

**Report to:** Planning Committee  
**Date:** 26<sup>th</sup> January 2021  
**Application No:** 200909  
**Location:** Hampden Retail Park, Marshall Road, Eastbourne  
**Proposal:** Erection of a coffee shop with drive thru facility, replacement car parking and associated works.

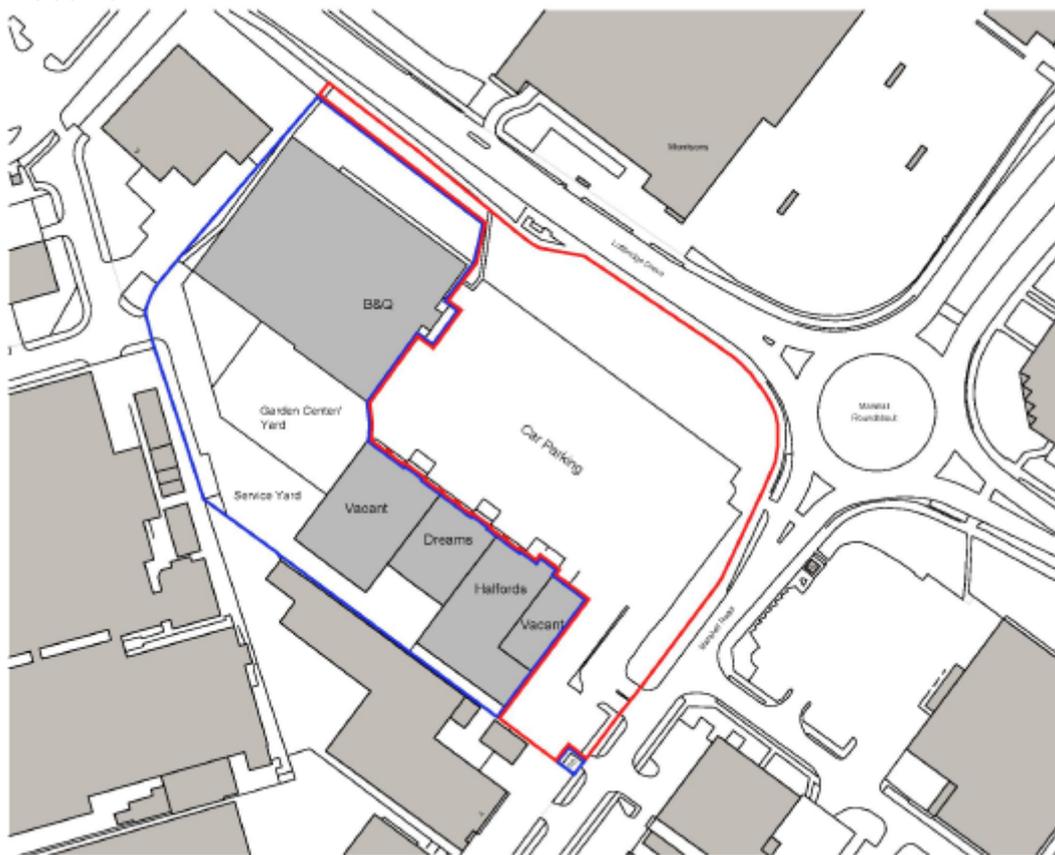
**Applicant :** Eastbourne Borough Council  
**Ward:** Hampden Park

**Recommendation:** Approval subject to planning conditions

**Contact Officer:** **Name:** Chloe Timm  
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**Map Location:**



## 1. **Executive Summary**

- 1.1 The application is brought before planning committee due to Eastbourne Borough Council being the applicant.
- 1.2 The proposed development will provide for a new coffee shop with drive thru facilities, together with environmental alterations to upgrade the parking provision, pedestrian access and landscaping.
- 1.3 This application follows the grant of planning permission for a scheme including a drive through facility. This application comprises a revised location for the facility, but remaining within the existing car park area of the site.
- 1.4 The use is considered to be acceptable in this location and would result in improvement of the offer at the site, as well as the creation of jobs.
- 1.5 The application is considered to be acceptable in terms of the visual and amenity impacts and would comply with national and local policies.
- 1.6 The application is recommended for approval, subject to conditions.

