

**Report to:** Planning Applications Committee  
**Date:** 18 March 2024  
**Application No:** 230847  
**Location:** Site 1 off Martinique Way, Martinique Way, Eastbourne, East Sussex  
**Proposal:** Erection of an extra-care retirement community (Use Class C2), comprising 137 no. apartments for older people, ancillary facilities and services including an ancillary restaurant/bar and community meeting/activity space, soft and hard landscaping, parking, access and other associated works.  
**Applicant:** Martinique Way Village Limited  
**Ward:** Sovereign Ward

**Recommendation:**

1. Delegate to the Development Management Lead to:
  - a) Conclude consultation with the ESCC (Ecology and Landscape), the Health and Safety Executive (Fire Safety) and the Council's Specialist Advisor (Green Consultancy - Air Quality); and
  - b) Make any necessary revisions, attach conditions or seek planning obligations resulting from the above consultations;and upon conclusion of the above:-
2. Grant planning permission with conditions, subject to S106 Agreement to secure:
  - a) Local Labour Agreement;
  - b) Transport contributions (£1,350 per unit);
  - c) Travel Plan and monitoring fee (£6000);
  - d) Car Club contributions;
  - e) Contributions to provide improvements to the public open space and a gateway to the Harbour and an appropriate connection between the Seafront Promenade and the Harbour Walkway;
  - f) Restrict age of occupiers and new apartments not being used as second homes; and
  - g) Any additional heads of terms requested by consultees.
3. Should the Section 106 Agreement outlined within 2 (above) not be completed within a reasonable timescale (to be agreed with Officers) that the application be refused for the following reason:

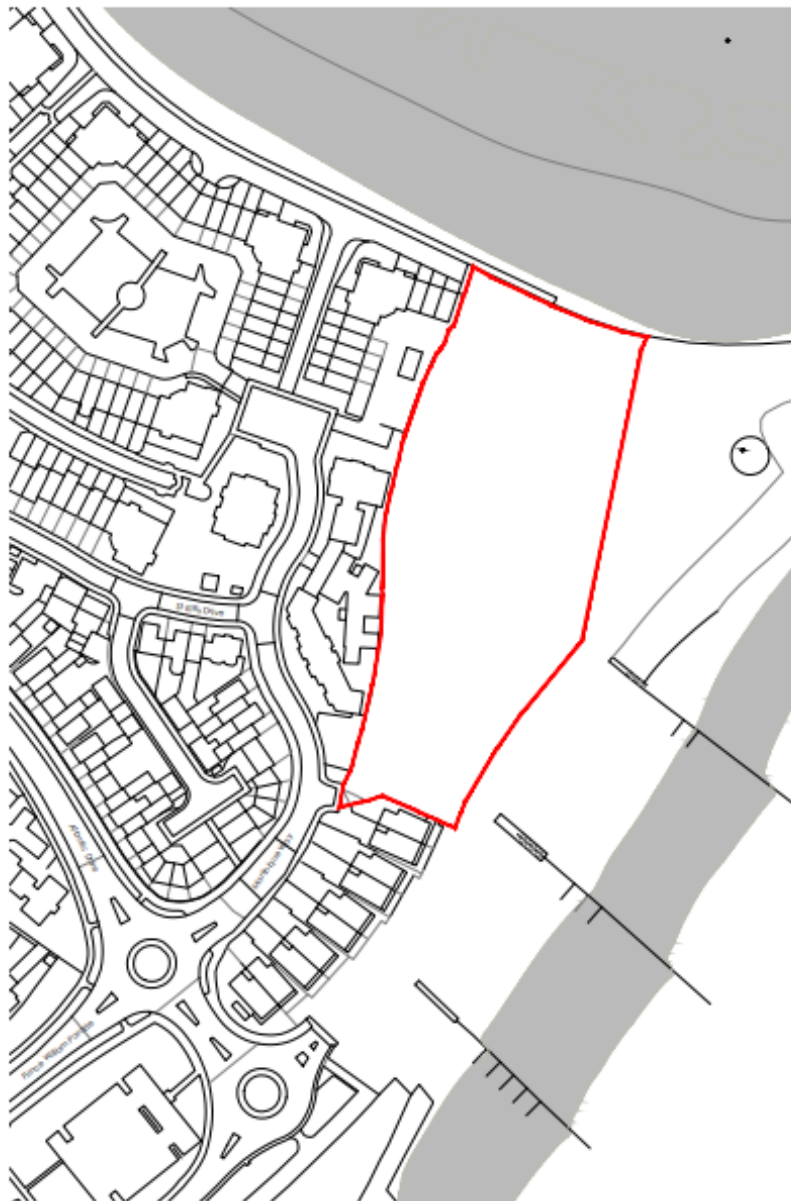
The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that planning obligations

