

App.No: 200138	Decision Due Date: 31 July 2020	Ward: Sovereign
Officer: Chloe Timm	Site visit date: 09 May 2020	Type: Planning Permission
Site Notice(s) Expiry date: 28 May 2020		
Neighbour Con Expiry: 28 May 2020		
Press Notice(s): n/a		
Over 8/13 week reason: Committee Cycle		
Location: The Waterfront Car Park, Eastbourne		
Proposal: Change of use to include seasonal use of the car park for boat storage and extension of car park to provide 60 additional spaces and associated landscaping works (amended description)		
Applicant: Premier Marinas (Eastbourne) Ltd		
Recommendation: Approve Conditionally		
Reasons for recommendation: Approve Conditionally		

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Map location



1 Executive Summary

- 1.1 The application is reported to committee due to the number of comments and objections received on the proposal.
- 1.2 The proposed development represents the utilisation of the car park area within the sovereign harbour, a functioning harbour, to be used for additional car parking and boat storage.
- 1.3 The application is considered to support the current activity of Sovereign Harbour, is considered to comply with national and local policies and is therefore recommended for approval subject to conditions.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision-making
- 11. Making effective use of land
- 12. Achieving well-designed places

2.2 Eastbourne Core Strategy Local Plan Policies 2013

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C14: Sovereign Harbour Neighbourhood Policy
- D1: Sustainable Development
- D4: Shopping
- D5: Housing
- D10a: Design

2.3 Eastbourne Borough Plan Saved Policies 2007

- HO20: Residential Amenity
- NE16: Dev Within 250m of Former Landfill Site
- NE18: Noise
- NE28: Environmental Amenity
- SH7: District Local and Neighbourhood Centres
- TR11: Car Parking
- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT8: Protection Amenity Space
- US5: Tidal Flood Risk

3 Site Description

- 3.1 The application site forms part of the Waterfront Car Park in Sovereign Harbour, the area subject of this application is situated to the north west side of the car park.
- 3.2 The Waterfront Car Park is accessed via Pevensey Bay Road and is available for use by visitors to Sovereign Harbour.

- 3.3 To the south east of the site there is a public foot path and cycle path, Harbour Quay, Sovereign Harbour Yacht Club and the residential properties of St Lawrence Way and Harbour Club Apartments.
- 3.4 The application site as it currently stands has car parking spaces marked out and a one way road system navigating through the area. There are two raised planters located within the car park area, one raised planter to the south of the site as well as a grassed area with planting.
- 3.5 The site was previously referred to as Site 5 Sovereign Harbour, within the Sovereign Harbour Supplementary planning Document 2013 the site 5 had been allocated for use for a community centre. Since the allocation the community centre has subsequently been built on site 6.

4 Relevant Planning History

- 4.1 010727
Temporary storage of boats (to March 2004) on the north-eastern part of the carpark to be bounded by 2 metre high security fencing.
Planning Permission
Approved Conditionally
05/10/2001

5 Proposed development

- 5.1 This application is seeking permission for the extension of the existing Waterfront car park area. The area in question is located to the north western side of the carpark.
- 5.2 The proposal will increase the car park area by 60 spaces.
- 5.3 The car park will be used as seasonal use for boat storage.
- 5.4 The proposal will remove the existing soft landscaping area to the south west of the site and replace this with a new brick planter to match other planters within the car park site.

6 Consultations

6.1 Specialist Advisor (Contaminated Land)

- 6.1.1 I am aware that Soil Limited has prepared a report (very brief 4 pages report) about landfill issue at the site (dated 10 March 2020). But it is not clear whether landfill gas regime will change because of the extension of car park or any intrusive activities at the site. If no intrusive activities at the site, then land contamination condition would be useful, but if any intrusive activities at the site, then as a minimum land fill gas risk assessment will be required at the site.
- 6.1.2 If LPA is minded to grant planning permission, this should be subject to condition.

6.2 Highways ESCC

6.2.1 No objection provided someone is available 24/7 to remove bollards/fencing in the event the route for emergency vehicles through the carpark is required.

6.3 Sovereign Harbour Residents Association

6.3.1 We are commenting on behalf of the Sovereign Harbour Resident Association

6.3.2 The risk we see is that car-park users may seek to create an unofficial access between Pevensey Bay Road and Harbour Quay. We also are concerned that a future application for formal access at this point will be facilitated, unless more permanent and restrictive structures are put in place now – AND supported by appropriate planning conditions, as part of any consent that may be granted for this proposal.

6.3.3 SHRA objects to the creation (whether or not intended, now or future) of any potential access to or from Harbour Quay. Although the present plans show no present intention to do that, it is clear that the north-eastern (lower right) corner of the proposed extension is adjacent to, and level with, the existing highway opening vis. splay at Harbour Quay. It is separated only by a timber 'knee-rail' (readily demountable) and some random stones.

6.3.4 Significantly, the applicant owns all of the land on this side of Harbour Quay – and a site inspection reveals that the existing demarcation between the 'Shingle Bank' and the car-park site, which also consists of a 'knee-rail', encompasses and abuts the highway opening/splay at Harbour Quay. [To that extent, the applicants' plans (19-3346-100 &101) may seem to ignore the risk outlined above.]

6.3.5 In addition, we have been unable to obtain clarity about when the land will be used as a boat store and when it will be used as a car park. We suggest that EBC seeks clarity from applicant as to the months it is likely the land will be used as a boat store and the months when car parking will predominate especially as we understand that there is a contract with

7 **Neighbour Representations**

7.1 33 representations have been received on this application, 1 letter of support, 2 general observation letters and 30 letters of objection.

