions such as the construction method statement and hours of working condition. These controls are considered necessary and appropriate to mitigate construction noise.</p> <p>For the operational phase the noise impacts will be for the use of the car park and service vehicles.</p> <p>The carpark noise given the relatively low-level noise generated is not likely to give rise to a statutory noise nuisance and as such there are no controls or limitations over its use.</p> <p>Any noise impacts are considered to acceptable and appropriate for the site and surrounding area.</p>
8.9	<p><u>Landscape and Ecology impacts</u></p> <p>The hard landscaping is considered appropriate to the form and function of the development and as such is deemed to be acceptable.</p> <p>The soft landscaping includes buffer planting to the car park with larger areas of planting to the perimeter of the site. This is deemed acceptable and appropriate for the nature of the residential apartment block.</p> <p>The site has been left undeveloped for a significant period of time and as such has developed into a mosaic of different habitats/species. It is acknowledged that these habitats will be impacted by the development to some degree and where possible mitigation planting/soft landscaping is proposed. In addition, it is acknowledged that there will be the requirement for some species present on the site to translocated to a receptor site.</p>

	<p>At the time of writing there are unresolved issues with the nature of the landscaping proposed and the translocation site. The recommendation at the head of this report addresses this issue and no development can commence until such time as this issue is resolved.</p> <p>Notwithstanding the unresolved issues (above) the site is an allocated site that foresaw comprehensive re-development, and it is considered therefore that in broad terms the habitat would have been lost/impacted as a result of the Local Plan allocation. Against this background the proposed soft landscaping is considered acceptable and is considered to make a positive contribution to the appearance of the site and surrounding area.</p>
8.10	<p><u>Car Parking</u></p> <p>The scheme proposes 41 spaces which includes 6 disabled spaces, 20 active EV charging points and 21 passive EV charging spaces. It is accepted that this is lower than the ESCC standards but due to the demographics of the scheme ESCC consider this to be acceptable subject to a travel plan.</p> <p>The provision of 4 cycle spaces and buggy charging store are also considered by ESCC to be acceptable.</p>
8.11	<p><u>Accessibility</u></p> <p>The site is located approximately 4.8km from Eastbourne town centre. The nearest bus stop to the site is located within 200m from the site which provides services to Eastbourne, Langney, Silverhill, Hastings, Pevensey Bay, and Willingdon. The nearest train station to the site is located 2.8km from the site. Additional/improvements to the local bus-stops will be facilitated by the S106 agreement. The application provides cycling parking and cycle storage in addition the site is relatively level and provides for footpath access to customers on foot and or mobility scooters.</p> <p>The site is therefore considered to be located in an accessible location.</p> <p>An outline travel plan has been submitted. The measures outlined within the submitted outline travel plan appear reasonable. The completion and implementation of a full travel plan should be secured by condition, with a S106 agreement for audit fees for the Travel Plan.</p>
8.12	<p><u>Flood Risk and Drainage</u></p> <p>These issues have been addressed by documentary evidence with no objection from the Environment Agency regarding potential flood risk and flood risk mitigation and from ESCC Suds team in terms of surface water disposal.</p> <p>Both these issues are limited by the specifications submitted with the applications and controlled via planning conditions.</p>

	<p>This is considered to provide sufficient controls over this issue.</p>
<p>8.13</p>	<p><u>Heritage and Archaeology</u></p> <p>NPPF Paragraph 205. says that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.</p> <p>This application is accompanied by a desk – based archaeological assessment and detailed geotechnical records which place the site in its archaeological, historic and geoarchaeological context.</p> <p>The British Geological Survey has mapped the superficial geology at the site as Storm Beach Deposits – gravel. This gravel accumulation is known as ‘The Crumbles’ and may have developed in the medieval period.</p> <p>The proposed development does not lie within an Archaeological Notification Area. However, an Archaeological Notification Area (a non – designated heritage asset) associated with an area of wetland / peat deposits on East Langney Levels is located just c.45m. to the north-west of the site. Analogous peat deposits found c.2.3km. to the west of the site are known to contain the remains of a nationally important Late Bronze Age timber platform and causeway, together with elements of at least two other prehistoric timber trackways, all preserved by waterlogging.</p> <p>Seven geotechnical boreholes have been excavated across the area of proposed development. Six of these (BH2, BH3 and WS01, WS02, WS03, WS04) recorded the presence of c.1.30m. to 4.0m. - thick ‘made–ground’ above gravel / gravel-clay. However, borehole BH1 revealed a sequence of ‘made-ground’ (c.2.10m. thick) above gravel (c.2.40m. thick) above a 1m. – thick layer of ‘organic clay’ and peat. No absolute evidence for the date or formation process of this relatively thick peat deposit has as yet been recorded, although it does appear to lie beneath gravel deposits thought to have developed in the medieval period. Indeed, it is entirely possible that this horizon represents an extension of the peat deposits known to exist just c.45m. to the north-west of the site on East Langney Levels (see above). Until proven otherwise, the peat deposit recorded in borehole BH1 must be considered to have the potential to hold important geoarchaeological and palaeoenvironmental evidence and even preserved prehistoric structures analogous to those found on Shinewater Marsh. At c.4.50m. beneath the current land surface this peat deposit is likely to be impacted by the piling suggested as a construction method for the new development.</p> <p>In light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the</p>

	<p>proposals should be the subject of a <i>programme of archaeological works</i>. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved <i>in situ</i> or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):</p> <p>This issue will be controlled via planning conditions.</p>
8.14	<p><u>Design</u></p> <p>The design of the building is considered appropriate for this site, reflective of the existing blocks at Macauley Place, off Pacific Drive.</p> <p>The building is four storeys in height under a flat roof with external balconies with the main building clad in a range of red and grey bricks and timber boarding. The scale and design of the building and its setting within the plot behind a car park and areas of soft landscaping, is considered to be acceptable.</p> <p>There is no objection to the proposal in design terms.</p>
8.15	<p><u>High Pressure Gas</u></p> <p>There is a high-pressure gas main running adjacent to the A259.</p> <p>The statutory undertaker and the health and safety executive require safeguarded land, essentially a protected buffer strip in order to ensure that there is not development that may impact upon the gas main causing risk to life/property. In addition, this buffer strip allows for ease of access for repairs and maintenance of the gas main if required.</p> <p>The development falls outside of this buffer zone and therefore there are no issues with this element of the development.</p>
8.16	<p><u>Brownfield Land</u></p> <p>Paragraph 120 (c) of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.</p> <p>It is considered that the economic and social aspects of the application proposal support the redevelopment of this brown field land.</p>
8.17	<p><u>Planning Obligations:</u></p> <p>There will be a need for a S106/S278 agreement to cover the issues raised in the recommendation listed in the title block.</p>
8.18	<p><u>Human Rights Implications:</u></p>

	<p>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.</p>
8.19	<p><u>Conclusions:</u></p> <p>The local plan is more than 5 years old, and is therefore out of date in so far as it relates to housing delivery. The policies of relevance to this application are considered to be up to date and in accordance with the NPPF therefore they should be given full weight in decision making.</p> <p>The application proposal is contrary to the Local Plan allocation, and decisions must be made in accordance with the development unless material considerations indicate otherwise.</p> <p>For the reasons outlined in this report specifically the weight given to housing delivery it is considered that when taken as a whole the benefits of the scheme outweigh them harm on non-compliance with policy aspirations that have failed to materialise.</p> <p>The scheme is recommended for approval subject to a legal agreement and conditions.</p>

9.	Recommendations
9.1	<p>1. That the application be delegated to the Head of Planning to secure agreement to the scheme from</p> <ul style="list-style-type: none"> • the Councils Air Quality officer, • landscaping issues, • affordable housing issues and • ecological translocation issues. <p>On reaching agreement to these issues then 2 below:</p> <p>2. That the Head of Planning be authorised to Grant permission subject to conditions and S106 / S278 agreement for</p> <ul style="list-style-type: none"> • Travel Plan audit fees • Other highway works. • Late-stage review to establish affordable housing position (unless otherwise agreed), • Local Labour Agreement, • Ecological translocation controls <p>3. If no meaningful engagement with the legal agreement is pursued within six months, then the Head of Planning be authorised to refuse planning permission due to the lack of infrastructure.</p>

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10.	Conditions:
10.1	<p>Bus stops</p> <p>Prior to the commencement of development details of off-site highway works detailing the relocation of the bus stop shall be submitted the Local Planning Authority for approval in consultation with the Highway Authority.</p> <p>Reason: To safeguard the operation of the public highway.</p>
10.2	<p>Travel Plan</p> <p>No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan 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.</p> <p>Reason: To encourage and promote sustainable transport.</p>
10.3	<p>Parking layout</p> <p>The development shall not be occupied until a parking area has been provided in accordance with the approved plans and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.4	<p>Size of parking spaces</p> <p>The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).</p> <p>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.</p>
10.5	<p>Cycle Parking</p> <p>The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.</p>

	<p>Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.</p>
10.6	<p>Surface Water Drainage onto the Public Highway</p> <p>Notwithstanding the details submitted with this application no surface water is permitted to be discharged from the proposed site layout onto the public highway.</p> <p>Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.</p>
10.7	<p>Visibility Splays</p> <p>The access shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.8	<p>Construction Management Plan</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>Reason: In the interests of highway safety and the amenities of the area</p>
10.9	<p>Wheel washing</p> <p>During any form of earthworks and/or excavations that is carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority in</p>

	<p>consultation with the Highway Authority, to prevent contamination and damage to the adjacent roads.</p> <p>Reason: In the interests of highway safety and for the benefit and convenience of the public at large.</p>
10.10	<p>Flood Risk Assessment Implementation</p> <p>The development shall be implemented in accordance with the submitted Flood Risk Technical Note dated July 2023 and Flood Warning and Evacuation Plan dated January 2023 and the following mitigation measures it details:</p> <ul style="list-style-type: none"> • Finished floor levels shall be set no lower than 4.61 metres above Ordnance Datum (AOD) • An area of safe refuge designated above the ground floor of the building for residents and staff as per section 5.3.2 of the FWEP. • The owners/residents/staff are to sign up to the Environment Agency’s free Flood Warning Service <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/ phasing arrangements.</p> <p>The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reasons:</p> <p>To reduce the risk of flooding to the proposed development and future occupants.</p> <p>The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.</p>
10.11	<p>Development on land affected by contamination.</p> <p>No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority.</p> <p>This strategy will include the following components:</p> <ol style="list-style-type: none"> 1. A preliminary risk assessment which has identified: <ul style="list-style-type: none"> • all previous uses • potential contaminants associated with those uses. • a conceptual model of the site indicating sources, pathways, and receptors. • potentially unacceptable risks arising from contamination at the

	<p>site.</p> <ol style="list-style-type: none"> 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action. <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.</p> <p>The previous use of the proposed development site as a tramway and infilled areas presents a medium risk of contamination that could be mobilized during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A.</p>
10.12	<p>Verification report</p> <p>Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority.</p> <p>The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p>Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.</p>
10.13	<p>Unexpected Contamination Report</p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with</p>

	<p>has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: _To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.</p>
10.14	<p>Suds infiltration into the ground</p> <p>No drainage systems other than infiltration shall be used unless otherwise agreed in writing by the Local Planning Authority.</p> <p>There shall be no infiltration of surface water to the ground without the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be conducted in accordance with the approved details.</p> <p>Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.</p> <p>The previous use of the proposed development site as tramway and infilled areas presents a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A.</p>
10.15	<p>Piling and Boreholes</p> <p>Piling and investigation boreholes using penetrative methods shall not be conducted other than with the written consent of the local planning authority. Where piling is proposed, this should include a foundation works risk assessment to be submitted for approval in writing by the local planning authority prior to piling taking place. The development shall be conducted in accordance with the approved details.</p> <p>Reason: To ensure that the proposed construction and monitoring, does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement A4 of the ‘The Environment Agency’s approach to groundwater protection’.</p> <p>Piling and investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilizing contamination, drilling through different aquifers, and creating preferential pathways.</p>

10.16	<p>Construction and Environmental Management Plan</p> <p>No development shall take place, including any works of demolition, until a Construction Environment Management Plan has been submitted to, and approved in writing by the local planning authority. The Construction Environment Management Plan shall provide for:</p> <ul style="list-style-type: none"> • traffic management in the adjoining highways; • site operatives' travel plan; • the parking of vehicles of site operatives and visitors; • loading and unloading of plant and materials; • storage of plant and materials used in constructing the development; • the erection and maintenance of security hoarding; • measures to control all environmental effects of the development including artificial illumination, noise, vibration, dust, air pollution and odour, including the effects of decontamination, and site illumination during construction. <p>The approved Construction Environment Management Plan shall be adhered to throughout the construction period for the development.</p> <p>Reason: In the interests of amenity of the locality.</p>
10.17	<p>Archaeological Reporting/Investigation</p> <p>[ARCH 1] No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>[ARCH 3] No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the <i>Local Planning Authority</i>. <i>The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition [ARCH 1].</i></p> <p>Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.</p>
10.18	<p>Hours of Construction Work</p> <p>Permitted hours of work:</p>

	<p>The permitted hours of work when noise can be audible at a site boundary are:</p> <p>MONDAY TO FRIDAY 8:00am to 6:00pm</p> <p>SATURDAY 8:00am to 1:00pm</p> <p>SUNDAY AND BANK HOLIDAYS No work allowed.</p> <p>Best practicable means” shall be used to minimise noise and vibration resulting from construction operations. The developer and all contractors shall use methods of work that conform with the Code of practice for Noise and Vibration on Construction and Open Sites, BS 5228 Parts 1 and 2; 2009.</p> <p>Any noisy operations outside the permitted hours (including delivery of materials) cannot be undertaken without prior approval of the Local Planning Authority. Note: permission would only be granted in exceptional circumstances e.g., Emergency works.</p> <p>The movement of vehicles to and from the site must be controlled to minimise noise and disturbance to nearby residents.</p> <p>All workers on the site including sub-contractors, self-employed staff and employees must be made aware of the need to keep noise and disruption to a minimum from building works, equipment, plant and machinery, radios, music, vehicles, or any other sources.</p> <p>Contact details shall be clearly visible on the site to provide local residents a relevant point of contact in the event of any issues arising.</p> <p>Liaison between officers from the Environmental Health and the site management should be established at the earliest possible stage of any construction works.</p> <p>Reason: To protect the amenities of surrounding properties.</p>
10.19	<p>External lighting</p> <p>Prior to its implementation, a lighting scheme (LS) shall be submitted to and approved in writing by the Local Planning Authority. The LS shall include full specification of all external lighting and shall include level of illumination, duration, direction, and any variation in brightness. Thereafter the lighting scheme shall be implemented in full accordance with the approved details, prior to first occupation of the development and maintained as such for the lifetime of the development.</p> <p>Reason: In the interests of the amenity of the area and neighbouring occupants.</p>
10.20	<p>Approved Plans</p> <p>To be reported via the addendum report.</p>

10.21	<p>Time Limit</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Sections 91 & 92 of the Town & Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
10.22	<p>Landscape and Ecological Management Plan</p> <ul style="list-style-type: none"> • Landscape and Ecological Management Plan For Reptile Receptor Site • A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior [...to the commencement or occupation...] of the development [or specified phase of development]. The content of the LEMP shall include the following: <ul style="list-style-type: none"> a) habitat descriptions and evaluation of features/habitat types to be managed; b) ecological trends and constraints on site that might influence management; c) aims and objectives of management; d) appropriate management options for achieving aims and objectives; e) prescriptions for management actions, together with a plan of management compartments; f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period; g) details of the body or organisation responsible for implementation of the plan; h) legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. i) ongoing monitoring and remedial measures. Note: The plan will set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. <p>Reason: In order to comply with the terms of this application and in order to ensure that species and habitats are protected/mitigated.</p>
10.23	<p>Hard and Soft Landscaping</p> <p>The development hereby approved shall be landscaped in full accordance with the submitted Landscaping Plans during the first planting season following completion or first occupation of the development, whichever is</p>

	<p>sooner. Any new tree(s) that die(s) or are/is removed, becomes severely damaged or diseased, shall be replaced and any new planting other than trees which dies, 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 otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To safeguard and enhance the character, amenity, and biodiversity of the site.</p>
10.24	<p>External materials</p> <p>No external materials or finishes shall be applied until a schedule of materials has been submitted and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and maintained as such, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of the character and amenity of the area.</p>
10.25	<p>Refuse Storage</p> <p>No part of the development hereby approved shall be occupied until the refuse storage facility has been provided in accordance with the submitted details. The refuse store shall thereafter be retained in its approved form and for its intended purpose for the lifetime of the development.</p> <p>Reason: To ensure satisfactory refuse and recycling provision to the property and to protect amenity.</p>
10.26	<p>Landscape Maintenance Plan</p> <p>Prior to first occupation of the development hereby approved, a landscape management and maintenance plan shall be submitted to and approved by the Local Planning Authority. Thereafter the Plan shall be implemented in accordance with the details approved for the lifetime of the development.</p> <p>Reason: To safeguard and enhance the character, amenity, and biodiversity of the site.</p>
10.27	<p>Translocation Details</p> <p>Translocation of protected species from site shall be carried out to the identified receptor site in accordance with the submitted Reptile Mitigation Strategy by Ecology Solutions, Report Ref: 10572.RepMit.vf1 dated July 2023. Or with any other mitigation strategy approved by the Local Planning Department in consultation with East Sussex County Ecology.</p> <p>Reasons: To ensure the protection species populations that would be affected by the development.</p>

11.	Informatives
11.1	The applicant is hereby reminded of the Control of Asbestos Regulations 2012 when carrying out demolition and other works associated with the development hereby permitted. For more information, please visit http://www.hse.gov.uk/Asbestos/regulations.htm
11.2	All waste material arising from any site clearance, demolition, preparation, and construction activities at the site should be stored, removed from the site, and disposed of in an appropriate manner following current guidance and practices.

