#### **Public Document Pack**

# Planning Committee 16 October 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

Published: Friday, 6 October 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 21 August 2023 (Pages 5 10)
- 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. ID: 220849, 220850 & 220852 (Pages 11 18)
- 9 Date of next meeting

To note the next meeting of the Planning Committee is scheduled to be held on 13 November 2023 at 6pm.

### 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.

This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

#### Filming/Recording:

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

### 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 <a href="mailto:committees@lewes-eastbourne.gov.uk">committees@lewes-eastbourne.gov.uk</a>
<a href="mailto:by 12 noon on Thursday 12 October">by 12 noon on Thursday 12 October</a>. 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**

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

Email: committees@lewes-eastbourne.gov.uk

**Telephone:** 01323 410000

Council website: https://www.lewes-eastbourne.gov.uk/

**Modern.gov app available:** View upcoming public committee documents on your device. Free modern.gov <u>iPad app</u> or <u>Android app</u> or <u>Microsoft app</u>.



Working in partnership with Eastbourne Homes

#### **Planning Committee**

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 21 August 2023 at 6.00 pm.

#### Present:

Councillor Hugh Parker (Chair).

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

#### Officers in attendance:

Leigh Palmer (Head of Planning First), Helen Monaghan (Lawyer, Planning), Emily Horne (Committee Officer).

#### 22 Introductions

Members of the Committee and Officers introduced themselves to all those who were present during the meeting.

#### 23 Apologies for absence and notification of substitute members

There were no apologies given and there were no notifications of substitute Members.

# 24 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.

Councillor Ansell declared a prejudicial interest in item 31, Saffrons Sports Club, Compton Place Road, as he lived in proximity to the site and had long associations with the applicant. He confirmed that he would leave the room for the discussion of this item. For transparency, Councillor Parker advised the committee that he worked in the building next door to Saffrons Sports Club, Compton Place Road, this was neither a personal nor prejudicial interest. Councillor Lamb declared a prejudicial interest in item 32, Land off Biddenden Close, as she was a member of the Community Land Trust and confirmed that she would leave the room for the discussion of this item.

#### 25 Urgent items of business.

There were no urgent items.

#### 26 Minutes of the meeting held on 17 July 2023

The minutes of the meeting held on 17 July 2023 were submitted and

approved as a correct record, and the Chair was authorised to sign them.

#### 27 Officer Update

An officer addendum was circulated to the Committee prior to the start of the meeting, updating the report on the agenda with any late information (a copy of which was published on the Council's website).

#### 28 Site 7a, Pacific Drive (Aldi Store Ltd.) ID: 220849

Erection of Class E foodstore alongside access, parking, landscaping, and associated works – **SOVEREIGN**.

The Head of Planning First presented the report.

The Committee was advised by way of the presentation and the Addendum that affordable housing issue and the late stage review were deleted from the recommendation.

Mr Iain Shore, Sovereign Harbour Residents' Association, spoke on behalf of local residents in objection to the application. Rob McClellan, Applicant, spoke in favour of the application. Councillor di Cara, Ward Councillor, addressed the Committee on behalf of residents.

Councillor Lamb requested that there be a named vote and this was approved.

Councillor Vaughan put forward a proposal to approve the application in line with the officer's recommendation and the amended recommendation/conditions set out in the Addendum. This was seconded by Councillor Sayers-Cooper and was carried.

**RESOLVED:** (by 6 votes to 2 against) (For: Councillors Collins, Mayes, Morris, Sayers-Cooper, Parker and Vaughan. Against: Councillors Ansell and Lamb). That planning permission be delegated to the Head of Planning to secure agreement to the scheme from the Councils Air Quality Officer (to be concluded), landscaping issues and ecological translocation issues. On reaching agreement to these issues then the Head of Planning be authorised to grant permission subject to conditions set out in the report, officer addendum, and S106 / S278 agreement for travel plan audit fees, other highway works, local labour agreement, ecological translocation controls and 'golden brick' clause to limit the trading of the foodstore until the schemes on the adjacent sites (Care Home and McCarthy and Stone) have reached a defined point in their construction. 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.

# 29 Site 7a, Pacific Drive (McCarthy and Stone Retirement Lifestyles Ltd.) ID: 220850

Erection of apartment retirement living development (Use Class C3) access,

car parking, and associated landscaping - SOVEREIGN.

3

The Head of Planning First presented the report.

The Committee was advised by way of the Addendum that 51 additional responses of support had been received since the publication of the Officers report. The Environment Agency had withdrawn their objections. Appraisal paragraphs 8.3, 8.4, 8.6, 8.7, 8.9 and 8.13 were updated. The following Conditions were clarified or updated: 10.1 Bus stops, 10.5 Cycle/scooter parking, 10.6 Surface Water Drainage onto the Public Highway, 10.9 Wheel washing, 10.17 Archaeological reporting and investigation and 10.20 Approved Plans.