Support

7.2 Sovereign Harbour is a growing leisure/housing area for Eastbourne.

General Observations

7.3 Car park does not reach full capacity, may as well keep the garden area.
New planters should be installed to ensure privacy to neighbours surrounding.

Objections

7.4 Noise
Privacy

Loss of the Garden/Wildlife/Habitats
Additional Parking Not Required
Encourage nuisance
Concrete Jungle
Light Pollution
Create access between Pevensey Bay Road and Harbour Quay
Use as boat storage changes the use
Visual Harm to the surrounding area.

8 Appraisal

8.1 Principle of Development

8.1.1 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 (2018), policies of the Core Strategy 2006-2027 and saved policies of the Eastbourne Borough Plan 2001-2011.

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

8.2.1 It is considered that the proposed change of use and extension to the existing car parking area by removal of existing landscaping would not give rise to a material loss of residential amenity.

8.2.2 It is accepted that the use as seasonal boat storage will give rise to some additional noise in the area however the location of the proposal is in close proximity to the boat storage adjacent to the harbour waters, any additional noise is considered to be in line with existing noise generated and deemed to be acceptable.

8.2.3 It is not considered that the proposal will impact on the privacy of the surrounding occupiers. The application site is within close proximity but is not set directly adjoining the residential properties on Harbour Quay and St Lawrence Way.

8.2.4 The proposal will see the existing planting/garden area to the south west of the site removed. This garden area has been the subject of multiple representations received on the application. It is understood that the garden area was created by a local resident who installed this some years ago and regularly maintains it.

8.2.5 Premier Marina has advised that whilst they allowed the garden to remain in situ this was only until such time that the land would be developed. Premier Marina, as the land owner, could remove this garden at any given time regardless of whether this planning application was to receive approval or not.

8.3 Design

8.3.1 The proposal is in keeping with the surrounding car park, will be laid out to a

similar design will have raised brick planters similar to those in place throughout the carpark.

8.4 Use

8.4.1 The proposal is to extend the car park by an additional 60 car parking spaces with similar one way road system throughout as the existing car park.

8.4.2 Seasonal use as boat storage will also occur within this area of the car park to support the existing boatyard function of the harbour. Sovereign harbour is a functioning harbour with c800 berths; the change of use for seasonal boat storage is considered to be acceptable and will support the harbour.

8.4.3 Access for boats will be via Harbour Quay and when the car park is being used as boat storage a removal fence will be placed around the area to ensure the protection and safety of the public.

8.4.4 It is noted that when the area is in use as boat storage this will be visible within the surrounding area, however, the location being within a functioning harbour is not considered to be out of keeping with the character of the area and is not considered to create visual harm.

8.5 Flood Risk Area

8.5.1 The application site is located within flood risk zone 3 however, due to the use of the site the proposal is not thought to have detrimental impacts with regards to surface water run-off and is it not considered the proposal will impact on existing flood defence measures.

8.6 Contaminated Land

8.6.1 The application site falls within a historic landfill site, following consultation no objection has been raised by the LPA's contaminated land specialist advisor in relation to contaminated land subject to the works not being intrusive and planning condition.

8.6.2 The contaminated land report submitted as part of the application raises no concerns with regards to the works disrupting existing barriers to contaminant and gas movement

8.7 Highways

8.7.1 East Sussex Highways raised initial concerns with regards to impacts on the emergency access route through the site that was secured within the S106 agreement as part of planning application 131002. During the course of the application the concern has been resolved and the proposal has been found to not impact the access route.

8.7.2 Highways have no concerns with regards to the temporary fence that would be in place when the area is being used as boat storage subject to there being someone available in site to remove this in the event of the emergency access

route being required. It has been confirmed that there is a staff presence on site 24 hours a day 365 days a year.

8.8 The application is recommended for approval.

9 Human Rights Implications

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10 Recommendation

10.1 That the application is approved, subject to the conditions listed below.

10.2 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 The development hereby permitted shall be carried out in accordance with the following approved drawings:-

- 19-3346-100-P2 – Location Plan and Ownership Boundary
- 19-3346-201-P2 – Proposed Site Clearance Plan
- 19-3346-202-P2 – Proposed Site Plan

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

10.4 In the event that contamination not previously identified is found to be present at the site, no further development shall be carried out (unless otherwise agreed in writing with the Local Planning Authority) until a remediation strategy detailing how contamination will be dealt with has been submitted to, and approved in writing, by the Local Planning Authority. All subsequent development shall be carried out in strict accordance with the approved remediation strategy prior to first use of the development, hereby approved.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10.5 Details of the chemical testing and assessment of all re-used or imported soils for the development, hereby approved, which demonstrates the suitability of the soils for the proposed use, shall be submitted to and approved in writing by the Local Planning Authority prior to the use of soil in relation to the development.

The assessment shall be undertaken by a suitably qualified and competent person. Thereafter, only approved soils shall be used in the development.

Reason: To ensure that all re-used or imported soils are safe for their intended use.

- 10.6 Prior to the first use of any part of the development, a written verification report shall be submitted to and approved in writing by the Local Planning Department which demonstrates that only soils suitable for the proposed use have been used. The report shall include results of sampling and monitoring carried out in accordance with the approved verification scheme to demonstrate that the site remediation criteria have been met.

Reason: To ensure that any contamination of the land is remediated to protect future occupants of the development and local water sources from unacceptable levels of pollution.

11 **Appeal**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.