12.	Background Papers
12.1	None.

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Agenda Item 10

Report to: Planning Applications Committee
Date: 21 August 2023
Application No: 220852
Location: Site 7a, Pacific Drive, Eastbourne, BN23 6DW
Proposal: Proposed Three Storey, 66 Bedroom, Care Home for Older People (Class C2 Use) with Associated New Access (off Pacific Drive), Parking & Landscaping
Applicant: LNT Care Developments Ltd.
Ward: Sovereign

Recommendation: That the application be delegated to the Head of Planning to secure agreement to the scheme in relation to:

- Air Quality issues
- landscaping issues
- ecological translocation issues
- sustainable drainage matters

On reaching agreement to these issues then 2 below.

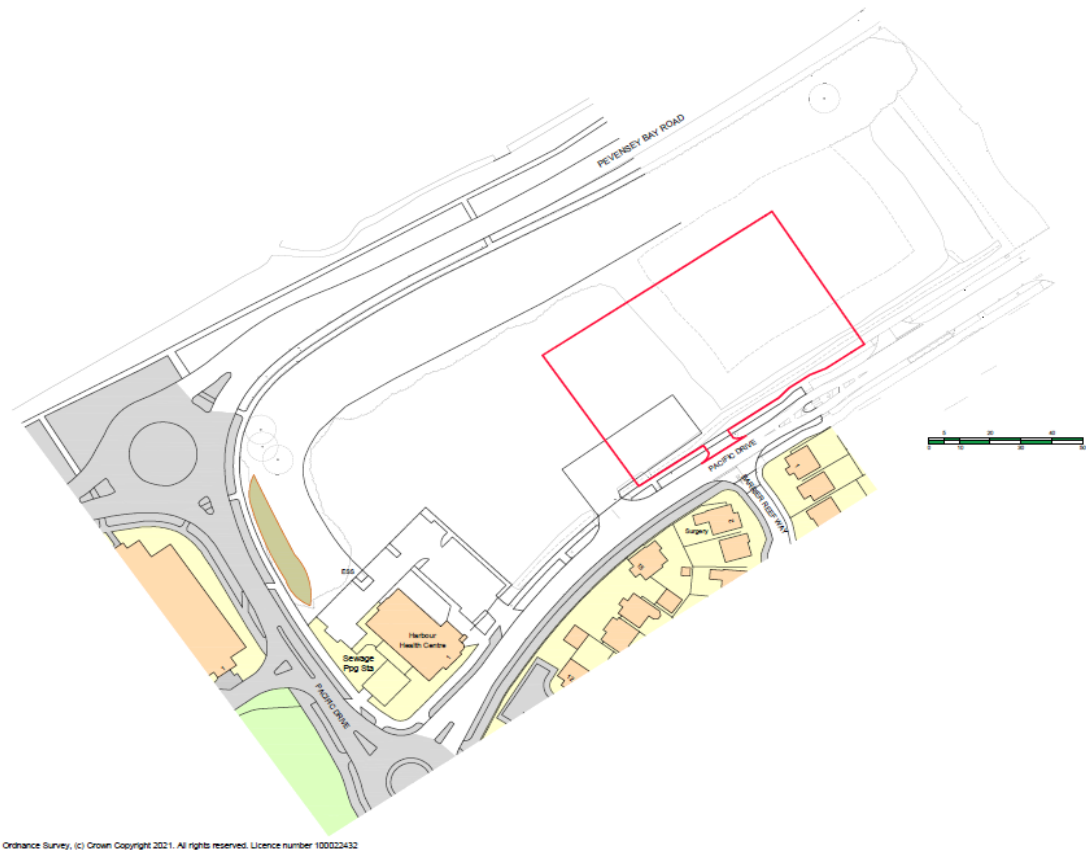
2. That the Head of Planning be authorised to Grant permission subject to conditions and S106 / S278 agreement for:

- Travel Plan audit fees
- Other highway works including public transport enhancements
- Local Labour Agreement
- Ecological translocation controls

3. If no meaningful engagement with the legal agreement is pursued within six months, then the Head of Planning be authorised to refuse planning permission due to the lack of infrastructure.

Contact Officer: **Name:** Leigh Palmer
E-mail: Leigh.palmer@lewes-eastbourne.gov.uk

Site Location Plan



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1.	Executive Summary
1.1	This application is brought before the Planning Committee due to the significant number of objections received following public consultation.
1.2	<p>Proposed Three Storey, 66 Bedroom, Care Home for Older People (Class C2 Use) with Associated New Access (off Pacific Drive), Parking & Landscaping.</p> <p>This application is one component in a tripartite submission. Two other applications have been independently submitted and reported elsewhere on this agenda.</p>
1.3	The development is considered to be sympathetic to the surrounding built and natural environment as well as the amenities of neighbouring residents and would provide good quality care home offer, providing choice of housing/accommodation for the local community.
1.4	The application is recommended for approval subject to S106 agreement and conditions.
1.5	<u>Sustainability</u>

	<p>The scheme delivers a reduction in carbon emissions through the use of improved building fabric, ground source heat pump supplemented by efficient lighting and a photo voltaic array.</p> <p>This is considered to be given <u>significant positive weight</u> in the planning balance.</p>
1.6	<p><u>Land Allocation</u></p> <p>The site is allocated for employment purposes within the Local Plan and has dedicated policies limiting the use of the site. This has existed in various forms for more than 30 years.</p> <p>The site forms part of the wider development area for which outline approval for a mix of employment uses has been granted and this allowed for the reserved matters submission to be submitted within a 10-year period, this expires December 2024.</p> <p>The redevelopment for care home purpose purposes is contrary to the Local Plan and as such should be afforded <u>significant negative weight</u> in the planning balance.</p> <p>It is noted that despite the land use allocation that the use of the site for/as a care home has previously been supported by way of the outline planning permission. This is considered to have a <u>moderate positive weight</u> in the planning balance.</p>
1.7	<p><u>Under Delivery on land allocation aspiration</u></p> <p>It is recognised that despite the land being allocated and having an outline planning consent there has been no market interest in the development of the site.</p> <p>Against this background the redevelopment of the site for a care home would see the regeneration benefits of inward invest, job creation and residential choice in a sustainable location.</p> <p>The proposal would also support the local economy through local purchasing of goods, services, and supplies.</p> <p>These regeneration benefits should be afforded <u>significant positive weight</u> in the planning balance.</p>
1.8	<p><u>Economic Impact</u></p> <p>The scheme represents a multi-million-pound investment into the Borough that would create jobs through the construction and operational phases of the development.</p> <p>50 new job opportunities will come from the development offering full and part time opportunities to the whole community.</p>

	<p>The investment and job creation to be given <u>significant positive weight</u> in the planning balance.</p>
1.9	<p><u>Housing delivery</u></p> <p>It is acknowledged that a proportion of the units proposed under this scheme can be counted in terms of the Council’s housing delivery targets.</p> <p>In this regard housing delivery is considered to have significant positive weight in the planning balance.</p>
1.10	<p><u>Noise Impacts</u></p> <p>Post construction noise impacts will be limited to the use of the car park for staff, visitors, and service vehicles.</p> <p>The noise from the car park will be low and not deemed to result in a loss of amenity.</p> <p>Given suitable controls in place to prevent/mitigate noise impacts beyond the boundary of the site this issue should be given <u>moderate positive weight</u> in the planning balance.</p>
1.11	<p><u>Landscape and Ecology Impacts</u></p> <p>Change in the landscape would be limited to the immediate site area due to the self-contained nature of the site. The scale and density of the development would be comparable with surrounding commercial development and the design incorporates significant green landscape buffers, with a significant landscape area to adjacent to the A259 Pevensey Bay Road.</p> <p>It is recognised that this is an allocated development site for employment uses and to some extent the existing habitat would have been impacted if the allocation had been implemented.</p> <p>The Aldi scheme proposes the incorporation of an ecological roof to mitigate the loss of habitat; given this and other landscaping at the site it is considered that the development would result in limited landscape harm, and this should be attributed moderate positive weight in the planning balance.</p> <p>In addition to the on-site landscape and biodiversity benefits the scheme proposes the translocation of protected species where appropriate and deemed to be necessary. All aspects of this translocation accord with best practice.</p> <p>This is considered to be attributed moderate positive weight in the planning balance.</p>

1.12	<p><u>Highways Safety & Car Parking</u></p> <p>The scheme provides 25 car parking spaces, 4 disabled spaces, 6 EV charging positions and 8 cycle parking spaces.</p> <p>The access, parking and servicing requirements have been endorsed by ESCC Highways. The increase in traffic is of a degree that would NOT result in disruption or congestion on the surrounding highway network.</p> <p>It is considered that this should be attributed <u>moderate positive weight</u> in the planning balance.</p>
1.13	<p><u>Accessibility</u></p> <p>The scheme's design has been considered with regards to its access arrangements and servicing arrangements.</p> <p>The site is located with access to alternative modes of transport, cycling, walking and bus routes.</p> <p>This is considered to be attributed <u>moderate positive weight</u> in the planning balance.</p>
1.14	<p><u>Flood Risk & Drainage</u></p> <p>At the time of writing this matter is under review by external consultees.</p> <p>On the presumption that the scheme does not give rise to off-site flooding and a designed drainage system that satisfies the lead Local Flood Authority can be achieved then this should be given <u>moderate positive weight</u> in the planning balance.</p>
1.15	<p><u>Heritage and Archaeology</u></p> <p>The intrusive site survey has heralded little archaeology remains at the site and as such this should be given <u>limited positive weight</u> in the planning balance.</p>
1.16	<p><u>Design & Appearance</u></p> <p>The design is considered functional and appropriate for its use and would not in and of itself be harmful to the site and surrounding area.</p> <p>The design and appearance should be given <u>limited positive weight</u> in the planning balance.</p>
1.17	<p><u>High Pressure Gas Main</u></p> <p>The location of the new building is outside of the access/exclusion zone for the high-pressure gas main.</p>

	This issue is considered to be given <u>limited positive weight</u> in the planning balance.
1.18	<p><u>Brownfield Land</u></p> <p>The scheme promotes the redevelopment of brownfield land.</p> <p>This issue is considered to be given <u>significant positive weight</u> in the planning judgement.</p>
2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>6. Building a strong, competitive economy</p> <p>8. Promoting healthy and safe communities</p> <p>9. Promoting sustainable transport</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment</p> <p>31 Local Plans to have regard to Market signals.</p> <p>38 Local Planning Authorities to work cooperatively with applicants to improve the economic, social, and environmental conditions of the area.</p> <p>81 Significant weights to economic growth</p> <p>87 Requirements for sequential test for sites that are not in accordance with the development plan.</p> <p>124 Make efficient use of land.</p> <p>126 High quality beautiful and sustainable developments</p> <p>130 Reflective of local character</p> <p>132 Importance of design quality.</p>
2.2	<p><u>Eastbourne Core Strategy 2006-2027:</u></p> <p>B1: Spatial Development Strategy and Distribution</p> <p>B2: Creating Sustainable Neighbourhoods</p> <p>C14: Sovereign Harbour Neighbourhood Policy</p> <p>D1: Sustainable Development</p> <p>D5: Housing</p>

	<p>D7: Community, Sport, and Health</p> <p>D8: Sustainable Travel</p> <p>D9: Natural Environment</p> <p>D10a: Design</p> <p>E1: Infrastructure Delivery.</p>
2.3	<p><u>Saved polices of the Eastbourne Borough Plan 2001-2011:</u></p> <p>BI7: Design Criteria</p> <p>HO20: Residential Amenity</p> <p>NE4: Sustainable Drainage Systems</p> <p>NE16: Dev within 250m of Former Landfill Site</p> <p>NE18: Noise</p> <p>NE23: Nature Conservation of Other Sites</p> <p>NE28: Environmental Amenity</p> <p>UHT1: Design of New Development</p> <p>UHT4: Visual Amenity</p> <p>UHT7: Landscaping</p> <p>US1: Hazardous Installations</p> <p>US5 Tidal Risk</p> <p>HO20: Residential Amenity</p> <p>TR2: Travel Demands</p> <p>TR5: Contributions to the Cycle Network</p> <p>TR8: Contributions to the Pedestrian Network</p> <p>TR6: Facilities for Cyclists</p> <p>TR11: Car Parking</p> <p>TR12: Car Parking for those with Mobility Problems.</p>
2.4	<p><u>Eastbourne Employment Land Local Plan (ELLP- adopted 2016)</u></p> <p>Policy EL1 – Economy and Employment Land</p> <p>Policy EL4: Sovereign Harbour.</p>
2.5	<p><u>Supplementary Planning Documents and other relevant guidance</u></p> <p>Eastbourne Sovereign Harbour SPD</p> <p>Local Employment and Training SPD</p> <p>EBC Sustainability in Development TAN</p>

EBC Biodiversity Net Gain TAN EBC Electric Vehicle Charging Points TAN.
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3.	Site Description
3.1	The application site forms part of Sovereign Harbour and is situated along the northern boundary of the north harbour.
3.2	The site is bounded by Pevensey Bay Road (A259) to the north, one of the main routes to Pevensey Bay from Eastbourne and forms part of a national cycle network route. Pacific Drive is to the south of the application site and is the only vehicular access to the north harbour area.
3.3	In the Southwest corner of site 7a is the development of the Harbour Medical Centre approved in 2009.
3.4	The site is currently undeveloped land that has permission for a mixed use of residential, employment uses (office) and open space. See planning history for more context).
3.5	The nearest residential properties of Coral Reef Close and Barrier Reef Way. are located on the opposite side of Pacific Drive to the south of the application site.
3.6	The application site is located within the Environment Agency's Flood Zone 3.
3.7	Along the border with Pevensey Bay Road runs a high-pressure gas pipeline.
3.8	The application site is within close proximity to, but not within the District Shopping Centre of Sovereign Harbour, which is also known locally as The Crumbles.

4.	Proposed Development
4.1	<p>The application is seeking permission for the erection of a new building to accommodate 66-bedroom care-home, falling with use class C2.</p> <p>All bedrooms are single occupancy rooms with ensembles. All space standards will comply with legislative requirements. Will also include a shop and cinema and level access and lift access between floors.</p> <p>The proposed building is uniformly 3-storeys in height under a pitched roof with a ridge height of 12.47m.</p> <p>Whilst the building is broadly linear in footprint terms with the long access facing Pacific Drive, its long facades are articulated, with projecting bays, projecting entrance feature and access (emergency) cores.</p>

	The combination of this physical articulation, together with the proposed palette of external facade materials, will provide architectural interest, 'modelling' and shading, from whichever angle the building is viewed, mitigating its scale and mass.
4.2	Proposed vehicular access to the site is via Pacific Drive opposite the residential properties of Coral Reef Close. The main entrance also faces Pacific Drive.
4.3	The proposal includes the provision of 25 car parking spaces, 4 spaces allocated as disabled parking, 6 spaces for electric vehicle parking of.
4.4	8 Cycle parking spaces will be provided onsite, this will be in a safe and secure for staff and residents to use.
4.5	The proposal includes landscaping of the site featuring soft landscaping to the borders of the carparking area and a larger landscaped area to the north of the site adjacent to Pevensey Bay Road.