## 2. **Relevant Planning Policies**

- 2.1 National Planning Policy Framework
- 2.2 Eastbourne Core Strategy Local Plan 2006-2027:
  - C7 Hampden Park Neighbourhood Policy
  - D10a Design
- 2.3 Eastbourne Borough Plan 2001-2011:
  - BI 2 Designated Industrial Areas
  - BI 7 Design Criteria
  - NE16 Dev within 250m of former landfill site
  - UHT1 Design of New Development
  - UHT4 Visual Amenity
  - US4 Flood Protection and Surface Water
  - US5 Tidal Risk

## 3. **Site Description**

- 3.1 The application site forms part of an established retail park located on the corner of Lottbridge Drove and Marshall Road.
- 3.2 The site as existing comprises 5 retail units which include B&Q and Halfords.
- 3.3 Surrounding the Hampden Retail Park site are other retail and industrial units.
- 3.4 There is an historic land fill a short distance from the application site.

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

4.1 There have been various application for the Hampden Retail Park site, the most recent being:

4.2 150956:

Over cladding of facades to 5 retail unit including allocation of signage zone Planning Permission.

Approved Conditionally 22/01/2016.

4.3 180423:

Erection of three new retail units comprising; one attached use class A1 and two detached A1/A3 units (including drive thru); external refurbishment of the existing retail units; reconfiguration of the existing car park and access and associated work.

Planning Permission.

Approved conditionally and subject to S106 Agreement. 24/01/2019.

#### 5. **Proposed Development**

5.1 The application seeks permission for the erection of a single storey building to be used as a coffee shop with drive thru facilities.

5.2 This was approved as part of the larger redevelopment scheme referred to in the history above but is proposed in order to allow it to be developed independently and ahead of the other elements of the larger proposal.

5.3 The proposal is for the building to be occupied by Costa Coffee.

5.4 Alongside the erection of the building, the existing car parking area will be replaced and upgraded and provide new a new soft landscaping scheme to the perimeter of the retail park.

5.5 The existing car park provided 272 usable space (with 4 additional space seconded by B&Q), which would be replaced by 276 usable spaces, but with increased parking space dimensions to accommodate modern vehicle sizes. 16 spaces would be accessible (in accordance with Highways standards) and 10 would be parent and child bays. 4 dedicated trade bays are also proposed for vans to prevent double parking.

5.6 The scheme includes the provision of 12 cycle spaces. The proposal includes the provision of a pedestrian link to the site from Marshall's Road to both the promenade and the coffee shop, which would be accessible to pedestrians in addition to the drive-through facilities.

#### 6. **Consultations**

##### 6.1 Specialist Advisor (Regeneration)

6.1.1 Identifies development of 167sqm and creation of 11 new jobs. To qualify for local labour agreement, new developments need to be either 10 units or above or 10000sqm and/or create 25 jobs.

6.1.2 The proposed development does not qualify for local labour agreement.

## 6.2 Specialist Advisor (Planning Policy)

- 6.2.1 Support the proposal.
- 6.2.2 This application follows planning permission in 2018 for the re-development of the site to include new A1 and A3 premises and amendments to the access and car parking layout. Since the previous consent the National Planning Policy Framework has been amended, and changes have been made to the use class order. However there have been no substantive changes in terms of planning policy in relation to new commercial or service floor space.
- 6.2.3 The application site is situated in the 'Hampden Park Neighbourhood' as identified by Policy C7 in the Eastbourne Core Strategy (2013). Policy C7 is The Hampden Park Neighbourhood Policy, which sets out the vision for this area as the following; *"Hampden Park will increase its levels of sustainability and reduce the levels of deprivation in the neighbourhood whilst assisting in the delivery of housing and employment opportunities for the town"*. This vision will be promoted through a number of factors including 'Improving the public realm in residential and shopping areas to create a sense of place'.
- 6.2.4 Class A3 uses are 'Main town centre uses.' As paragraph 86 of the National Planning Policy Framework states "Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date Local Plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or not expected to become available within a reasonable period) should out of centre sites be considered." The Hampden Retail Park is not identified as a designated centre in the retail hierarchy (Core Strategy Policy D4) and is therefore considered an 'out of centre' location, which means the sequential test needs to be applied.
- 6.2.5 The aim of the sequential test is to ensure that main town centre uses are directed towards town centres first, and only where they cannot be accommodated in or on the edge of town centres should main town centre uses be permitted elsewhere. Therefore the purpose of the sequential test is to direct retail development to the most sustainable location(s) and at the same time protect the vitality of town centres, rather than to simply enable the modernisation of the offer at an undesignated retail park.
- 6.2.6 The previous application provided a sequential test and at the time it demonstrated that there were no other suitable sites available. Therefore it was considered that evidence had been supplied to demonstrate that the sequential test has been passed. This application was granted in January 2019 and is therefore still extant. It is not considered necessary nor reasonable given the previous consent is still implementable to require the sequential test to be

carried out again for this application. It is considered there are no known changes since this time which would impact on the sequential test.