Dr Idango Adoki, The Harbour Medical Practice, spoke on behalf of the medical practice in objection to the application. Annalie Davy, Applicant, spoke in favour of the application. Councillor di Cara, Ward Councillor, addressed the Committee on behalf of residents.

Councillor Morris put forward a proposal to approve the application in line with the officer's recommendation and the amended conditions set out in the Addendum. This was seconded by Councillor Vaughan and was carried.

**RESOLVED:** (by 7 votes to 1 against) that planning permission be delegated to the Head of Planning to secure agreement to the scheme from the Councils Air Quality Officer (to be concluded), landscaping issues, affordable housing issues and ecological translocation issues. On reaching agreement to these issues then the Head of Planning be authorised to grant permission subject to conditions set out in the report, officer addendum, 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. 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.

#### 30 Site 7a, Pacific Drive (LNT Care Developments Ltd.) ID: 220852

Proposed three storey, 66 bedroom, care home for older people (Class C2 Use) with associated new access (off Pacific Drive), parking & landscaping – **SOVEREIGN.** 

The Head of Planning First presented the report.

The Committee was advised by way of the Addendum that there were no further updates.

Mr lain Shore, Sovereign Harbour Residents' Association, spoke on behalf of local residents in objection to the application. Alistair Wood, Agent, spoke in favour of the application. Councillor di Cara, Ward Councillor, addressed the

Committee on behalf of residents.

Councillor Mayes put forward a proposal to approve the application in line with the Officer's recommendation and the amended conditions set out in the Addendum. This was seconded by Councillor Morris and was carried.

**RESOLVED:** (by 7 votes to 1 against) that planning permission be delegated to the Head of Planning to secure agreement to the scheme from the Councils Air Quality issues (to be concluded), landscaping issues, ecological translocation issues and sustainable drainage matters. On reaching agreement to these issues then the Head of Planning be authorised to grant permission subject to conditions set out in the report, officer addendum, and S106 / S278 agreement for travel plan audit fees, other highway works including public transport enhancements, local labour agreement and ecological translocation controls. 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.

The Chair paused the meeting for a 10 minute comfort break

#### 31 Saffrons Sports Club, Compton Place Road. ID: 230105

Having declared a prejudicial Interest, Councillor Nick Ansell was absent from the room during the discussion and voting of this item.

Erection of 3no. covered Padel courts, 1no. open Padel court and extension to existing pavilion with additional car parking – **UPPERTON** 

The Head of Planning First presented the report.

The Committee was advised by way of the Addendum that the recommendation was amended to include a S106 Agreement to control the delivery and funding of a travel plan, subject to the approval of planning consent and an additional condition to include refuse/recycling collection.

Mr Roger Myall, Applicant, spoke in favour of the application. Councillor Ballard, Ward Councillor, addressed the Committee in relation to the application.

Councillor Lamb put forward a proposal to approve the application in line with the officer's recommendation, the amended recommendation/conditions set out in the Addendum, and the additional conditions for the roof colouring to be agreed (not white) and for a post development acoustic report. This was seconded by Councillor Collins and was carried.

**RESOLVED:** (Unanimously) that the application be granted subject to a S106 to control the delivery and funding of a travel plan, the conditions set out in the officer's report, officer addendum and the additional conditions for the roof colouring to be agreed (not white) and post development acoustic report.

#### 32 Land off Biddenden Close. ID: 220453

Having declared a prejudicial Interest, Councillor Jane Lamb was absent from the room during the discussion and voting of this item.

Demolition of existing garage blocks and erection of 3no terraced threebedroom dwelling and 2no semi-detached two-bedroom dwellings together with parking and new site access – **LANGNEY** 

The Head of Planning First presented the report.

The Committee was advised by way of the Addendum that there were no further updates following completion of the Committee report.

Mrs Sandra Medway, Applicant, spoke in favour of the application.

Councillor Morris put forward a proposal to approve the application in line with the officer's recommendation. This was seconded by Councillor Vaughan and was carried.

**RESOLVED:** (Unanimously) that the application be granted subject to the conditions set out in the officer's report.

#### 33 6 Somerville Close. ID: 230411

Erection of single storey extension to north elevation – SOVEREIGN

The Head of Planning First presented the report.

The Committee was advised by way of the Addendum that there were no further updates following completion of the Committee report.

Councillor Vaughan put forward a proposal to approve the application in line with the officer's recommendation. This was seconded by Councillor Sayers-Cooper and was carried.