5.	Relevant Planning History:
5.1	There have been numerous historic applications concerning the wider site, below are the most relevant to the consideration of this application.
5.2	<p><u>131002</u> Outline planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour, Eastbourne:</p> <p>Site 1 - up to 72 dwellings and access</p> <p>Site 4 - Commercial and employment uses (A1-A5 3,200sqm) (B1, C1 and D13,600sqm)</p> <p>Site 5 - Community use (800sqm)</p> <p>Site 6 - Employment and office uses (B1 up to 15,000sqm)</p> <p><u>Site 7 - Mix of employment uses (B1 6,700sqm) (C1 & C2 up to 5,500sqm) (D1 up to 200sqm), up to 70 dwellings and open space (0.80 has)</u></p> <p>Site 8 - Up to 8 dwellings, open space, and berth holder facilities.</p> <p>Planning Permission Approved Conditionally 02/12/2014.</p>

6.	Consultations:
6.1	<p><u>East Sussex Highways Agency</u></p> <p>No objections subject to conditions.</p>

6.2	<p><u>Environment Agency</u></p> <p>No objection subject to conditions controlling: -</p> <p>Flood risk assessment implementation</p>
6.3	<p><u>Environmental Health (Contaminated Land)</u></p> <p>No objections subject to conditions that mirrored the EA conditions with the addition of a condition controlling the provision of construction Environmental Management Plan.</p>
6.4	<p><u>CIL</u></p> <p>The application would not be liable for CIL as per the Eastbourne CIL Charging Schedule.</p>
6.5	<p><u>Southern Water</u></p> <p>No objections but guide the developer in terms of required clearance works (for access) to exist SW assets in the locality.</p> <p>Approval is required by SW prior to any connection to the SW assets.</p> <p>Any surface water management proposal cannot utilize SW foul water assets.</p>
6.6	<p><u>Wealden District Council</u></p> <p>The Council raise no objections to this application.</p>
6.7	<p><u>County Archaeology</u></p> <p>No objection has been raised to this scheme.</p> <p>OFFICER comments: - despite the recommendation to this element of the scheme it is considered that the further work is required as stipulated by the Aldi application. .</p>
6.8	<p><u>Environmental Protection (Noise & External Lighting)</u></p> <p>No objection subject to conditions controlling hours of work for construction and controls on external lighting.</p> <p>Air quality impacts needs further justification prior to be found acceptable, this can be controlled via planning condition.</p>

6.9	<p><u>Sovereign Harbour Residents Association</u></p> <p>Object to the scheme on the grounds of lack of parking and general congestion that would result from this and neighbouring developments.</p>
6.10	<p><u>Regeneration</u></p> <p>No objection subject to a local labour agreement covering construction and operational jobs.</p>
6.11	<p><u>Planning Policy</u></p> <p>No objections.</p> <p>The site was previously granted outline planning permission in December 2014 for a mix of employment uses including B1 (6,700sqm), D1 (up to 200sqm), C1 and C2 (up to 5,500sqm) (Ref: 131002).</p> <p><u>Summary</u></p> <p>The site is considered a sustainable location for development, with access to key services and public transport.</p> <p>The proposed 66 bed care home if granted would count towards housing delivery in the borough. In relation to care homes this means establishing the amount of accommodation released in the housing market, calculations are based on the average number of adults living in households (1.8), therefore the care home would provide 36 residential units to the boroughs housing supply.</p> <p>According to the Planning Statement the proposed development would also generate between 50-60 new employment opportunities.</p> <p>It is noted that the outline planning permission granted for the site included Class C2 uses, given the lack of developable sites for housing in the borough, Planning Policy have no objection in principle to the proposed development of a care home on Site 7a.</p>
6.12	<p><u>ESCC Suds</u></p> <p>Object due to insufficient information.</p> <p>OFFICER COMMENT: - It is accepted by officers that the SuDS scheme is and will be a designed technical solution. The applicants are in discussion with the Lead Local Flood Authority on these matters. It is considered that these details can adequately controlled via planning condition.</p>

7.	Other Representations:
7.1	<p><u>Notification</u></p> <p>Notification of this application has been undertaken in the form of:</p> <p>neighbour notification letters</p> <p>site notices displayed in roads neighbouring the site and</p> <p>a press advert in a locally distributed newspaper.</p>
7.2	<p><u>Neighbour Representations:</u></p> <p>Circa 130 letters of objection have been received, which raise the following concerns based upon material planning grounds:</p> <ul style="list-style-type: none"> • Proposed access to the site is inappropriate due to being the only vehicular access to the north harbour. • Access should be from Pevensey Bay Road <p>Officer Response: Members should focus on the application before them, and this is to access the site off Pacific Drive. There are no objections to this point of access from ESCC Highways.</p> <ul style="list-style-type: none"> • Surrounding road network is insufficient to support the level of trips to and from a supermarket. <p>Officer Response: There is no objections to the proposals from East Sussex Highways Department.</p> <ul style="list-style-type: none"> • Proposed access could impact access for the RNLI, emergency services and bus routes. • Impact to highway safety for pedestrians, cyclists, and vehicles <p>Officer Response: There is no objections to the proposals from East Sussex Highways Department.</p> <ul style="list-style-type: none"> • Parking provision on site is insufficient. • Don't need another care home. • Extra pollution causing health impacts. • Land should be kept for wildlife. • Too much traffic • Impact upon GP/Doctors • Lead to on street parking • Light pollution • Noise impacts • Should be redeveloped for recreational purposes. • Overdevelopment of the site

	<ul style="list-style-type: none"> • Should be built in the retail park. • Should build flats for the young • Will change the character of the area. • Loss of view • 4 storeys very imposing • Block sunlight to new park • High water table will make it difficult to build. • More affordable housing should be built. • Parking provision on site is insufficient. • Should be used as recreational space. • Additional traffic may inhibit the access to the medical centre. • Access for emergency vehicles including ambulances and RNLI.
7.3	<p><u>Other Representations:</u></p> <p>Circa 7 letters of support have been received, which raise the following points:</p> <ul style="list-style-type: none"> • Would provide jobs and homes. • Excellent use of land • Need more care home beds. • Good if support Local Authority allocation/placements • Would be in character with the site and surrounding area.

8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>Key considerations for this application are whether the proposal complies with national and local policy, and the level of impact the proposal may have on the residents of the North Harbour and surrounding area.</p>
8.2	<p><u>Principle:</u></p> <p>In decision making, Local Planning Authorities are required by the National Planning Policy Framework (NPPF) to consider the balance between the 3 overarching objectives of sustainable development:</p> <ul style="list-style-type: none"> • social, • economic, and • environmental benefits.

	<p>Despite being contrary to an existing land use allocation the development when assessed against the Local Plan and the NPPF as a whole provides sustainable social and economic development in that it delivers care facilities, and it would contribute to meeting the housing need of the area.</p> <p>Therefore, it is considered acceptable in principle.</p>
8.3	<p><u>Sustainability</u></p> <p>The new building will be built to a standard exceeding Part L of the current building regulations. This is a high threshold for residential property. This will be delivered by a fabric first approach, meaning that the construction of the building would be constructed to a highly thermal efficiency standard.</p> <p>The construction elements would be further supplemented ground source heat pump and solar panels on the roof.</p> <p>The external layout delivers 6 EV charging points and also includes cycle parking/storage for residents and staff.</p> <p>Given the above it is considered that the sustainable elements of the scheme are considered to be acceptable and appropriate for this scale of the development.</p>
8.4	<p><u>Land Allocation</u></p> <p>The site was previously granted outline planning permission in December 2014 for a mix of employment uses including B1 (6,700sqm), D1 (up to 200sqm), C1 and C2 (up to 5,500sqm) (Ref: 131002).</p> <p>The S106 of the above permission, required 8900sqm (NIA) of B1 floorspace on site 4 and 7a, or if less, then the difference between the allocation (in the Employment Land Local Plan) and 11,100sqm.</p> <p>The S106 also required that site 7a was marketed for a maximum of 10 years, if by the date 6 months before the end of the marketing period no acceptable offers have been received then the requirement to market and utilise the Business Area for B1 space purposes shall be deemed to have been satisfied and the council shall have due regard to this when considering any subsequent application for reserved matters for an alternative development.</p> <p>Limited evidence has been provided to show compliance with the Business Areas Marketing Obligations of the S106 and no Reserved matter application has been submitted.</p> <p>It is not in dispute that the site is allocated for employment/commercial uses with retail positively excluded from the potential mix.</p>

	<p>The land allocation has been in place in various guises and in a number of different policy documents for about 20years. The site also has the benefit of an outline planning permission with a requirement for the reserved matters submitted within a 10-year period. This period for submission of details was imposed given the exceptional circumstances of the site and the give the best possible chance that the site would be developed for its designated purpose.</p> <p>In this regard the proposal would be contrary to the adopted Local Plan however it would accord with the aspirations of the Outline Planning consent.</p> <p>The provision of a care home on the site should be given significant weight in deciding this proposal.</p>
8.5	<p><u>Under-delivery on land allocation aspirations</u></p> <p>It is not in dispute that the site lies fallow and vacant, which in part is a reflection of the markets desire to implement the site’s land use allocation.</p> <p>It is considered that the period of time that the site has not been developed is a material consideration and with no indication that things will alter into the future it is considered that to retain the allocation for the plan period would not be appropriate.</p> <p>It is considered that to bring the site forward and to develop and conclude the development of this site and neighbouring plots then there is the requirement to consider alternative uses.</p> <p>Given the acute housing need within the Borough and that the Council is under the Government’s ‘Presumption in favour of sustainable development ‘it is considered that the delivery of an equivalent of 36 and in isolation would be broadly in conformity with residential yield of the 40 scoped within the recent ‘growth strategy’.</p> <p>This should be given significant weight in the planning balance.</p>
8.6	<p><u>Economic impacts</u></p> <p>This proposal will deliver a multi-million-pound inward investment into the Borough and will also create 50+jobs (mixed full and part time) for the operational phase and also construction jobs from the construction phase.</p> <p>This level of job creation should be given significant weight in the planning balance as is it considered to support the principles of economic sustainability, one of the three pillars of sustainable development with in the NPPF.</p> <p>In addition, there is the support for the local economy the buying in or goods, supplies, and services.</p>

	<p>When taking the NPPF as a whole and the Local Plan as whole, job creation and the associated spend within the local economy is of paramount importance.</p> <p>The proposals form a significant employment generating use on a currently vacant site which is allocated for development.</p> <p>Paragraph 81 of the NPPF clearly states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and the wider opportunities for the development.</p> <p>Job creation and support for the circular economy that falls from this scheme should be given significant weight on the planning balance.</p>
8.7	<p><u>Noise impacts</u></p> <p>Noise impacts will fall into two categories; construction and operational.</p> <p>For the construction phase there will be controls via recommended conditions such as the construction method statement and hours of working condition. These controls are considered necessary and appropriate to mitigate construction noise.</p> <p>For the operational phase the noise impacts will be for the use of the car park and service vehicles.</p> <p>The carpark noise given the relatively low-level noise generated is not likely to give rise to a statutory noise nuisance and as such there are no controls or limitations over its use.</p> <p>Any noise impacts are considered to acceptable and appropriate for the site and surrounding area.</p>
8.8	<p><u>Landscape and Ecology impacts</u></p> <p>The hard landscaping is considered appropriate to the form and function of the development and as such is deemed to be acceptable.</p> <p>The soft landscaping includes buffer planting to the car park with larger areas of planting to the perimeter of the site. This is deemed acceptable and appropriate for the nature of the residential apartment block.</p> <p>The site has been left undeveloped for a significant period of time and as such has developed into a mosaic of different habitats/species. It is acknowledged that these habitats will be impacted by the development to some degree and where possible mitigation planting/soft landscaping is proposed. In addition, it is acknowledged that there will be the requirement for some species present on the site to translocated to a receptor site.</p>

	<p>At the time of writing there are unresolved issues with the nature of the landscaping proposed and the translocation site. The recommendation at the head of this report addresses this issue and no development can commence until such time as this issue is resolved.</p> <p>Notwithstanding the unresolved issues (above) the site is an allocated site that foresaw comprehensive re-development, and it is considered therefore that in broad terms the habitat would have been lost/impacted as a result of the Local Plan allocation. Against this background the proposed soft landscaping is considered acceptable and is considered to make a positive contribution to the appearance of the site and surrounding area.</p>
8.9	<p><u>Highway safety and car parking</u></p> <p>ESCC raised no objections to the proposal and assessed trip rates, junction works, visibility splays and car parking.</p> <p>Given the support given by ESCC Highways it is considered that a refusal based on this issue could not be substantiated or sustained through to appeal.</p>
8.10	<p><u>Accessibility</u></p> <p>The site is located approximately 4.8km from Eastbourne town centre. The nearest bus stop to the site is located within 200m from the site which provides services to Eastbourne, Langney, Silverhill, Hastings, Pevensey Bay, and Willingdon. The nearest train station to the site is located 2.8km from the site. Additional/improvements to the local bus-stops will be facilitated by the S106 agreement. The application provides cycling parking and cycle storage in addition the site is relatively level and provides for footpath access to customers on foot and or mobility scooters.</p> <p>The site is therefore considered to be located in an accessible location.</p> <p>An outline travel plan has been submitted. The measures outlined within the submitted outline travel plan appear reasonable. The completion and implementation of a full travel plan should be secured by condition, with a S106 agreement for audit fees for the Travel Plan.</p>
8.11	<p><u>Flood Risk and Drainage</u></p> <p>These issues have been addressed by documentary evidence and supported by the Environment Agency and Southern Water subject to conditions. The imposition of conditions mitigates the risks to an acceptable and appropriate level.</p>
8.12	<p><u>Heritage and Archaeology</u></p> <p>NPPF Paragraph 205. says that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to</p>

their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

This application is accompanied by a desk – based archaeological assessment and detailed geotechnical records which place the site in its archaeological, historic and geoarchaeological context.

The British Geological Survey has mapped the superficial geology at the site as Storm Beach Deposits – gravel. This gravel accumulation is known as ‘The Crumbles’ and may have developed in the medieval period.

The proposed development does not lie within an Archaeological Notification Area. However, an Archaeological Notification Area (a non – designated heritage asset) associated with an area of wetland / peat deposits on East Langney Levels is located just c.45m. to the north-west of the site. Analogous peat deposits found c.2.3km. to the west of the site are known to contain the remains of a nationally important Late Bronze Age timber platform and causeway, together with elements of at least two other prehistoric timber trackways, all preserved by waterlogging.

Seven geotechnical boreholes have been excavated across the area of proposed development. Six of these (BH2, BH3 and WS01, WS02, WS03, WS04) recorded the presence of c.1.30m. to 4.0m. - thick ‘made-ground’ above gravel / gravel-clay. However, borehole BH1 revealed a sequence of ‘made-ground’ (c.2.10m. thick) above gravel (c.2.40m. thick) above a 1m. – thick layer of ‘organic clay’ and peat. No absolute evidence for the date or formation process of this relatively thick peat deposit has as yet been recorded, although it does appear to lie beneath gravel deposits thought to have developed in the medieval period. Indeed, it is entirely possible that this horizon represents an extension of the peat deposits known to exist just c.45m. to the north-west of the site on East Langney Levels (see above). Until proven otherwise, the peat deposit recorded in borehole BH1 must be considered to have the potential to hold important geoarchaeological and palaeoenvironmental evidence and even preserved prehistoric structures analogous to those found on Shinewater Marsh. At c.4.50m. beneath the current land surface this peat deposit is likely to be impacted by the piling suggested as a construction method for the new development.