- 6.2.7 It is important to note that this application would be liable for CIL as per Eastbourne current charging schedule for A1-A5 use class.
- 6.2.8 The application proposes a 'coffee shop' within the newly formed use Class E, consideration should be given by the Case Officer to whether the use needs to be restricted within Class E to prevent inappropriate uses. It is also considered that some restriction may be necessary to prevent both this A3 and the previously granted A3 both being delivered. It is not overly clear in the submission documents whether it is no longer the intention to carry out the additional A1/A3 units under the previous consent and just amend the location of the A3 unit therefore given the above consideration not to require a further sequential test there should be a restriction on delivering only one of the A3 drive through units over the two consents.
- 6.2.9 To conclude, this development complies with a number of national and local policies. It will positively contribute to the continuing vitality of Hampden Retail Park and the vision for the Hampden Park Neighbourhood of improving the public realm in shopping areas. It is supported by Policy EL1 of the ELLP through its contribution to job growth and economic prosperity in Eastbourne which will be supported in order to enable the achievement of a sustainable economy.
- 6.3 Specialist Advisor (Estates)
- 6.3.1 Support the proposal.
- 6.3.2 These proposals for development of Hampden Retail Park mark the start of the Council's transformation of the site.
- 6.3.3 The inclusion of the drive thru within the retail park will provide a huge benefit to both the local community and existing traders on the site, increasing footfall and adding to the experience of a visit to the park.
- 6.4 Environment Agency
- 6.4.1 We have no objection to the proposed development as submitted, subject to the inclusion of the following 5 conditions that cover:-
- flood risk;
  - ground contamination;
  - verification report confirming that the is any remedial works have been undertaken then they were done so in accordance with an agreed strategy;
  - no surface water infiltration;
  - unsuspected contamination, no surface water infiltration.

## 7. Neighbour Representations

7.1 No comments have been received.

## 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 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 (2019), 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 The proposed development is to construct a single storey building to the eastern side of Hampden Retail Park with drive thru access to the building, re-layout of the retail park car parking area and a new soft landscaping scheme.

8.2.2 The location of the site is as such that the proposed new building is not considered to have a detrimental impact on any occupiers surrounding in terms of access and parking, loss of light, loss of privacy, noise disturbance or impacts of overlooking.

8.2.3 The existing car park area of the retail park provides for 276 parking spaces which includes 19 disabled spaces and 3 parents and small children spaces.

8.2.4 The proposed works will see the amount of spaces increase by 1 with a total of 277 spaces, there are no changes proposed to the access to the site which is located on Marshall Road.

### 8.3 Use

8.3.1 The proposed development is to construct a single storey building to be used as a coffee shop with drive thru facilities. The proposal is for Costa Coffee to occupy the building.

8.3.2 The proposed use would be counted as a 'Main town centre use' as defined by the NPPF. As paragraph 86 states "Local planning authorities should apply a sequential test to planning applications for main town centre uses that are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered." The Hampden Retail Park is not identified as a designated centre in the retail hierarchy (Core Strategy Policy D4) and is therefore considered an 'out of centre' location, which means the sequential test needs to be applied.

- 8.3.3 The aim of the sequential test is to ensure that main town centre uses are directed towards town centres first, and only where they cannot be accommodated in or on the edge of town centres should main town centre uses be permitted elsewhere. Therefore the purpose of the sequential test is to direct retail development to the most sustainable location(s) and at the same time protect the vitality of town centres, rather than to simply enable the modernisation of the offer at an undesignated retail park.
- 8.3.4 A sequential test was undertaken in 2018 prior to submission of the extant permission, which can still be implemented prior to 24<sup>th</sup> January 2022. As such, a condition is recommended alongside the grant of permission in this case, which would trigger the requirement for submission of a sequential test in the event that development approved by this application is not implemented prior to expiry of the extant permission. This would allow for an up-to-date test to be undertaken in respect of the site selection.
- 8.3.5 Further to the above, the proposal involves the creation of a drive through facility, which is considered to be suitable on this site in the interests of the amenities offered by the existing retail outlet and is not suited to more densely populated town centres. The development follows similar existing facilities provided by KFC and McDonalds on Lottbridge Drive.
- 8.3.6 The proposal will provide the equivalent of 11 full time equivalent job roles.
- 8.3.7 The applicant has not proposed specific hours of opening for the drive through facility. It is not considered that 24hr opening would have any detrimental impact, given the location of the site, and no restriction of opening hours is recommended with the grant of permission.