required to make the proposed development acceptable in planning terms can be secured, contrary to Policy D8 (Sustainable Travel) of the Eastbourne Core Strategy 2013 and policies TR7 and UHT1 (Design of New Development) of the Eastbourne Borough Plan 2003 and paragraph 114 of the NPPF.

**Contact Officer:**                      **Name:** Emma Wachiuri  
**E-mail:** [emma.wachiuri@lewes-eastbourne.gov.uk](mailto:emma.wachiuri@lewes-eastbourne.gov.uk)

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**Site Location Plan:**



<b>1.</b>	<b>Executive Summary</b>
1.1	The application is being presented to the Planning Committee in line with the Scheme of Delegation as it proposes major development.
1.2	The application seeks planning permission for the erection of an extra-care retirement community (Use Class C2), comprising 137 no. apartments for older people, ancillary facilities and services including an ancillary restaurant/bar and community meeting/activity space, soft and hard landscaping, parking, access and other associated works.
1.3	The site was previously granted outline planning permission in December 2014 for up to 72 dwellings (Class C3) (Ref: 131002). Reserved matters consent was granted in 2016 for the erection of 10 houses and 62 flats over two blocks. The 10 houses were subsequently delivered but the construction of the flats has not commenced. The permission has been commenced and could be fully realised in accordance with the approved details.
1.4	At the time of writing, some consultations remain outstanding, including ESCC (Ecology, Landscape), the Health and Safety Executive (Fire Safety) and Specialist Advisor (Green Consultancy - Air Quality). However, given the initial liaison with consultees, it is not anticipated that any significant issues will be encountered in conclusion of the formal consultation.
1.5	The proposal would deliver housing in a sustainable location, close to a range of amenities. It would deliver community benefits in the form of high-quality community/amenity space that encourages social interaction and community cohesion.
1.6	The development would deliver a building that would complete the urban context and provide a sense of place-making to complement the appreciation of the local environment and neighbouring heritage assets.
1.7	The application is recommended for approval subject to conclusion of remaining technical consultations in line with the recommendation outlined above.

<b>2.</b>	<b>Relevant Planning Policies</b>
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development  4. Decision making  5. Delivering a sufficient supply of homes  6. Building a strong, competitive economy  8. Promoting healthy and safe communities  9. Promoting sustainable transport  11. Making effective use of land</p>