In light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a **programme of archaeological works**. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved *in situ* or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the **NPPF** (the Government’s planning policies for England):

This issue will be controlled via planning conditions.

8.13	<p><u>Design</u></p> <p>The building is three storeys in height under a pitched with the main building clad in a range buff bricks and cream render panels. The scale and design of the building and its setting within the plot behind a car park and areas of soft landscaping, is considered to be acceptable and not discordant with the wider setting or character of the properties in the wider Harbour area.</p> <p>The site is allocated for development within the local plan and as such development of this or similar scale would be likely to happen.</p> <p>There is no objection to the proposal in design terms.</p>
8.14	<p><u>High Pressure Gas Main</u></p> <p>There is a high-pressure gas main running adjacent to the A259.</p> <p>The statutory undertaker and the health and safety executive require safeguarded land, essentially a protected buffer strip in order to ensure that there is not development that may impact upon the gas main causing risk to life/property. In addition, this buffer strip allows for ease of access for repairs and maintenance of the gas main if required.</p> <p>The development falls outside of this buffer zone and therefore there are no issues with this element of the development.</p>
8.15	<p><u>Brownfield Land</u></p> <p>Paragraph 120 (c) of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.</p> <p>It is considered that the economic and social aspects of the application proposal support the redevelopment of this brown field land.</p>
8.16	<p><u>Planning Obligations:</u></p> <p>There will be a need for a S106/S278 agreement to cover travel plan, public transport enhancement, local labour requirements.</p>
8.17	<p><u>Human Rights Implications:</u></p> <p>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.</p>

8.18	<p><u>Conclusions:</u></p> <p>The local plan is more than 5 years old, and is therefore out of date in so far as it relates to housing delivery. The policies of relevance to this application are considered to be up to date and in accordance with the NPPF therefore they should be given full weight in decision making.</p> <p>The application proposal is contrary to the Local Plan allocation, and decisions must be made in accordance with the development unless material considerations indicate otherwise.</p> <p>For the reasons outlined in this report specifically the weight given to housing delivery and that consent has already been issued for a care-home at the site that when taken as a whole the benefits of the scheme outweigh them harm on non-compliance with an out-of-date local plan.</p> <p>The scheme is recommended for approval subject to a legal agreement and conditions.</p>

9.	Recommendations
9.1	<p>1. That the application be delegated to the Head of Planning to secure agreement to the scheme from the and the Councils Air Quality officer, landscaping, sustainable drainage, and ecological issues.</p> <p>On reaching satisfaction to this issue then 2 below:</p> <p>2. Grant permission subject to conditions and S106 / S278 agreement for Travel Plan audit fees and for other highway works. Late-stage review to establish affordable housing position. Local Labour Agreement.</p> <p>3. If no meaningful engagement with the legal agreement is pursued within six months, then the Head of Planning be authorised to refuse planning permission due to the lack of infrastructure.</p>

10.	Conditions:
10.1	<p>Time Limit</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Sections 91 & 92 of the Town & Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
10.2	<p>Approved Plans</p> <p>The development hereby permitted shall be carried out in accordance with the following approved drawings: -</p> <ul style="list-style-type: none"> - A-01 Site Location Plan - A-03 Proposed Site Layout Plan - A-04 Proposed Floor Plan - A-05 Proposed Elevations - Perspective Image 1 - Perspective Image 2 - Perspective Image 3 - Perspective Image 4 - 17800 -VL-LO1-D - Landscape Plan 1 - 17800-VL- L04 - Landscape Plan 2 - 17800-VL- LO5 - Landscape Plan 3 - 033A Refuse Store Detail - A3A Cycle Shelter Detail - Details of Electric Vehicle Charging Points - 090.3B Combined Elec Meter House & Garden Store - Details of Solar PV - JAM60S21 355-375 MR MC4 - Details of Solar PV- Easy Roof Data Sheet - Battery Housing PV-01 <p>Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates.</p>
10.3	<p>Bus stops</p> <p>Prior to the commencement of development details of off-site highway works detailing the relocation of the bus stop shall be submitted the Local Planning Authority for approval in consultation with the Highway Authority.</p> <p>Reason: To safeguard the operation of the public highway.</p>
10.4	Travel Plan

	<p>No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or advised by the Highways Authority.</p> <p>Reason: In order to encourage the use of sustainable transport modes and sustainable travel.</p>
10.5	<p>Parking layout</p> <p>No part of the development hereby approved shall be occupied until the access, parking and vehicular turning areas have been constructed and provided in accordance with the approved plans. The approved access, parking and vehicular turning areas will thereafter be retained for their intended purposes throughout the lifetime of the development.</p> <p>Reason: To ensure parking spaces, turning and circulation areas are provided prior to occupation and retained thereafter.</p>
10.6	<p>EV Charging</p> <p>No part of the approved development hereby approved shall be occupied until 6 No. approved Electric Vehicle Charging Places have been provided in accordance with the submitted details. These EVCP's shall thereafter be retained in their approved form for the lifetime of the development.</p> <p>Reason: To provide opportunities for environmentally friendly transport to and from the site.</p>
10.7	<p>Cycle Parking</p> <p>No part of the development hereby approved shall be occupied until secure, covered cycle parking has been provided in accordance with the submitted details. This cycle parking shall thereafter be retained in its approved form and for its intended purpose for the lifetime of the development.</p> <p>Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.</p>
10.8	<p>Surface Water Drainage (controls onto the Public Highway)</p> <p>Details of the proposed surface water drainage measures to prevent the discharge of surface water from the proposed development site onto the public highway and similarly to prevent the discharge of surface water from the highway onto the site shall be submitted for the approval of the Local</p>

	<p>Planning Authority and implemented if full prior to first occupation of the development and retained thereafter.</p> <p>Reason: In the interests of highway safety.</p>
10.9	<p>Visibility Splays</p> <p>The approved access off Pacific Drive shall not be used until visibility splays of 2.4 m by 43m are provided in both directions and maintained thereafter for the lifetime of the development.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.10	<p>Flood Risk Assessment Implementation</p> <p>The development shall be carried out in accordance with the submitted flood risk assessment (ref60137w0002b, October 2022) and the following mitigation measures it details:</p> <ul style="list-style-type: none"> • Finished floor levels shall be set no lower than 5.10 metres above Ordnance Datum (AOD) as per Section 5.1 of the Flood Risk Assessment • A formal flood warning and evacuation plan (to be approved by the Local Planning Authority (Emergency Planners) is to be implemented (Section 5.3 of FRA) • An area of safe refuge designated above the ground floor of the building for residents and staff as per Section 5.3 of the FRA • The owners/operators/residents/staff are to sign up to the Environment Agency’s free Flood Warning Service (Section 5.2 of FRA) <p>These mitigation measures shall be fully implemented prior to occupation and subsequently and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason: To reduce to risk of flooding to the proposed development and future occupants.</p>
10.11	<p>Development on land affected by contamination.</p> <p>Prior to commencement of the development hereby approved, a remediation scheme as outlined within Section 8.5 of the submitted Ground Investigation Report by Groundtech Consulting, Report GRO-21329-3091-1.1 shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation/mitigation carried out, shall be submitted</p>

	<p>to, and approved in writing by the Local Planning Authority.</p> <p>Reason: In order to safeguard human health and safety.</p>
10.12	<p>Surface Water</p> <p>No development works shall commence until a detailed surface water drainage scheme prepared in accordance with the approved Updated Drainage Strategy and Flood Risk Assessment together with a maintenance and management plan and details of the timescale for implementation the scheme, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved detailed surface water drainage scheme shall be implemented in full accordance with the approved details prior to occupation of the development.</p> <p>Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDs and the final design does not increase flood risk on or off site.</p>
10.13	<p>Unexpected Contamination Report</p> <p>If during the course of development, any unexpected contamination is found, not previously been identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all of the remediation works and measures shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In order to safeguard human health and safety.</p>
10.14	<p>Suds infiltration into the ground</p> <p>No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be conducted in accordance with the approved details.</p> <p>Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.</p> <p>The previous use of the proposed development site as tramway and infilled areas presents a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled</p>

	<p>waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A.</p>
<p>10.15</p>	<p>Piling and Boreholes</p> <p>No piling and investigation of boreholes using penetrative methods shall not be conducted other than with the written consent of the local planning authority. Where piling is proposed, this should include a foundation works risk assessment to be submitted for approval in writing by the local planning authority prior to piling taking place. The development shall be conducted in accordance with the approved details.</p> <p>Reason: To ensure that the proposed construction and monitoring, does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement A4 of the ‘The Environment Agency’s approach to groundwater protection’.</p> <p>Piling and investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilizing contamination, drilling through different aquifers, and creating preferential pathways.</p>
<p>10.16</p>	<p>Construction and Environmental Management Plan</p> <p>Prior to commencement of development a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to in full, throughout the entire construction period. The Plan shall provide details as appropriate, which shall address but not be restricted to the following matters:</p> <ul style="list-style-type: none"> - the anticipated number, frequency, and types of vehicles attending site during the construction; - the means of access and egress and routing of vehicles used during construction; - the Parking of vehicles for site operatives and visitors; - the Loading and unloading of plant, materials, and waste; - times of any deliveries related to the development, which shall avoid peak travel times; - photographic survey of the condition of the surrounding highway; - the storage of plant and materials to be used in the construction of the development; - the erection and maintenance of any site security hoarding or other means of temporary enclosure; - the provision and utilisation of wheel washing facilities or any other works to require mitigating the impact of the construction upon the public highway; - measures to manage the impact of dust, noise, and disturbance during the construction period;

	<ul style="list-style-type: none"> - operating hours in relation to the construction activities on-site; - anticipated timescales for completion of the works; and - details of public notification and engagement both prior to and during construction. <p>Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to saved policies UHT1, NE28, and HO20 of the Eastbourne Borough Plan, policies B2, D1 and D9 of the Eastbourne Core Strategy and para. 174 of the NPPF.</p>
10.17	<p>Archaeological Reporting/Investigation</p> <p>[ARCH 1] No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>[ARCH 3] No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the <i>Local Planning Authority</i>. <i>The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition [ARCH 1].</i></p> <p>Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.</p>
10.18	<p>External lighting</p> <p>Prior to its implementation, a lighting scheme (LS) shall be submitted to and approved in writing by the Local Planning Authority. The LS shall include full specification of all external lighting and shall include level of illumination, duration, direction, and any variation in brightness. Thereafter the lighting scheme shall be implemented in full accordance with the approved details, prior to first occupation of the development and maintained as such for the lifetime of the development.</p> <p>Reason: In the interests of the amenity of the area and neighbouring occupants.</p>
10.19	<p>Hard and Soft Landscaping</p> <p>The development hereby approved shall be landscaped in full accordance with the submitted Landscaping Plans during the first planting season following completion or first occupation of the development, whichever is sooner. Any new tree(s) that die(s) or are/is removed, becomes severely damaged or diseased, shall be replaced and any new planting other than</p>

	<p>trees which dies, 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 otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To safeguard and enhance the character, amenity, and biodiversity of the site.</p>
10.20	<p>External materials</p> <p>No external materials or finishes shall be applied until a schedule of materials has been submitted and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and maintained as such, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of the character and amenity of the area.</p>
10.21	<p>Refuse Storage</p> <p>No part of the development hereby approved shall be occupied until the refuse storage facility has been provided in accordance with the submitted details. The refuse store shall thereafter be retained in its approved form and for its intended purpose for the lifetime of the development.</p> <p>Reason: To ensure satisfactory refuse and recycling provision to the property and to protect amenity.</p>
10.22	<p>Extraction Equipment</p> <p>Full details of the proposed kitchen extract system intended within the development hereby approved, including means of ventilation and extraction, odour control and noise levels, shall be submitted to and approved in writing by the Local Planning Authority. The extract system shall be installed in accordance with the approved details, prior to first occupation of the development and thereafter retained.</p> <p>Reason: In the interests of protecting residential and general amenity.</p>
10.23	<p>Noise</p> <p>The development of the care home hereby approved shall be carried out in full accordance with the Noise Assessment Report by Sharps Redmore, Project No 2221238, dated October 2022, to include noise mitigation measures as indicated in terms of glazing specification and specialist acoustic trickle ventilation that shall thereafter be retained for the lifetime of the development.</p> <p>Reason: In the interests of protecting residential amenity.</p>

10.24	<p>Solar Panels</p> <p>The Solar Panel Scheme hereby approved shall be installed in full accordance with the submitted details, prior to first occupation of the development hereby permitted and shall thereafter be retained for the lifetime of the development.</p> <p>Reason: To ensure that the energy strategy for the development will be implemented as approved.</p>
10.25	<p>Ground Source Heat Pump</p> <p>Details of the proposed ground source heat pump system (GSHPS) shall be submitted to and approved in writing by the Local Planning Authority. The approved GSHPS shall be installed prior to first occupation of the development hereby permitted and shall thereafter be retained for the lifetime of the development.</p> <p>Reason: To ensure the energy strategy for the development will be implemented as approved and in the interests of amenity.</p>
10.26	<p>Sustainability Appraisal</p> <p>The development hereby permitted shall be carried out in accordance with the measures as set out in the submitted Sustainability Appraisal by LNT Care Developments Ltd.</p> <p>Reason: To ensure the sustainability of the approved development.</p>
10.27	<p>Landscape Maintenance Plan</p> <p>Prior to first occupation of the development hereby approved, a landscape management and maintenance plan shall be submitted to and approved by the Local Planning Authority. Thereafter the Plan shall be implemented in accordance with the details approved for the lifetime of the development.</p> <p>Reason: To safeguard and enhance the character, amenity, and biodiversity of the site.</p>
10.28	<p>Translocation Details</p> <p>Translocation of protected species from site shall be carried out to the identified receptor site in accordance with the submitted Reptile Mitigation Strategy by Ecology Solutions, Report Ref: 10572.RepMit.vf1 dated July 2023. Or any other details as approved by the Local Planning Authority.</p> <p>Reasons: To ensure the protection species populations that would be affected by the development.</p>

10.29	<p>Landscape and Ecological Management Plan</p> <p>Landscape and Ecological Management Plan For Reptile Receptor Site</p> <p>A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior [...to the commencement or occupation...] of the development [or specified phase of development]. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> a) habitat descriptions and evaluation of features/habitat types to be managed; b) ecological trends and constraints on site that might influence management; c) aims and objectives of management; d) appropriate management options for achieving aims and objectives; e) prescriptions for management actions, together with a plan of management compartments; f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period; g) details of the body or organisation responsible for implementation of the plan; h) legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. i) ongoing monitoring and remedial measures. Note: The plan will set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. <p>Reason:</p> <p>In order to comply with the terms of this application and in order to ensure that species and habitats are protected/mitigated.</p>
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11.	Informatives
11.1	<p>The applicant is hereby reminded of the Control of Asbestos Regulations 2012 when carrying out demolition and other works associated with the development hereby permitted. For more information, please visit http://www.hse.gov.uk/Asbestos/regulations.htm</p>
11.2	<p>All waste material arising from any site clearance, demolition, preparation, and construction activities at the site should be stored, removed from the site, and disposed of in an appropriate manner following current guidance and practices.</p>