**RESOLVED:** (Unanimously) that the application be granted subject to the conditions set out in the officer's report.

#### 34 Date of next meeting

It was noted that the next meeting of the Planning Committee was scheduled to commence at 6:00pm on Monday, 18 September 2023.

The meeting ended at 9.22 pm

Councillor Hugh Parker (Chair)



## Agenda Item 8

**Report to:** Planning Committee **Date:** 16<sup>th</sup> October 2023

Application No:

1. 220849

2. 220850
 3. 220852

**Location:** Site 7a, Pacific Drive, Eastbourne, BN23 6DW

**Proposal:** Erection of Class E foodstore alongside access, parking,

landscaping, and associated works.

Applicant: 1. Aldi Store Ltd.

2. McCarthy and Stone Retirement Lifestyles Ltd.

3. LNT Care Developments Ltd.

Ward: Sovereign

Recommendation:

1. To note the update to Members on referral to The Department for Levelling Up Housing and Communities.

2. To seek authorisation to impose additional conditions.

3. To acknowledge late representation and to agree that no new material considerations have been raised,

4. Acknowledge assessment of vacant sites within Town and District Centres

5. Given 1-4 above Members to acknowledge that officers will continue with the recommendations made at the August Planning Committee to grant planning permission subject to legal agreement as S106 agreement,

Contact Officer: Name: Leigh Palmer

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

#### Site Location Plan



1	Executive Summary
1.1	At the last meeting held on 21 August 2023, the committee resolved in respect of each application, to delegate authority to the Head of Planning to finalise issues relating to air quality, landscaping, affordable housing and ecological translocation issues and upon reaching agreement to these issues, the Head of Planning was authorised to grant planning permission subject to the conditions set out in the report, the officer addendum report, and subject to a 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 and ecological translocation controls.
1.2	It was further resolved that if no meaningful engagement with the legal agreement was pursued within six months, that the Head of Planning be authorised to refuse planning permission due to the lack of infrastructure.
1.3	As often happens with larger applications, other issues, not specifically captured in the original committee resolution have arisen which are now reported to committee in this updating report
2.	Referral to the Department of Levelling up Housing and Communities
2.1	Officers have passed the necessary paperwork to the Government department.
2.2	They have confirmed that the scheme does not meet any of the thresholds required for Government assessment.
2.3	Given this the proposals have only a local impact (s) and the matter will therefore proceed to be determined by Eastbourne Borough Council.
2.4	Officers are aware of correspondence made directly to Ministers of Government by some interested parties requesting that the Government call the application in. This request is separate from the formal referral process.
2.5	As the applications are progressing through their S106 legal agreement due diligence, it is fair to say that a formal decision notice is someway off from being issued. This would allow for the independent request to Government to be received, evaluated, and determined,
3	To seek authorisation to impose additional conditions.
3.1	Officers have received a no objections response from the Lead Local Flood Authority (subject to conditions) for the Aldi development and the care home development. These recommended conditions are in addition to those discussed at the August meeting.
3.2	It is recommended that the following conditions be imposed upon application reference numbers 220849 Aldi and 220852 Residential Care Home.

#### 3.3 **Soakaways**

Prior to any development commencing details of the soak away design shall be submitted to and approved in writing by the local planning authority. The detailed design of the proposed soakaway should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the infiltration device and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided. This monitoring should be undertaken in the precise location of the proposed permeable paving, geocellular attenuation tank and soakaway and also provide details of the geology encountered. The details as approved shall be implemented at the site in accordance with the approved details and be retained as such thereafter.

Reason: In the interest of mitigating localised flooding.

#### 3.4 Inflitration Details

Infiltration testing should be undertaken in the precision location of the proposed soakaway and be in accordance with BRE365 requirements. The testing should be at the depth, plus 1m, of the proposed infiltration device to ensure that there is adequate geology in the location to promote infiltration. The results of this testing shall be submitted to and approved in writing by the Local Planning Authority prior to any drainage infrastructure/work being installed at the site.

Reason: In the interest of mitigating localised flooding.

#### 3.5 **Drainage Calculations**

Detailed drainage drawings and calculations shall be submitted to and approved by the local planning authority prior to the installation of any drainage infrastructure/work being installed at the site. The submitted details shall include evidence (in the form hydraulic calculations) that surface water discharge rates are limited to recorded infiltration rates for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features.

Reason: In the interest of mitigating localised flooding.

#### 3.6 **Drainage Management Plan**

A maintenance and management plan for the entire drainage system should be submitted to and approved by the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance.