#### 8.4 Design

- 8.4.1 The proposed design of the building is considered to be acceptable and is in keeping with the surrounding commercial area and not thought to be intrusive to the visual amenity of the retail park or the industrial parks in the area.
- 8.4.2 The design bulk and scale of the proposal is acceptable, taking into account the local context.
- 8.4.3 The proposed car park works are to improve the quality of the parking provision at the site in order to increase the offer. The proposal involves the retention and improvement of soft landscaping on the perimeter of the site, including the provision of trees (six Silver Birch trees on the northern boundary with Lottbridge Road and three Hornbeam trees just to the south of the proposed building). This is set amongst a biodiverse planting scheme, as well as a Copper Beech hedge to enclose the site visually and to prevent unwanted diversion from dedicated pedestrian access paths.

## 8.5 Other Matters

8.5.1 There is an historic land fill site a short distance away, which could have implications in terms of contamination at the application site. As such, given that soft landscaping works are proposed, conditions are required to ensure that contaminants are identified and remediated, in the interest of public health.

## 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 The proposed development will not negatively impact on the amenity of the occupiers of surrounding properties or be detrimental to the character and appearance of the surrounding area. The proposal therefore complies with local and national policies.

10.2 The application is recommended for approval subject to the following conditions.

10.3 **Time Limit** - The development permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with section 51 of the Planning and Compulsory Purchase Act 2004.

10.4 **Approved Drawings/Documents** - The development hereby permitted shall be carried out in accordance with the following approved drawings:

Drawing No. 0001-G2 – Location Plan

Drawing No. 0005-G2 – Existing Site Layout

Drawing No. 0010-G3 – Proposed Site Layout

Drawing No. 0020-G1 – Proposed Coffee Drive-Thru GF Plan

Drawing No. 0021-G1 – Proposed Coffee Drive-Thru Roof Plan

Drawing No. 0030-G1 – Proposed Coffee Drive-Thru East and South Elevations

Drawing No. 0031-G1 – Proposed Coffee Drive-Thru West and North Elevations

Drawing No. HRPE-UBU-00-00-DR-A-1000 Landscaping plans

382-FRA-01-c – Flood Risk Assessment by MAC

R01-ADM - Transport Assessment, dated November 2020 by TTP Consulting Ltd

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

10.5 **Flood Risk Assessment** - The development shall be carried out in accordance with the submitted flood risk assessment (ref 382-FRA-01-C, Rev C, November 2020) and the following mitigation measures it details:

- Flood resilience, warning, evacuation, access and egress measures will be incorporated into the development as details in paragraph 2.1.7 of the FRA.

Reason: In line with Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants and maximise the safety of future occupants

10.6 **Ground Contamination** - 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. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - All previous uses;
  - Potential contaminants associated with those uses;
  - A conceptual model of the site indicating the sources, pathways and receptors;
  - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based upon (1) to provide information for a details assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the details risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy going 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 in order to demonstrate that the works set out in the remediation strategy (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: This is a phased condition and depending on the nature of the waste deposited in the historic landfill it is possible not all phases will be required. However this condition is required to ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

10.7 **Contamination Verification Report** - 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. 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.

Reason: To ensure the site does not pose any further risk to human health of 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 170 of the National Planning Policy Framework.

- 10.8 **Contamination Remediation Strategy** - 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 deal with has been submitted to, and approved in writing, by the local planning authority. The remediation strategy shall be implemented as approved.

Reason: As this development is sited on a historic landfill there is potential for previously unidentified source of contamination to be present. This condition is required to ensure that the development does not contribute to, 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 170 of the National Planning Policy Framework.

- 10.9 **Infiltration Issues** - 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 carried out in accordance with the approved details.

Reason: This condition is required to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affect by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

- 10.10 **Sequential Test** – In the event that this permission is not implemented prior to 23<sup>rd</sup> January 2022, a sequential test shall be completed, submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Reason: In accordance with paragraph 86 of the National Planning Policy Framework (NPPF).

- 10.11 **Trees** The site shall be landscaped strictly in accordance with the approved landscaping plan (drawing number HRPE-UBU-00-00-DR-A-1000) in the first planting season after completion or first occupation of the development, whichever is the sooner.

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.

- 10.12 **Tree Maintenance** All soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) 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. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

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.

11. **Appeal**

- 11.1 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.

12. **Background Papers**

- 12.1 None.