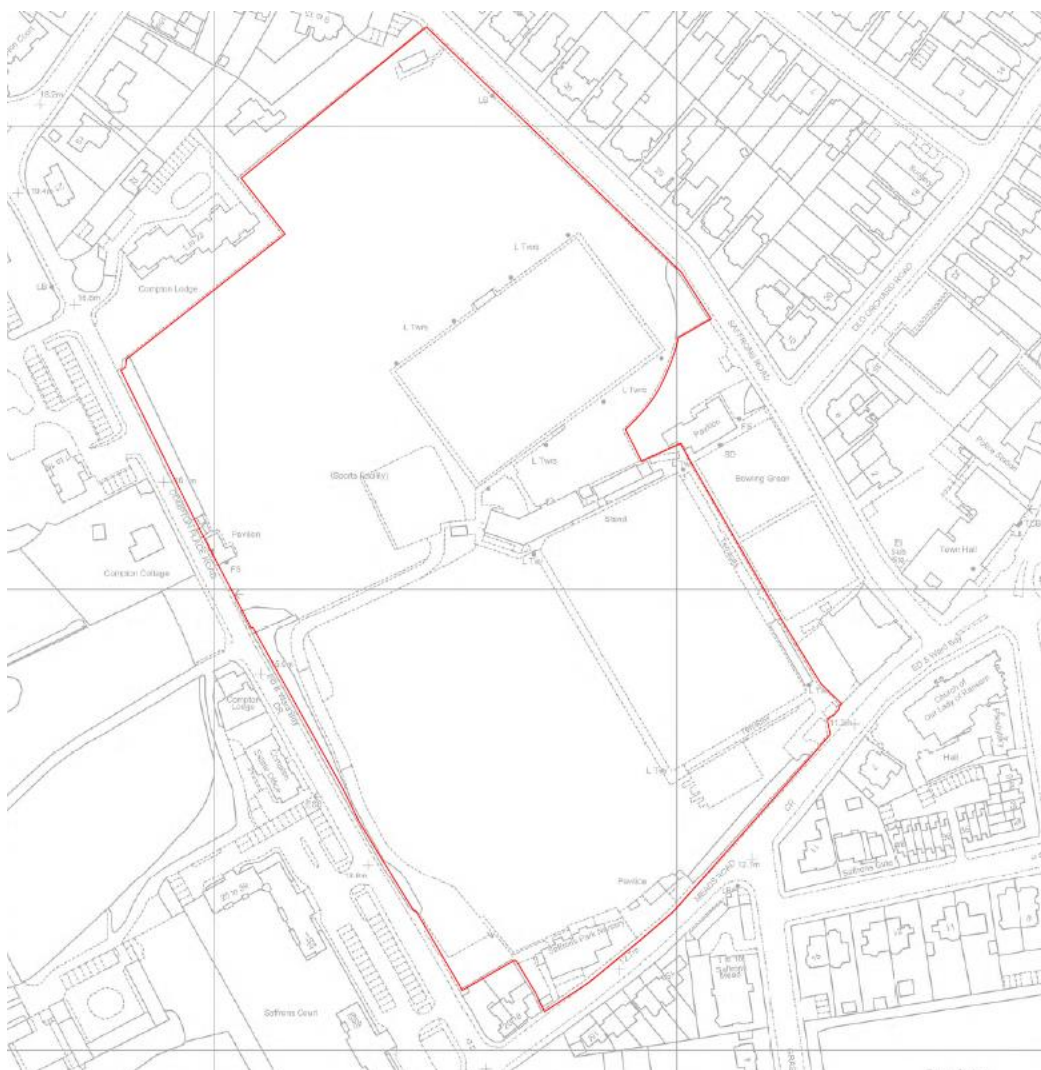
12.	Background Papers
12.1	None.

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Report to: Planning Applications Committee
Date: 21 August 2023
Application No: 230105
Location: Saffrons Sports Club, Compton Place Road, Eastbourne
Proposal: Erection of 3no. covered Padel courts, 1no. open Padel court and extension to existing pavilion with additional car parking
Applicant: Mr Roger Myall
Ward: Upperton
Recommendation: Grant planning permission subject to conditions

Contact Officer: **Name:** Chloe Timm
E-mail: chloe.timm@lewes-eastbourne.gov.uk

Site Location Plan



1.	Executive Summary
1.1	The application is being presented to the Planning Committee due to the level of representations received following public notification of the application.
1.2	The application seeks planning permission for the erection of 3no covered padel courts, 1no outdoor padel court, extension to the existing club house, new café and amended car park layout.
1.3	Eastbourne Saffrons Sports Club currently provides facilities for sporting activities of football, hockey, cricket, and croquet.
1.4	The development is sympathetic to the surrounding built and natural environment as well as the amenities of neighbouring residents and would provide a new sporting activity, providing choice for the local community.
1.5	The proposal is found to acceptable in planning policy terms and would not have a detrimental impact on the amenities of residential occupiers that surround the site or harm the visual amenity of the area.

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>6. Building a strong, competitive economy</p> <p>8. Promoting healthy and safe communities</p> <p>9. Promoting sustainable transport</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>15. Conserving and enhancing the natural environment</p> <p>16. Conserving and enhancing the historic environment.</p>
2.2	<p><u>Eastbourne Core Strategy 2006-2027:</u></p> <p>B1: Spatial Development Strategy and Distribution</p> <p>B2: Creating Sustainable Neighbourhoods</p> <p>C2: Upperton Neighbourhood Policy</p> <p>D1: Sustainable Development</p> <p>D2: Economy</p> <p>D3: Tourism and Culture</p>

	<p>D5: Housing</p> <p>D7: Community Sport and Heath</p> <p>D8: Sustainable Travel</p> <p>D9: Natural Environment</p> <p>D10: Historic Environment</p> <p>D10a: Design.</p>
2.3	<p><u>Saved polices of the Eastbourne Borough Plan 2001-2011:</u></p> <p>HO2: Predominantly Residential Areas</p> <p>HO20: Residential Amenity</p> <p>NE4: Sustainable Drainage Systems</p> <p>NE14: Source Protection Zone</p> <p>NE18: Noise</p> <p>NE28: Environmental Amenity</p> <p>UHT1: Design of New Development</p> <p>UHT2: Height of Buildings</p> <p>UHT4: Visual Amenity</p> <p>UHT7: Landscaping</p> <p>TR2: Travel Demands</p> <p>TR6: Facilities for Cyclists</p> <p>TR11: Car Parking</p> <p>LCF2: Resisting the Loss of Playing Fields.</p>
2.4	<p><u>Eastbourne Employment Land Local Plan (ELLP- adopted 2016)</u></p> <p>Policy EL1 – Economy and Employment Land.</p>
2.5	<p><u>Supplementary Planning Documents and other relevant guidance</u></p> <p>Sustainable Building Design SPD</p> <p>Trees and Development SPG</p> <p>Sustainability in Development</p> <p>Local Employment and Training</p> <p>Local Employment and Training SPD</p> <p>EBC Sustainability in Development TAN</p> <p>EBC Biodiversity Net Gain TAN</p> <p>EBC Electric Vehicle Charging Points TAN</p>

3.	Site Description
3.1	Saffrons Sports Club occupies a large site on the edge of the town centre, bounded by Meads Road, Saffrons Road, and Compton Place Road.
3.2	Sporting facilities within the site include football, cricket, and hockey, as well as being home to Compton Croquet Club. Some of this sporting activity is under floodlights. There is an existing club house and car park centrally located within the site. Along the southern boundary is Saffrons Park Nursery, which provide a day nursery and pre-school services.
3.3	The main access to the site is via Compton Place Road, access points also exist along Saffrons Road, although these are not regularly used.
3.4	Adjoining to the south-east of the Saffrons Sports site is the Grade II listed building known as Caffyns Garage and opposite on Meads Road is Grade II Listed Our Lady of Ransom Church, on the junction of Saffrons Road and Grove Road is the Grade II listed Eastbourne Town Hall and
3.5	The application site does not fall within a conservation area, however, does adjoin the Saffrons Conservation Area.
3.6	<u>Site Constraints</u> Predominantly Residential Area Source Protection Zone Archaeological Notification Area.

4.	Proposed Development
4.1	The application is seeking permission for the erection of 3no indoor padel courts, 1no outdoor padel court, extension to the existing clubhouse, provision of a new café, alterations to the outdoor area to provide an outdoor terrace and new layout for the car parking area to provide additional parking facilities.
4.2	Vehicular access to the padel courts will remain as the current situation with access via Compton Place Road, pedestrian access will also be available via Saffrons Road, adjacent to the hockey pitch.
4.3	The padel courts will be located centrally within the Saffrons Sports Club site. The 3no. indoor courts will consist of a 25m by 42m structure with a maximum height of 10.5m.
4.4	South of the indoor padel courts will be 1no outdoor tournament court with enclosed a mix of mesh and glass panels approx. 3.9m high.
4.5	Extension to the existing club house will be single storey with a flat roof, approximately 7m by 7.2m with a height of 3m. The extension will provide an extension to the existing bar area and clubroom.

4.6	A new outdoor terrace area will be created known as 'Saffrons Yard' which will include a capsule café open to the public, not just those visiting the site to use the sports facilities.
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5.	Relevant Planning History:
5.1	950014: Erection of an extension to existing changing rooms. Planning Permission, Approved Conditionally 25/07/1995.
5.2	020089: Proposed building to provide changing facilities, together with proposed terracing adjacent to Meads Road frontage. Planning Permission, Approved Conditionally 22/04/2002.
5.3	050415: Demolition of existing clubhouse and changing rooms, and the erection of a new clubhouse adjacent to football stand/changing rooms and formation of new car parking and turning area. Planning Permission, Approved Conditionally 12/09/2005.
5.4	080249: Erection of scoreboard building. Planning Permission, Approved Conditionally 03/06/2008.
5.5	090323: Retrospective application for retention of lamp post with two lights adjacent to central car park, together with proposal to install low-level bollard lighting to existing access road. Planning Permission, Approved Conditionally 14/08/2009.
5.6	090693: Discharge of conditions 2 and 3 attached to planning permission EB/2009/0424 (Retrospective application for retention of lamp post with two lights adjacent to central car park, together with proposal to install low-level bollard lighting to existing access road). Approval of Condition, Discharged 16/06/2010.
5.7	130144: Single storey structure (Scoreboard). Planning Permission, Approved Conditionally 03/05/2013.
5.8	130334: Discharge of conditions 2 (materials), 3 (underground services and 4 (tree protection) of permission EB/2013/0146(FP) for the provision of a single storey structure (scoreboard). Approval of Condition, Discharged 30/07/2013.
5.9	141068: Installation of a water saving tank at rear of Eastbourne Town F.C club room. Planning Permission, Approved Conditionally 14/04/2015.
5.10	141218: Provision of a new access road using the existing road as a base. Planning Permission, Approved Conditionally 23/12/2014.
5.11	141374: Provision of new dug out and store to the side of the hockey pitch. Planning Permission, Approved Conditionally 19/12/2014.

5.12	150725: Discharge of condition 3 (route for vehicles and storage area) of permission 141374 for the provision of new dug out and store to the side of the hockey pitch. Approval of Condition, Discharged 06/08/2015.
5.13	161114: Replace wooden windows and doors to the Croquet Club Pavilion with uPVC windows and doors; replace upvc cladding to the seating/viewing area; installation of two windows to the rear of the building; and replacement of remaining cladding to building with timber cladding. Planning Permission, Approved Conditionally 21/12/2016.
5.14	171350: Demolition of existing dugout and erection new spectator stand. Planning Permission, Approved Conditionally 24/01/2018.
5.15	171381: Application for approval of details reserved by condition 4 (details of proposed cladding) of planning permission granted 21 December 2016 for the replacement of wooden windows and doors to the Croquet Club Pavilion with uPVC windows and doors and replacement of cladding (Ref: 161114) - Proposed use of wood grain effect upvc horizontal cladding to replace existing wooden cladding. Approval of Condition, Discharged 16/01/2018.

6.	Consultations:
6.1	<p><u>ESCC Archaeology:</u></p> <p>The proposed development is of archaeological interest due to its location partially within an Archaeological Notification Area associated with 18th century country house and stables at Compton Place. This replaced an earlier, 17th century house but also lies within the extent of the medieval Bourne Place, and it is possible that (non-urban) activity associated either with medieval or later occupation here may extend into the proposal site. Further afield, there are scatters finds of prehistoric, Roman, and medieval material within c. 500m of the site that suggest at least transient activity from these periods in the wider area.</p> <p>In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England).</p>
6.2	<p><u>Eastbourne Society:</u></p> <p>Whilst the Eastbourne Society fully welcomes the introduction of Padel tennis to the Saffrons Sports Ground it does have serious concerns</p>

	<p>regarding the proposed location and impact upon neighbouring residential properties, including Compton Lodge, Linkswood, Saffrons Court, and Compton Croquet Club. The proposal is for three Padel courts housed within a single large structure situated on the edge of the Compton Croquet Club's lawns, plus one tournament court and associated parking. The society wishes for the following aspects to be reconsidered:</p> <p>Noise – The siting of the Padel courts alongside the croquet lawns would mean that the sound of the loud noise created by the Padel players would not only be audible to nearby residential properties but also seriously distract and impact upon the croquet players concentration. Therefore, suitable sound insulation must be considered on all sides of the structure and parking areas bearing in mind the increased number of vehicles, especially the side facing the croquet lawns.</p> <p>Appearance – White is the proposed colour for the large roof making it highly visible in the public realm. Consideration should be given to choosing a colour more sympathetic to the fine surrounding landscape of the sports grounds. A suitably high fence would be necessary to act as a visual barrier to all sides, particularly between the croquet lawns and the parking area, and to visually screen moving and parked vehicles. In the long term a hedge would be preferable but would take many years to mature.</p> <p>Drainage – Rainwater runoff from the roof structure will be considerable and sufficient drainage will be required to minimise any impact to the foundations of the croquet lawns.</p> <p>Access – Situated directly alongside the croquet lawns 3 and 4 the proposed siting Padel court structure, and parking arrangements, would remove the current access route to the croquet club's mowing equipment, am removal of grass cuttings from the club's site to the Saffrons Road entrance. At least eight feet width is required.</p>
6.3	<p><u>Sport England:</u></p> <p>Having consulted with the Football Foundation and England Hockey, Sport England is now able to withdraw its previous holding objection since there is sufficient information to demonstrate that the existing football and hockey pitches and ancillary facilities would not be adversely affected by the proposal. That being the case, the proposal is considered to meet exception 5 of Sport England's Playing Field Policy that is,</p> <p>'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.</p>
6.4	<p><u>East Sussex Highways:</u></p> <p>Response dated 18 April 2023</p>

Comments

Development Proposal

The site is located on Compton Place Road and currently consists of a sports facility. The application seeks planning permission for the erection of 3no. covered Padel courts, 1no. open Padel court and an extension to the existing pavilion, with additional car parking.

Trip Generation

The submitted trip generation calculates that there will be approximately 10-14 additional movements during the development peak hours generated by the proposed development. It is noted and accepted that these trips are unlikely to occur during the network peak hours, and the impact these trips would have on the local highway network is likely to be mitigated. The County Council is therefore satisfied the proposal is not considered to result in a significant impact on the local highway network.

Access

The site has existing access from Compton Place Road, and this is to remain the same as part of the proposed development. This is acceptable.

Car Parking

The proposed development will consist of 1,410sqm of D2 use. The proposed development is to have 58 car parking spaces, which is an increase of 24 spaces compared to the existing site.

In accordance with the County Council's parking guidance, 1 space per 2 players at the busiest period plus 1 space per 5 spectator positions are required to serve the development. The expected increase in players and visitors as a result of the proposed court is unclear. However, the increase in parking spaces appears appropriate to the scale of development.

However, the applicant does not appear to provide provision for disabled parking. Disabled parking space requirements are 3 spaces or 6% of the total parking provision, whichever is greater. A minimum of 4 accessible parking spaces should be provided based on the proposed level of parking. Accessible routes should also be provided for disabled users from the car parking spaces to the provided facilities. Amended plans should be provided showing these spaces.

ESCC parking guidance requires the minimum dimensions of parking bays to be 5m x 2.5m, with an additional 0.5m in either/both dimensions if the space is adjacent to a wall or fence.

Cycle Parking

In terms of cycle parking provision, one short term space per 10 players at the busiest period needs to be provided. The submitted Transport Statement indicates 16 cycle parking spaces are to be provided. The number of expected players will need to be provided to determine if this provision is acceptable. The County Council requires cycle parking to be provided in a secure, safe, and covered location.