The management plan should cover the following: a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority. Reason: In the interest of mitigating localised flooding. 3.7 Flooding mitigation during Construction At no time during the construction period shall the applicant/developer allow surface water to pass onto the adopted highway. The applicant/developer should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development that is submitted to and approved in writing by the Local Planning Authority Reason: In the interest of mitigating localised flooding. 3.8 **Evidence of implementation** Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs. Reason: In the interest of mitigating localised flooding. 3.9 Other additional conditions: 3.10 Members will recall that one of the key drivers in the support of the new retail unit on part of site 7a was in the part of the site was job creation in relation to a discount food retailer and also the choice that a discount food retailer would deliver to its local catchment. Given this, officers consider that it would be appropriate to attach a condition limiting the use of the site to a Discount retailer. This is to be applied to application 220849 Aldi. 3.11 Discount retailer Without prior written approval from the Local Planning Authority the use hereby approved shall be limited to a limited assortment discount retailer and for no other purpose or use. Reason; To accord with the nature and content of the application to ensure that the retail impacts accord with the terms of the application. The applicant is requesting that the golden brick limitation (restriction on 3.12 Aldi opening until a milestone stage is reached with the adjacent

	developments could be controlled via a condition rather than a legal agreement.
3.13	Officers view is that they this issue should stay as a S016 legal agreement issue as this affords the highest degree of protection/controls.
4	Late representations
4.1	Members should note that a supplementary letter of objection has been received from the agents for Tesco's,' the content of which does not raise any new and substantive points in addition to those raised with the August reports. It is reported here for completeness.
	Notwithstanding this officer have reported the relevant paragraph of the NPPF in full below and also outlined the salient points for members information below.
4.2	The letter of objection outlines that one of the key assessments of the application proposal is that it should be assessed against the wording of paragraph 122 of the NPPF. If this is done the objector concludes that as there is no need for retail development, then the scheme should fail.
4.3	Below is Paragraph 122 of the NPPF reported in full: -
	122. Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers 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.
4.4	Officers consider that the objector has misapplied the wording of this policy.
	As is evident in the full text of para 122 above that its motivation in drafting is the recognition of changing circumstance and that development should not be hamstrung by an inflexible approach to policy.
	The policy is in two parts:
	part a) recognises the need (in updating the local plan) that any reallocation for a more deliverable use should address identified needs.

part b) recognises that ahead of any local plan change then 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... emphasis added.

There is clearly a need for development in the Borough as identified with the 2022 Growth Strategy where it comments.

"Whilst development can be controversial, it does provide the homes, jobs and other services and facilities that will be needed for future generations. This growth is required to help Eastbourne evolve in response to changing circumstances and remain a good place to live, work and visit in the future" [emphasis added].

As Members know Eastbourne has a number of constraints to development, National Park, the Sea, adjacent authorities and areas of biodiversity and functional flood plain it is clear that these physical and environmental constraints limit the amount of land that is available to develop. As such the Borough does not have sufficient land to meet development need in full.

This means that the Government will require us to consider all sites with potential for development and to ensure that all opportunities are maximised so as many new homes and employment spaces are accommodated in a sustainable way.

As mentioned in the August report to committee officers outlined that when 7a was assessed as a whole the current development opportunity exceeded the new homes target of the growth strategy but also delivered employment opportunities.

This is considered to be maximising the development he potential of the site and therefore officers remain of the opinion shared by Members by way of their resolution to grant permission at the August committee that paragraph 122 of the NPPF is met.

#### 5. Assessment of vacant sites within Town and District Centres

- Member will acknowledge that the two stores operated by Wilkos have closed in and around the time of the August committee. The applicants have been invited to investigate the appropriateness of Aldi occupying either of these existing buildings. One is located with Eastbourne Town Centre and the other is within Sovereign District Centre.
- The developers have assessed both of these locations, and both have been discounted.
- The application proposals are for a standalone retail unit, with dedicated parking and serving areas directly adjacent to the store, designed for limited assortment discount convenience retailer. Any significant compromise that would not achieve that objective would mean an alternative site fails on the grounds of suitability.

The Sovereign Harbour site is too small.

Eastbourne Town Centre site is large enough in sqm terms however it promotes an irregular shaped footprint with narrow frontage, without dedicated servicing and carparking.

For these reasons both of the sites are considered not to be appropriate and suitable for the operational needs of this applicant can therefore be discounted.

#### 6 Recommendation

- 1. To note the update to Members on referral to The Department for Levelling Up Housing and Communities.
  - 2. To seek authorisation to impose additional conditions.
  - 3. To acknowledge late representation and to agree that no new material considerations have been raised.
  - 4. Acknowledge assessment of vacant sites within Town and District Centres.
  - 5. Given 1-4 above Members to acknowledge that officers will continue with the recommendations made at the August Planning Committee to grant planning permission subject to legal agreement as S106 agreement.

7	Other matters
7.1	Matters relating to air quality, landscaping and affordable housing contributions are still being discussed between officers and the applicants.
8	Background Papers
8.1	None.