	<p>Refuse</p> <p>No details of refuse collection have been submitted. It is requested this information is provided.</p> <p>Accessibility</p> <p>The site is located approximately 1km west of the Eastbourne town centre. The nearest bus stop to the site is located within 50m from the site which provides services to Meads and Roselands. The nearest train station to the site is located 650m northeast of the site. Therefore, it is considered the site is located in an accessible location.</p> <p>Travel Plan Statement</p> <p>A Travel Plan Statement is required in association with this development to ensure that private car trips to and from the site are minimised. The travel plan statement should include targets for reduced car use and a monitoring programme to ensure these targets are met.</p> <p>Construction Traffic Management Plan</p> <p>This highway authority is keen to ensure that this development does not have an adverse effect on the existing highway infrastructure and therefore request that a Construction Traffic Management Plan is submitted to and agreed with ESCC prior to the commencement of works to be secured by a relevant planning condition. This would include a construction traffic routing agreement, hours of working, wheel washing, and secured compounds for materials storage, machinery, and contractor parking.</p> <p>Response dated 04 July 2023 following amendment to include 4no disabled:</p> <p>Yes, the disabled parking is acceptable.</p>
6.5	<p><u>Environmental Protection Officer (Noise) – Chased 18/07/2023.</u></p> <p>I can confirm that we have no adverse comments relating to noise from the proposed padel courts.</p> <p>The data provided by the acousticians presents a worst-case scenario i.e., pairs matches being played across all 4 courts, and finds that the predicted noise levels associated with the proposed padel courts are lower than the ambient levels at the nearest residential properties measured in May. We would not expect to receive any complaints relating to these levels.</p>
6.6	<p><u>Arboriculture Officer:</u></p> <p>The application is supported by a robust Arboricultural Assessment and Outline Method Statement. I raise no objection to the application; however, a Detailed Method Statement is required as per the submitted Arboricultural Report dated 3 March 2023 by Nicholas JONES Arboricultural Consultants Limited reference NJC2035 page 16 under 3.2.10 and 3.2.11.</p>

6.7	<p><u>Conservation Officer:</u></p> <p>In terms of policy Saffrons does not fall within a designated conservation area. However, it is within the setting of several Grade II Listed Buildings and is in the immediate vicinity of both the College Conservation Area and The Town Centre Conservation Area. Considering its formation in 1886 is during the same period as a number of Listed Buildings construction it is reasonable to conclude that Saffrons possesses historic and architectural value to such a degree as to warrant protection as a non-designated heritage asset with a recommendation to consider its inclusion into the College or Town Centre conservation areas when the areas are reviewed.</p> <p>As per paragraph 203 of the NPPF the council should consider: <i>The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</i></p> <p>Officer Response: -</p> <p>This consultee response recognises that a new building of scale would have an impact upon nearby heritage assets, but it leaves it for the decision maker to balance this harm against the wider sporting and health and well-being benefits of the scheme.</p>
7.	<u>Other Representations:</u>
7.1	<p><u>Notification:</u></p> <p>Notification of this application has been undertaken in the form of:</p> <ol style="list-style-type: none"> a. neighbour notification letters b. site notices displayed in roads neighbouring the site and c. a press advert in a locally distributed newspaper. d. consultation with the Meads Community Association.
7.2	<p><u>Neighbour Representations:</u></p> <p>20 letters of objection have been received, which raise the following concerns based upon material planning grounds:</p> <ul style="list-style-type: none"> • Noise nuisance

	<ul style="list-style-type: none"> • Light nuisance • Proposed height and materials • Increased Traffic • Would be more suited to a site not surrounding by residential properties. • Impact to other sport facilities on site • Security of the site • Impact views of the open green space.
7.3	<p><u>Other Representations:</u></p> <p>19 letters of support have been received.</p> <p>6 letters of general observation have been received which raised the following points:</p> <ul style="list-style-type: none"> • The potential for noise and light pollution, • Hours of operation are much different to what is currently on site. • Landscaping details are not extensive. • Squash courts have historically been on site. • Introduction of the sport to the town will be good for the community.

8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>Key considerations for this application are whether the proposal complies with national and local policy, and the level of impact the proposal may have on the residents in the surrounding area.</p>
8.2	<p><u>Principle:</u></p> <p>There is no principle conflict with adopted policy, which would prevent approval of the application, subject to consideration of the design and visual impact upon the character of the area and the impact upon the amenity of neighbouring occupants, pursuant to the requirements of the National Planning Policy Framework (2021), policies of the Core Strategy 2006-2027 and saved policies of the Eastbourne Borough Plan 2001-2011.</p>

8.3	<p><u>Land Use:</u></p> <p>The development will provide a new sporting facility within the Eastbourne Saffrons Sports Club and will be the first Padel Club in Eastbourne.</p> <p>Consultation has taken place with Sport England who have raised no objection to the proposal.</p> <p>The introduction of padel courts is found to be in keeping with the current recreational sports use on site and the benefit provided by the new facilities outweighs impact upon the setting of existing heritage assets.</p> <p>The proposed hours of operation for the padel club are between 08:00 and 22:00 Monday to Friday and 08:00 and 20:00 Saturday and Sunday. Peak times of play are expected to be between 16:00 and 21:00 weekdays and 10:00 and 16:00 weekends. There are no issues raised by environmental health regarding these hours and they reflect the operational times of other sporting facilities at the wider Saffrons site.</p> <p>The facility will be available on a ‘pay and play’ basis and well as offering memberships.</p> <p>As well as the provision of a padel club, the development also proposes to extend the existing club house, provide a container café, and create a new outdoor terrace area.</p>
8.4	<p><u>Design, Character and Impact Upon Landscape:</u></p> <p>The proposed outdoor padel court will be approximately 10.5m high and 25m by 42m, the structure will be an aluminium framework a polyester textile membrane with a white glossy exterior will cover the roof and upper levels of the sides and rear, the front and lower sides will be open.</p> <p>The existing screening surrounding Saffrons Sports Club will aid in concealing the padel court structure from immediate views surrounding the site. Nonetheless, to have a sporting facility visible within a sports ground is not considered necessarily to be out of keeping.</p> <p>Alterations to the clubhouse are modest and will be a single storey flat roof extension, in materials to match the existing building.</p> <p>The redevelopment of the outdoor area to create ‘Saffrons Yard’ will include the creation of a new terrace area and the placement of a container café.</p> <p>The Padel centre itself will be a new building within the sporting campus, it is accepted that as a new building it will open to short- and longer-range views. The form, external detailing and function of the new building are considered to be appropriate.</p>

	<p>The additional supporting infrastructure is considered to be acceptable and would by way if additional revenue help to support the retention of the existing sporting activities at across the site.</p> <p>External lighting is proposed to be controlled by planning condition.</p> <p>The current location proposed is set centrally within the site away from residential occupiers to ensure any noise pollution is minimised.</p> <p>Any noise impacts that do emanate from the padel tennis or associated activity that give rise to a Statutory Noise nuisance could be investigated by colleagues within the Environmental Health department.</p>
8.5	<p><u>Impact Upon Heritage Assets:</u></p> <p>There are no heritage assets located within the application site itself, there are however 3no Grade II listed buildings located nearby, one (Caffyns Garage), one on Meads Road (Our Lady Ransom Church) and one opposite on the junction of Saffrons Road and Grove Road (Eastbourne Town Hall).</p> <p>The application site is located on the boundary, but not within, the Saffrons Conservation Area, the site is also close but not within the Town Centre and Seafront Conservation Area.</p> <p>The association and proximity of these heritage assets is a material consideration that is placed along with others in the Planning balance.</p> <p>On balance the benefit of the padel courts, not only for the Saffrons Sports Club but for the Borough as a whole, outweighs the wider visual impact of views from the conservation area. With regards to the grade II listed buildings the padel court building will mainly be obstructed from views due existing screening that exists from mature trees from within the application site.</p>
8.6	<p><u>Transport and Parking:</u></p> <p>The development includes the provision of 4 disabled parking spaces, 51 standard parking spaces, this is an increase of 21 spaces than the current situation, provision of 16 cycle parking spaces will also be provided on site.</p> <p>The site will be accessed via the existing vehicular entrance on Compton Place Road and pedestrian access will also be available on Saffrons Road.</p> <p>The transport statement provided with the application has been reviewed by East Sussex Highways who have raised no objection to the proposal following amendment to the scheme to include 4no disable parking spaces.</p>

	<p>The application site is sustainably located within a short distance from Eastbourne train station and local bus routes, being near the town centre also means the site is easily accessible on foot.</p> <p>Details of refuse collection have not been included but it is assumed this will remain as per the current situation for the site.</p> <p>Details of a travel plan, construction management plan, along with details of secure and covered cycle parking details will be secured by condition.</p>
8.7	<p><u>Residential Amenity:</u></p> <p>Most occupiers that surround the Saffrons Sports Club site are residential, with a mix of single dwelling houses and purpose-built blocks of flats. It is accepted that the development will be visible to a high number of occupants that surround the site.</p> <p>The development is centrally located within the site and therefore set away from any boundaries, the nearest residential property is set approximately 70m away. The development does not give rise to any issues of privacy to surrounding occupants.</p> <p>A noise impact assessment has been provided and reviewed by the Councils Environmental Protection officer who have not raised any objections.</p> <p>As well as noise from the padel courts, concerns over noise from the terrace and café have been raised as this will bring an additional foot fall to the site. The current clubhouse does have an outdoor terrace area and holds a current licence to be open to the public.</p> <p>A lighting scheme has not been provided as part of this application but will be secured by condition to ensure that any light pollution does not have a harmful impact on those surrounding the site.</p>
8.8	<p><u>Ecology and Biodiversity:</u></p> <p>Trees within the site and a row of hedging between the car park area and the existing croquet lawns to the west will be retained. There will be a loss of grassed area to make way for the development.</p> <p>The level of loss is considered to be acceptable, and the proposal includes soft landscaping around the perimeter of the development to help mitigate the impacts, this is considered to be acceptable.</p>
8.9	<p><u>Human Rights Implications:</u></p> <p>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</p>

	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.
8.10	<p><u>Conclusions:</u></p> <p>For reasons outlined in the report, the development proposed is found to be in accordance with national and local planning policies and will not harm the amenities of residential occupiers surrounding the site or have a detrimental impact on the visual amenity of the area.</p>

9.	Recommendations
9.1	Grant planning permission subject to conditions.

10.	Conditions:
10.1	<p>Timeframe</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of permission.</p> <p>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).</p>
10.2	<p>Approved Plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved drawings and documents submitted:</p> <ul style="list-style-type: none"> - Drawing: 19/2082/prelim/OS/010 Rev A – Site Location Plan Existing - Drawing: 19/2082/prelim/OS/011 Rev A – Site Location Plan Proposed - Drawing: 19/2082/DD/2102 – Revised Block Plan - Drawing: 19/2082/DD/2101 Rev D – General Arrangement Plan - Drawing: 19/2082/planning/1501 Rev A – Overall Elevations Sheet 1 - Drawing: 19/2082/planning/1502 Rev A – Overall Elevations Sheet 2 - Drawing: 19/2082/planning/1511 – Section and Elevations Sheet 3 - Drawing: 19/2082/planning/1512 – Section and Elevations Sheet 4 - Drawing: 19/2082/planning/1521 – Overall Elevations Sheet 5 - Drawing: 19/2082/planning/1522 Rev A – Overall Elevations Sheet 6 - Drawing: 19/2082/planning/1202 – Proposed Ground Floor Plan - Drawing: 19/2082/planning/1203 – Proposed Roof Plan - Drawing: 19/2082/DD/2101 Rev A – Overall Context and Masterplan <p>Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates.</p>

10.3	<p>Archaeology</p> <p>No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.</p>
10.4	<p>Archaeology</p> <p>The 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 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.</p> <p>Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.</p>
10.5	<p>Parking layout</p> <p>The development shall not be occupied until a parking area has been provided in accordance with the approved plans and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.6	<p>Size of parking spaces</p> <p>The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).</p> <p>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.</p>
10.7	<p>Cycle Parking</p> <p>Details of secure and covered cycle parking facilities for 16 cycles 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</p>

	<p>development, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.</p>
10.8	<p>Travel Plan</p> <p>No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan 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.</p> <p>Reason: To encourage and promote sustainable transport.</p>
10.9	<p>Construction Management Plan</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>Reason: In the interests of highway safety and the amenities of the area.</p>
10.10	<p>Arboricultural Method Statement</p> <p>Prior to the commencement of any work on site you must apply to us for our approval of a detailed Arboricultural Method Statement that shall expand on the heads of terms listed in paragraph 3.1.10 ad 3.2.11 (page</p>

	<p>16) of the arboricultural statement (dated 03 March 2023). This shall include details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:</p> <ul style="list-style-type: none"> i) identification of individual responsibilities and key personnel. ii) induction and personnel awareness of arboricultural matters. iii) supervision schedule, indicating frequency and methods of site visiting and record keeping. iv) procedures for dealing with variations and incidents. <p>You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery, or materials for the development onto the site, until we have approved what you have sent us.</p> <p>You must then adhere to the approved supervision schedule. You must produce written site supervision reports and accompanying photographic evidence after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.</p> <p>Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.</p>
10.11	<p>Damaged Trees</p> <p>No retained tree shall be cut down, uprooted, destroyed, pruned, cut, or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.</p> <p>Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental, and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.</p>
10.12	<p>Landscaping</p> <p>The development, hereby approved, shall not be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all the existing trees and planting to be retained and set out</p>

	<p>measures for their protection throughout the course of development. The site shall be landscaped strictly in accordance with the approved details in the first planting season following either completion or first occupation of the development, whichever is the sooner.</p> <p>Any new tree(s) that dis(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 approve details unless agreed otherwise with the Local Planning Authority.</p> <p>Reason: To safeguard and enhance the character and amenity of the area.</p>
10.13	<p>Lighting</p> <p>No external lighting shall be installed on the site unless details of the lighting, including the intensity of illumination and predicted lighting contours, have first been submitted in writing to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of the visual amenities of the area.</p>

11.	Appendices
11.1	None.

12.	Background Papers
12.1	None.

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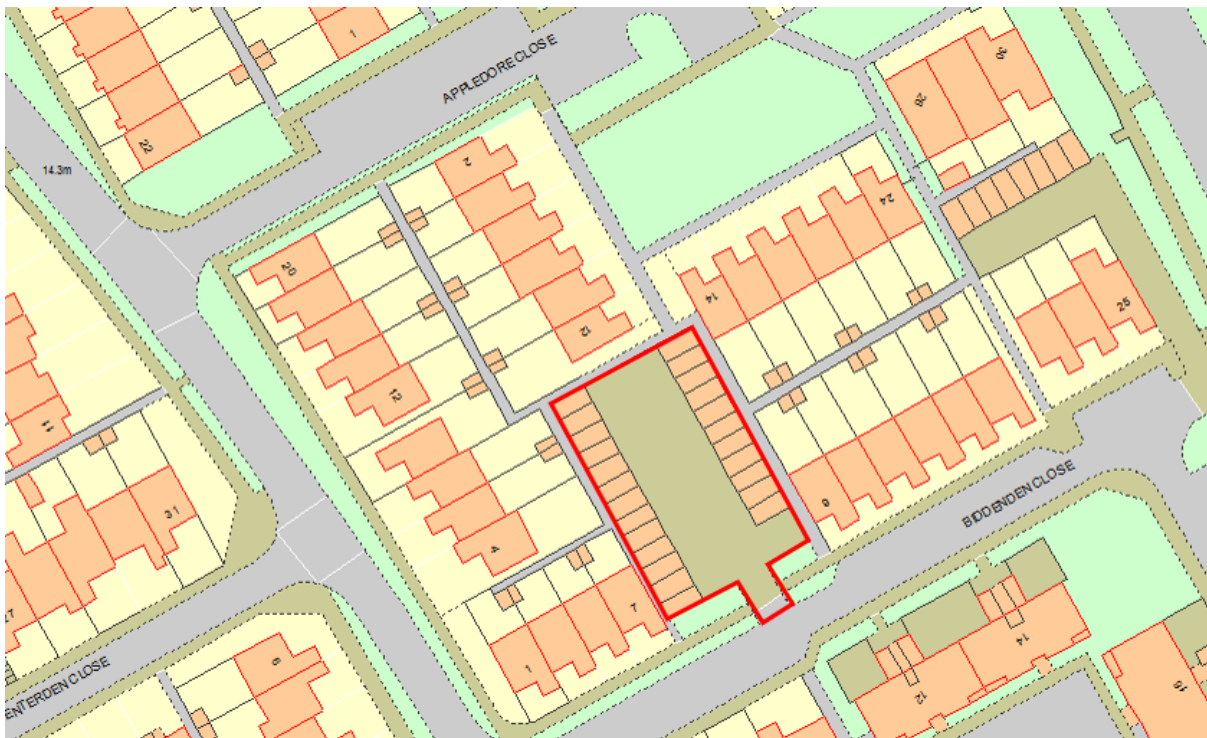
Agenda Item 12

Report to: Planning Committee
Date: 21 August 2023
Application No: 220453
Location: Land off Biddenden Close, Eastbourne
Proposal: Demolition of existing garage blocks and erection of 3no terraced three-bedroom dwellings and 2no semi-detached two-bedroom dwellings together with parking and new site access

Applicant: Ms Sandy Medway
Ward: Langney

Recommendation: Approve subject to conditions
Contact Officer: **Name:** James Smith
Post title: Specialist advisor (planning)
E-mail: james.smith@lewes-eastbourne.gov.uk
Telephone number: 01323 415026

Map Location:



1. **Executive Summary**

- 1.1 The proposed development represents an efficient re-use of previously developed land that would provide affordable housing that would help address the current shortfall in the Borough.
- 1.2 Each dwelling would provide internal living and external amenity space of a good standard. The design and layout of the development is sympathetic to the existing character of the surrounding area as well as to environmental and residential amenity.
- 1.3 The parking demand generated by the development would be largely met by allocated on-site parking, with capacity present in on-street parking to address any overspill.
- 1.4 The development is in a sustainable location, will be constructed using sustainable techniques and in energy efficient materials and will incorporate infrastructure that would reduce carbon emissions and energy use.
- 1.5 It is therefore recommended that the application is approved, subject to the conditions listed in section 10 of this report.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework 2021:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
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

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C8 Langney Neighbourhood Policy
- D1 Sustainable Development
- D2 Economy
- D5 Housing
- D8 Sustainable Travel
- D10a Design.

2.3 Eastbourne Borough Plan 2001-2011:

NE4 Sustainable Drainage Systems
NE7 Waste Minimisation Measures in Residential Areas
NE18 Noise
NE28 Environmental Amenity
UHT1 Design of New Development
UHT2 Height of Buildings
UHT4 Visual Amenity
HO2 Predominantly Residential Areas
HO6 Infill Development
HO8 Redevelopment of Garage Courts
HO20 Residential Amenity
TR6 Facilities for Cyclists
TR11 Car Parking.

3. **Site Description**

- 3.1 The site, which has now been cleared, was previously occupied by 24 lock up garages distributed in two rows on opposite sides of the site, one flanking the south-western boundary of the site and the other flanking the north-eastern boundary. A hard-surfaced access/turning area was provided between the garages and the dropped kerb crossover that served this feature remains in place, providing vehicular access from Biddenden Close. The side and rear boundaries of the site flank footpaths that provide pedestrian connectivity between Biddenden Close and Appledore Close as well as rear garden access to properties on both streets.
- 3.2 The site is embedded in a residential area that is characterised by a mix of residential dwellings and flats. Dwellings are predominantly in the form of two-storey terraced properties whilst flats are accommodated within low-rise flat roof blocks of 3 or 4 storeys. Development within the immediate vicinity of the site comprises houses and flats on the opposite side of Biddenden Close, dwellings on Biddenden Close and Faversham Road to the south-west, on Appledore Close to the north and on Appledore Close and Biddenden Close to the north-east.
- 3.3 Surrounding development is set back from the road, with a relatively uniform building line maintained. Landscaped gardens and verges are positioned to the front of buildings. There is layby parking provided at intervals along the majority of the length of Biddenden Close with bays provided around the flatted development at its southern end.
- 3.4 There are no specific planning designations or constraints attached to the site or the immediate surrounding area.

4. **Relevant Planning History**

- 4.1 **180437** - Demolition of existing garages, and construction of 5no 2 bed 4 person houses; including associated parking, access, & landscaping - Approved conditionally 7th September 2018

5. **Proposed Development**

- 5.1 This proposal involves the demolition of the existing garage structures and the construction of 5 new dwellings on the site. The new dwellings would comprise a terrace of 3 x 3 bedroom dwellings that would front Biddenden Close and a pair of semi-detached 2 bedroom dwellings that would be set back towards the rear of the site, orientated at right angles to the frontage development and broadly in alignment with an existing row of dwellings on Appledore Close.
- 5.2 The 3 bedroom dwellings would have rooms distributed over three storeys, the top floor being provided within the roof space, with a dormer window incorporated within the front roof slope. The 2 bedroom dwellings would have two storeys.
- 5.3 The existing dropped kerb crossover would be repositioned slightly further to the east to allow vehicular access to the side of the three bedroom dwellings, the access extending towards the rear of the site where 5 car parking bays would be provided.
- 5.4 The development would be carried out by the Eastbourne Community Land Trust and each dwelling would be used to provide affordable housing.

6. **Consultations**

6.1 ESCC Highways

- 6.1.1 None required for minor application. Standing advice as been referred to when making an assessment.

6.2 Lead Local Flood Authority

- 6.2.1 None required for minor application. Conditions have been attached to ensure a suitable drainage scheme is installed.

7. **Neighbour Representations**

- 7.1 One letter of objection has been received. Material matters raised are summarised below:-
- Loss of garages and construction of new dwellings will result in increased parking pressure on surrounding streets;
 - Designated parking spaces should be provided for existing residents;
- 7.2 One letter making general observations has been received and the content is summarised below:-
- The development would breach the building line;
 - Proposed external materials are drab;

- Will result in increased parking pressure that may cause obstruction and prevent emergency services from accessing Biddenden Close;

8. Appraisal

8.1 Principle of Development

- 8.1.1 The site is located within the built-up area boundary. Development is therefore acceptable in principle.
- 8.1.2 Para. 8 of the Revised National Planning Policy Framework (NPPF) defines sustainable development as comprising three overarching objectives, these being to respond positively to economic, environmental, and social needs. Para. 10 goes on to state that there should be a presumption in favour of sustainable development.
- 8.1.3 Para. 11 of the NPPF states that decision taking should be based on the approval of development proposals that, where a five year supply of housing land cannot be demonstrated, as is the case within Eastbourne Borough, permission should be granted for development unless there is a clear reason for refusing based on impact on areas or assets of particular importance (as defined in the NPPF) or if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, with relevant Local Plan policies also taken into account. Ultimately this approach results in a 'tilted balance' in favour of sustainable development.
- 8.1.4 Para. 120 of the NPPF maintains that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Development of under-utilised land and buildings should be promoted and supported, especially where this would help to meet identified needs for housing. This is echoed in saved policy HO8 of the Eastbourne Borough Plan which supports redevelopment of garage plots where development is of an appropriate design, respects residential and environmental amenities and does not result in any unacceptable impact upon parking provision or highway safety.
- 8.1.5 Para. 125 of the Revised NPPF encourages the efficient and sustainable use of sites for housing development, stating 'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 8.1.6 From a housing delivery perspective, para. 69 of the NPPF acknowledges the important contribution that small and medium sized sites, such as the application site, can make towards meeting the housing needs for an area, particularly as development on such sites is often built out relatively quickly.

- 8.1.7 The redevelopment of the site for residential purposes is therefore considered to be acceptable and the merits of the development will be assessed with reference to the methodology and considerations set out above.
- 8.2 Impact of the proposed development on amenity of adjoining occupiers and the surrounding area:
- 8.2.1 The frontage dwellings would effectively provide a continuation of the linear residential development on the northern side of Biddenden Close. Front and rear elevations would broadly align with the corresponding elevations of neighbouring properties and the side elevations, which would not contain any windows or openings, would flank windowless side elevations of neighbouring properties. Outlook from front facing windows would be towards dwellings on the opposite side of Biddenden Close and the nature of the views offered would be comparable with existing window to window views between properties on opposing sides of Biddenden Close. It is noted that a front facing dormer would be provided in each dwelling, Whilst the inclusion of this feature results in a ridge line and roof mass that is marginally higher than that typical of existing dwellings it is not considered that this increase would be to a degree that would result in the proposed dwellings appearing overbearing or oppressive when viewed in context with neighbouring dwellings.
- 8.2.2 The front (north-eastern) elevations of the two-bedroom dwellings would face out towards the side elevation of 14 Appledore Close and over its rear garden. It is considered that views from ground floor frontage windows would be interrupted by site boundary treatment. There is potential for first floor frontage windows to provide intrusive views towards rear elevation windows at 14 Appledore Close as well as over a significant portion of the rear garden area. In response, first floor frontage windows would be obscure glazed and, other than high level fan lights, would be fixed shut. A recessed clear glazed oriel window would be positioned on the northernmost unit. This window would face towards the windowless side elevation of 14 Appledore Close and would therefore not offer invasive views. It is considered that the set back of the dwellings from the north-eastern boundary combined with the level of open space maintained around them would prevent them from appearing overbearing when viewed from the rear of properties on Appledore Close or from generating undue levels of overshadowing of primary habitable rooms or garden space.
- 8.2.3 It is considered that sufficient space is maintained between the rear of both groups of proposed dwellings and neighbouring dwellings to prevent intrusive views and also to ensure there is no unacceptable overshadowing or overbearing impact.
- 8.2.4 The vehicular access to the development would not be directly adjacent to any existing dwellings and the amount of movements associated with the proposed development would likely be lower than would be associated with the continued use of the garages

currently occupying the site. Parking bays on the north-eastern side of the site are positioned close to the boundary shared with 9 Biddenden Close but with screening offered by boundary treatment and proposed landscaping as well as a buffer provided by the footpath running between the two sites it is considered that lightspill from headlights would be mitigated. It is not considered any unacceptable noise or emissions nuisance would arise due to the small amount of spaces provided and the buffer maintained between the parking spaces and neighbouring properties.

8.2.5 It is therefore considered the proposed development could be accommodated on the site without unacceptable adverse impact upon the amenities of neighbouring residents.

8.3 Design

8.3.1 The site is located within a residential area where the density of dwellings/flats is relatively dense. The proposed development includes frontage dwellings that would provide a natural continuation of the existing linear development flanking Biddenden Close whilst the pair of semi-detached dwellings would continue the row of dwellings to the rear of the site that run perpendicular to the course of Appledore Close.

8.3.2 The plot sizes of each of the proposed dwellings is consistent with the compact plot sizes of neighbouring properties. All plots would have open, soft landscaped frontages, similar in character to those of neighbouring dwellings and consistent with the open plan character of wider surrounding development.

8.3.3 The proposed dwellings would be of modular construction and incorporate contemporary design elements. However, the general character of the dwellings in terms of mass and form would be similar to neighbouring dwellings, with the width, depth and height being comparable as well as the gable roof form. The frontage dwellings would incorporate flat roof dormers within the front facing roof slopes. Whilst dormers are not present on dwellings within the immediate surrounding area it is considered that the modest size of the proposed dormers would minimise their prominence, preventing them from overpowering the general form of the roof, and would thereby not appear intrusive. It should also be noted that there are three and four-storey flats nearby, including opposite the site, whilst neighbouring dwellings have flat roof porch projections to the front. The presence of second floor windows and flat roofing is therefore an established feature in the locality. It is therefore considered that the presence of dormers would not appear disruptive and would provide a benefit in allowing for the more efficient use of the site in terms of household size.

8.3.4 The external finishes of the dwellings would be brick at ground floor level with cladding above. This is consistent with the 50/50 material arrangement on neighbouring dwellings and, although these dwellings have tile hanging at first floor level rather than cladding, it

is considered that the general character of the building materiality would be consistent with surrounding dwellings.

- 8.3.5 The frontage development would engage well with the existing street scene. It is considered that the pair of semi-detached dwellings positioned towards the rear of the site would not suffer from an unacceptable sense of seclusion due to them interacting well with neighbouring dwellings and being visible within the street scene as a result of the wide open space maintained between them and Biddenden Close. The parking areas would also benefit from natural surveillance for the same reason. It is therefore considered that the proposed development would create isolated areas that would provide conditions susceptible to anti-social or criminal behaviour and that the development would integrate well with the existing community.
- 8.3.6 It is therefore considered that the proposed development would appear visually sympathetic towards its surroundings whilst also incorporating suitable design innovations to maximise the efficiency of the land use.

8.4 Living conditions for future occupants

- 8.4.1 Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.' Para. 129 of the NPPF confirms that planning decisions should be guided by the national design code documents in the absence of local documents.
- 8.4.2 All primary habitable rooms are served by clear glazed openings allowing for a good level of natural sunlight permeation. It is noted that the first floor front bedrooms in the two bedroom dwellings have obscure glazed windows to the front, required to maintain the privacy of neighbouring residents, but that natural light and ventilation would be provided by additional clear glazed side/oriel windows that also allow for an unobstructed outlook. The obscure glazed windows would also provide filtered natural light and it would be possible to install an opening fanlight for additional ventilation, provided it is over 1.7 metres above the finished floor level of the room. All units have two or more aspects and this would prolong access to natural light throughout the day as well as allow for effective natural ventilation.
- 8.4.3 The Department for Communities and Local Government has produced the Technical housing standards - nationally described space standard. This document sets out minimum recommended Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of occupants.
- 8.4.4 Each of the 3 bed houses has a GIA of 103 m², exceeding the minimum 99 m² required for a three-storey 3 bedroom dwelling as

defined in the space standards. Each of the 2 bed houses would have a GIA of 83 m², exceeding the minimum 79 m² for a two storey 2 bed dwelling as defined in the space standards. The internal space is uncluttered and overly large or long circulation areas and awkwardly shaped rooms are avoided, ensuring the internal space provided is functional and adaptable.

- 8.4.5 All dwellings would have access to private rear gardens that are considered to be of a suitable size to serve their respective households. It is noted that there is also informal communal green space immediately to the north of the site which is on Appledore Close and that this is accessible by footpath.
- 8.4.6 All entrances to dwellings are subject to a good level of natural surveillance due to the open plan frontages of plots and orientation of openings. Parking areas are also well overlooked. Defensible space is provided around all ground floor windows in the form of the landscaped front garden areas. provided around ground floor doors and windows.
- 8.4.7 It is therefore considered that the proposed development would provide a safe and secure environment for future occupants as well as suitable living conditions.

8.5 Highways and Transport

- 8.5.1 The proposed development would be accessed from Biddenden Close, with the existing dropped kerb crossover adapted for this use. The access is considered suitable to support the amount and frequency of movements associated with the proposed use, which would not be significantly more intensive than vehicular movements that would have been generated by the previous use of the site. Sufficient width would be provided to allow for vehicles heading in opposite directions so safely pass one another.
- 8.5.2 Each of the proposed dwellings would be allocated a single car parking bay which would be provided in a courtyard parking area. Echelon (angled) bays have been utilised due to the relatively constrained nature of the site, which is somewhat narrow. This method is encouraged by Manual for Streets and ESCC Highways in such situations. Suitable manoeuvring space would be available behind each space to allow for vehicles to safely enter and exit the parking bays.
- 8.5.3 The garages that previously occupied the site had been made available to rent and it is likely that some were used for parking, although ESCC analysis suggests that garages are often for storage purposes rather than parking. Any parking capacity that had been provided by the garages has now been displaced and would since have been absorbed by other facilities, including on-street parking.
- 8.5.4 The ESCC car parking demand tool suggests the proposed development would generate demand for 7 car parking spaces, one of which would be for use for visitor parking. As with the previous scheme, the proposed development is therefore considered to have

un underprovision of off-street car parking. This was also the case for the previous scheme, approved under 180437. The previous application was supported by ESCC Highways as an on-street car parking capacity survey was carried out and this identified sufficient on-street car parking capacity to offset the shortfall in off-street parking. A new survey, which was carried out after the demolition of the garages, has been provided and this survey confirms that on-street car parking capacity remains available to meet the needs of any parking overspill from the proposed development, which is unlikely to be more than two parking spaces.

- 8.5.5 The frontage dwellings would be accessible by foot directly from the footway on Biddenden Close. Pedestrians could also access plots 4 and 5 via the existing footway running along the north-eastern edge of the site, and therefore avoid having to walk through the parking/circulation area.
- 8.5.6 Each parking bay would be provided with an electric vehicle charging point. Secure and covered cycle parking would also be provided at each property. There are bus stops nearby on Pembury Road that are frequently served by local services (which provide connectivity with regional bus and rail services) and the Langney District Shopping Centre is within approx. 700 metres walking distance of the site (as well as on a bus route). It is therefore considered that the development is in a sustainable location and also supports the uptake in use of more sustainable modes of transport.
- 8.5.7 Bins could be placed in designated bin stores within the site which would be within 25 metres of Biddenden Close and therefore accessible to bin crews without the need for the refuse vehicle to access the site itself. The development therefore accords with Good Practice Guidance for Waste and Refuse Collection.
- 8.5.8 It is therefore considered that parking and access arrangements for the development are acceptable as they comply with relevant policies.

8.6 Flooding and Drainage

- 8.6.1 The site is located within Flood Zone 1 and, as such, is at very low risk of any tidal or fluvial related flooding. Environment Agency mapping also confirms that the risk of surface water flooding on the site is very low.
- 8.6.2 The site was previously almost entirely covered by buildings and hard surfacing. The proposed development allows for the introduction of soft landscaping to rear gardens and frontage areas. It is also stated that hardstanding areas would utilise permeable surfacing. The capacity of the site to absorb surface water would therefore be increased.
- 8.6.3 It is stated that surface water drainage would be provided via a connection to the public sewer, which follows the course of Biddenden Close. A condition will be used to require confirmation of a connection agreement, agreed discharge rate and evidence this

agreed rate can be complied with (including in storm events and taking increased rainfall as a result of climate change into account), prior to the commencement of any development. The condition would also allow for details of an alternative scheme to be provided if required.

- 8.6.4 It is therefore considered that the proposed development would not be subject to any unacceptable risk of flooding, nor would it increase flood risk on surrounding land.

8.7 Landscaping

8.7.1 The site has now been cleared but prior to that was completely built upon/hard surfaced. As stated earlier in the report, the proposed development would include soft landscaping that would integrate with existing street landscaping, soften the visual impact of the development and provide cooling and shading in summer months.

8.7.2 Full details of a landscaping scheme for the site, including boundary treatments, will be secured by condition. An emphasis would be placed on the use of suitable species that would enhance biodiversity on the site.

8.8 Sustainability

8.8.1 The dwellings at plots 1-3 would have south facing front roof slopes, which would be exposed to sunlight throughout the day. Solar panels would be installed on these slopes as well as on the east/west facing roof slopes on the dwellings at plots 4 and 5. The design and access statement accompanying the application states that air source heat pumps may be installed, subject to an investigation. A condition will be used to secure full details of all carbon saving measures to be installed prior to the first occupation of the dwellings in order to ensure that maximum achievable levels are obtained.

8.8.2 The proposed dwellings would be modular structures, constructed off-site at a nearby factory in Newhaven and then transported the relatively short distance to the site. Modular construction reduces environmental and amenity impact around the development site and also reduces wastage of materials. The dwellings would also be constructed in materials selected for durability and energy efficiency.

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 considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

- 10.1 It is recommended that the application is approved subject to the following conditions.

- 10.2 **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).
- 10.3 **APPROVED DRAWINGS:** The development hereby permitted shall be carried out in accordance with the following approved drawings;
- 0001 Rev B2 – Location Plan received 22nd June 2022
 - 0002 Rev B8 – Proposed Block Plan received 30th May 2023
 - 0100 Rev B2 – 2B4P Houses received 22nd June 2022
 - 0101 – 3B5P Houses received 6th June 2022
- Reason: For the avoidance of doubt and in the interests of proper planning.
- 10.4 **EXTERNAL MATERIALS:** Details of all external materials to be used in the construction of the development hereby permitted shall be submitted to an approved by the Local Planning Authority prior to their application and the development shall thereafter be carried out and maintained in accordance with the approved details.
- Reason: In the interest of visual amenity and sustainability in accordance with saved policies UHT1 and UHT4 of the Eastbourne Borough Plan, policies B2, D1 and D10a of the Eastbourne Core Strategy and para. 130 of the NPPF.
- 10.5 **CAR PARKING:** The development hereby permitted shall not be occupied until the car parking has been laid out in accordance with the approved plans. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
- Reason: In the interests of highway safety and for the benefit and convenience of the public at large having regard to saved policy TR11 of the Eastbourne Borough Plan, policies B2 and D1 of the Eastbourne Core Strategy and para. 110 of the NPPF.
- 10.6 **ELECTRIC VEHICLE CHARGING POINTS:** Prior to the first occupation of any part of the development hereby permitted, a minimum of 1 x electric vehicle charging point shall be provided for each dwelling and shall be maintained in an operable condition thereafter for the lifetime of the development.
- Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with policies B2, D1 and D8 of the Eastbourne Core Strategy and para. 112 of the NPPF
- 10.7 **REFUSE & CYCLE STORES:** Prior to the first occupation of any part of the development hereby approved, the bin and cycle storage facilities shown on the approved plans shall be installed in accordance with details to be submitted to and approved by the Local Planning Authority and maintained in place thereafter throughout the lifetime of the development.

Reason: In the interest of environmental amenity and in order to encourage the use of sustainable modes of transport in accordance with saved policies UHT1, NE28 and HO20 of the Eastbourne Borough Plan, policies B2, D1 and D8 of the Eastbourne Core Strategy and para. 112 of the NPPF

10.8 **HARD & SOFT LANDSCAPING:** Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- Details of all hard surfacing;
- Details of all boundary treatments (including balcony screening);
- Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees;
- Details of planting and long term maintenance of green roofing;
- Details of all trees to be retained and measures to ensure they are protected during construction;
- Ecological enhancements and Biodiversity Net Gain;

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened and provides a secure and safe environment for future occupants in accordance with saved policies UHT1, UHT4, UHT7, NE28 and HO20 of the Eastbourne Borough Plan, policies B2 and D1 of the Eastbourne Core Strategy and para. 174 of the NPPF.

10.9 **SUSTAINABILITY MEASURES:** The proposed development shall not be occupied until full details of all renewable/carbon saving/energy and water efficiency measures to be incorporated into the scheme have been submitted to and approved by the Local Planning Authority. All measures approved shall thereafter be provided prior to the occupation of any dwelling and maintained in place thereafter throughout the lifetime of the development.

Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with policies B2 and D1 of the Eastbourne Core Strategy and para. 152 of the NPPF.

10.10 **REMOVAL OF PERMITTED DEVELOPMENT RIGHTS:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking

and re-enacting that Order with or without modification, no outbuilding shall be erected within the curtilage, no extension, enlargement or other alteration of the dwellinghouses other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interest of visual and residential amenity in accordance with saved policies NE28 and HO20 of the Eastbourne Borough Plan, policies B2 and D1 of the Eastbourne Core Strategy and para. 130 of the NPPF.

- 10.11 **OBSCURE GLAZING:** All first floor windows in the front (eastern) elevations of the dwellinghouses occupying plots 4 and 5 hereby shall be obscure glazed and fixed shut other than any parts of the window that are more than 1.7 metres above the finished floor of the room in which the window is installed, and shall be maintained as such throughout the lifetime of the development.

Reason: To safeguard the privacy of the occupiers of the adjoining property in the interest of visual and residential amenity in accordance with saved policy HO20 of the Eastbourne Borough Plan, policies B2 and D1 of the Eastbourne Core Strategy and para. 130 of the NPPF.

- 10.12 **DRAINAGE DETAILS:** Prior to the commencement of development details of a scheme for surface and foul water disposal at the site, including a connection agreement and agreed discharge rate for any connection to the public sewer, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality in accordance with saved policies US3 and US4 of the Eastbourne Borough Plan, policies B1, D2 and D9 of the Eastbourne Core Strategy and para. 167 of the NPPF.

- 10.13 **DRAINAGE INSTALLATION & MAINTENANCE:** Following the completion of the implementation of any scheme for surface water disposal a statement shall be submitted confirming that the approved drainage scheme has been fully implemented including evidence of such, shall be submitted to the Local Planning Authority; this statement shall also set out the management and maintenance plan for the lifetime of the development.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality in accordance with saved policies US3 and US4 of the Eastbourne Borough Plan, policies B1, D2 and D9 of the Eastbourne Core Strategy and para. 167 of the NPPF.

- 10.14 **CONSTRUCTION MANAGEMENT PLAN:** No development shall take place, including any further site clearance, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- means of reusing or recycling any existing materials present on site for construction works,
- the method of access 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 storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- Works to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders if required),
- details of public engagement both prior to and during construction works.
- demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
- include details of the use of protective fences, exclusion barriers and warning signs;
- provide details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils and fuel;
- details of any external lighting.

Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to saved policies UHT1, NE28 and HO20 of the Eastbourne Borough Plan, policies B2, D1 and D9 of the Eastbourne Core Strategy and para. 174 of the NPPF.

11. **Appeal**

- 11.1 Should the applicant appeal the decision the appropriate course of action to be followed, considering the criteria set by the Planning Inspectorate, is written representations.

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Report to: Planning Committee
Date: 21 August 2023
Application No: 230411
Location: 6 Somerville Close, Eastbourne, BN23 6BP
Proposal: Erection of single storey extension to north elevation
Applicant: Mr Alan Wetton
Ward: Sovereign
Recommendation: Approve subject to conditions
Contact Officer: **Name:** Clare Tume
Post title: Caseworker - Planning
E-mail: clare.tume@lewes-eastbourne.gov.uk
Telephone number: 01323410000

Site Location Plan



1.	Executive Summary
1.1	The application is being presented to planning committee due to a member of Council staff being the applicant, in the interest of transparency.
1.2	The proposed development would not have any negative impacts on the amenities of neighbouring occupiers or the character of the surrounding area.
1.3	The application is considered to comply with national and local policy and the application is recommended for approval subject to conditions.

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>5. Delivering a sufficient supply of homes</p> <p>6. Building a strong, competitive economy</p> <p>8. Promoting healthy and safe communities</p> <p>9. Promoting sustainable transport</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding and coastal change</p> <p>15. Conserving and enhancing the natural environment</p> <p>16. Conserving and enhancing the historic environment.</p>
2.2	<p><u>Eastbourne Core Strategy 2006-2027:</u></p> <p>B1: Spatial Development Strategy and Distribution</p> <p>B2: Creating Sustainable Neighbourhoods</p> <p>C13: St Anthony's & Langney point Neighbourhood Policy</p> <p>D5: Housing</p> <p>D10a: Design.</p>
2.3	<u>Saved polices of the Eastbourne Borough Plan 2001-2011:</u>

	<p>HO20: Residential Amenity</p> <p>UHT1: Design of New Development</p> <p>UHT4: Visual Amenity</p> <p>US4: Flood Protection and Surface Water Disposal</p> <p>US5 Tidal Risk.</p>
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3.	Site Description
3.1	The property address of the application site is 6 Somerville Close. The building can be accessed from the west, via the public highway, Somerville Close, which provides vehicular access to a garage, and via a pathway on its eastern side, running between Drake Avenue, to the north, and Hood Close, to the south.
3.2	The site is a single storey [bungalow] semi-detached dwelling with a pitched gable ended roof.
3.3	The elevations are comprised of facing brick with upvc windows and door and the roof is concrete tiles with hanging tiles on the gable ends.
3.4	<p><u>Site Constraints</u></p> <p>Predominantly Residential Area</p> <p>Convenants- Trustees of The Chatsworth Settlement</p> <p>Environment Agency Flood Zones 2 and 3</p> <p>Tidal Models</p> <p>Environment Agency Flood Defence</p> <p>Areas Benefiting from Defences.</p>

4.	Proposed Development
4.1	The application proposes a single storey front extension.

5.	Relevant Planning History:
5.1	<p>040512</p> <p>Erection of flat roof garage at front of property adjacent to highway boundary.</p> <p>Approved conditionally</p> <p>08/11/2004.</p>

5.2	070780 Single storey extension to side of property Planning Permission 02/01/2008.
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6.	Consultations:
6.1	<u>Environment Agency</u> No comment received.

7.	Other Representations:
7.1	<u>Notification</u> Notification of this application has been undertaken in the form of: a. neighbour notification letters b. site notice displayed in road neighbouring the site.
7.2	<u>Neighbour Representations:</u> No comments have been received following neighbour notification and display of a site notice.
7.3	<u>Other Representations:</u> None received.

8.	Appraisal:
8.1	<u>Principle:</u> It should be noted that the application was submitted giving reference to single storey 'front' extension owing to the entrance being on the same elevation. However, the location of the extension could be conceived as a side elevation, given the arrangement of neighbouring dwellings. This dwelling and its neighbours have an unusual arrangement insofar as they are accessed via a footpath on the opposite side of Somerville Close, which gives the property its address. Access is provided via the northern elevation. For this reason and in the interest of clarity, the proposal description has been amended to refer to extension of the north elevation. This has further implications on the consideration of the application, as it is Officers' view that the front, or 'Principal' elevation is east facing. The northern elevation would therefore be the 'side' elevation. Taking account of this, and the provisions of the Town and Country Planning

	<p>(General Permitted Development) (England) Order 2015, as amended, the proposed extension would fall within the allowances of the Order and is permitted development, not requiring the formal grant of planning permission.</p> <p>Notwithstanding the above, there is no conflict with adopted policy in principle, that would prevent approval of the application, subject to consideration of the design and visual impact upon the character of the area and the impact upon the amenity of neighbouring occupants, pursuant to the requirements of the National Planning Policy Framework 2021, policies of the Core Strategy 2006-2027 and saved policies of the Eastbourne Borough Plan 2001-2011.</p>
8.2	<p><u>Design, Character and Impact Upon Landscape:</u></p> <p>The proposed alterations to the building are considered to be in keeping with the character of the existing building.</p> <p>The proposed extension comprises a flat roof, which would not match the original pitched roof of the host dwelling. However, the dwelling has been extended with a flat roof and a number of neighbouring properties also comprise flat roof extensions. Therefore, the proposed extension would be sympathetic to the prevailing character and would be set down in height to reduce its visual impact.</p> <p>The extension would be faced in materials to match the existing dwelling and would therefore be sympathetic in terms of appearance in the context of the host building.</p> <p>The extension would not be widely appreciated from neighbouring land given the orientation of the building with its neighbours. The extension would be most prevalent in views from the access path on the eastern side of the building, which is not street facing and is not widely visible from the public realm. The east elevation is the 'public facing' elevation, but does</p> <p>The proposal would meet the requirements of policy D10a (Design) of the Eastbourne Core Strategy 2013, saved policies UHT1 (Design of New Development) and UHT4 (Visual Amenity) of the Eastbourne Borough Plan 2003 and para. 130 of the NPPF.</p>
8.3	<p><u>Residential Amenity:</u></p> <p>The proposed alterations to the existing building would not have any detrimental impact on the amenities of the adjoining occupiers or the surrounding area.</p> <p>The extension would be located betwixt the host dwelling and its adjoining neighbour, number 5. The extension would have no impact upon the amenity of the occupants of number 5 taking account of the location of neighbouring window apertures. Light, outlook and privacy would be protected.</p>

	The proposal would meet the requirements of policy B2 (Creating Sustainable Development) of the Eastbourne Core Strategy 2013, policy HO20 (Residential Amenity) of the Eastbourne Borough Plan 2003 and para. 130 of the NPPF.
9.	<p>Human Rights Implications:</p> <p>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.</p>
10.	<p>Conclusions:</p> <p>It is considered that the proposed development will not negatively impact the amenity of the occupiers of surrounding properties or be detrimental to the character and appearance of the area. The Proposal therefore complies with local and national policies.</p>

11.	Recommendations
11.1	It is considered the proposal complies with local and national policy and is therefore recommended for approval subject to the following conditions.

12.	Conditions:
12.1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of permission.</p> <p>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).</p>
12.2	<p>The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 28th June 2023 and 10 July 2023:</p> <ul style="list-style-type: none"> - Drawing: Proposed Block Plan - Drawing: Location Plan - Drawing: AW/6SOMCL/02 Proposed Plans (Amended) <p>Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates.</p>
12.3	<p>The external finishes of the development, hereby approved, shall match in material, colour, style, bonding and texture those of the existing building.</p> <p>Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.</p>

12.4	<p>Notwithstanding the plans hereby approved, all water run-off from the new roof shall be dealt with using rainwater goods installed at the host property and no surface water shall be discharged onto any adjoining property, nor shall the rainwater goods or downpipes encroach on the neighbouring property and thereafter shall be retained as such.</p> <p>Reason: To ensure that surface water is dealt with appropriately within the application site and not affect adjoining property by way of localised flooding or encroachment.</p>
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11.	Appendices
11.1	None.

12.	Background Papers
12.1	None.

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