	<p>12. Achieving well-designed places  14. Meeting the challenge of climate change, flooding and coastal change  15. Conserving and enhancing the natural environment  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  B2: Creating Sustainable Neighbourhoods  C14: Sovereign Harbour Neighbourhood Policy  D1: Sustainable Development  D2: Economy  D5: Housing - High Value Neighbourhoods  D7 Community, Sport and Health  D8: Sustainable Travel  D9: Natural Environment  D10: Historic Environment  D10a: Design.</p>
2.3	<p><u>Saved policies of the Eastbourne Borough Plan 2001-2011:</u></p> <p>Sustainable Building Design SPD  Eastbourne Townscape Guide SPG  Eastbourne Sovereign Harbour SPD  Eastbourne Park SPD  Trees and Development SPG  Tourist Accommodation Retention SPG  Sustainability in Development  Local Employment and Training  Local Employment and Training SPD  Eastbourne Affordable Housing SPD  EBC Sustainability in Development TAN  EBC Biodiversity Net Gain TAN  EBC Electric Vehicle Charging Points TAN  HO1: Residential Development within the Existing Built-up Area  HO2: Predominantly Residential Areas  HO3: Retaining Residential Use  HO9: Conversions and Change of Use  HO11: Residential Densities  HO12: Residential Mix  HO20: Residential Amenity  TO1: Tourist Accommodation Area  TO2: Retention of Tourist Accommodation  TR2: Travel Demands  TR4 Quality Bus Corridors  TR5: Contributions to the Cycle Network  TR8: Contributions to the Pedestrian Network  TR6: Facilities for Cyclists  TR11: Car Parking  LCF18: Extension of Educational Establishments  LCF21: Retention of Community Facilities.</p>

2.4	<p><u>Eastbourne Employment Land Local Plan (ELLP- adopted 2016)</u></p> <p>Policy EL1 – Economy and Employment Land  Policy EL2: Industrial Estates  Policy EL4: Sovereign Harbour.</p>
2.5	<p><u>Supplementary Planning Documents and other relevant guidance</u></p> <p>Sustainable Building Design SPD  Eastbourne Townscape Guide SPG  Eastbourne Sovereign Harbour SPD  Eastbourne Park SPD  Trees and Development SPG  Local Employment and Training SPD  Eastbourne Affordable Housing SPD  EBC Sustainability in Development TAN  EBC Biodiversity Net Gain TAN  EBC Electric Vehicle Charging Points TAN.</p>

<b>3.</b>	<b>Site Description</b>
3.1	<p>The site comprises a 1.04 hectare area of partially vegetated shingle and sand located between Martinique Way and the Sovereign Harbour Arm (West). The sits adjacent to the seaward Harbour entrance, and is a broadly rectangular parcel, which links Martinique Way with the Sovereign Outer Harbour promenade. It is situated immediately adjacent to the beach at White Point with Martello Tower No.66 to the east. To the west is the residential development at Anguilla Close and Martinique Way which back onto the application site.</p>
3.2	<p>To the south of the site is a recent development of 10 modern, semi-detached houses along Martinique Way which together with the application site and known as ‘Site 1’, was granted Reserved Matters approval under reference 151056 for 2 apartment buildings accommodating 62 residential apartments, and 10 adjacent family homes. The permission has been implemented through the construction of the 10 family homes and remains extant and the current application site relates to the area approved for the 2 apartment buildings and continues to be referred to as ‘Site 1’ for continuity.</p>
3.3	<p>At present the site is undeveloped and includes shingle and self-vegetated open land that is accessed by the general public.</p>
3.4	<p>Martello Tower 66 is located outside of the site to the north-east adjacent to the Harbour Arm. The Martello Tower is a Scheduled Monument. Martello Towers are gun towers constructed to defend the vulnerable South Eastern coast of England against the threat of ship borne invasion by Napoleonic forces. Of the original 74 towners on the South-coast 26 now survive. No.66 survives well and retains a substantial proportion of its original components and associated features, including the original gun barrel, which is a rare survival amongst Martello towers. During World War</p>

	II, a concrete gun emplacement was constructed across the roof of the tower and this in turn supports a later, temporary coastguard station.
3.5	<p><u>Site Constraints</u></p> <p>Covenants - Eastbourne Borough Council</p> <p>Predominantly Residential Area</p> <p>Archaeological Notification Area</p> <p>Environment Agency Flood Zones 2 and 3.</p>

<b>4.</b>	<b>Proposed Development</b>
4.1	Erection of an extra-care retirement community (Use Class C2), comprising 137 no. apartments for older people, ancillary facilities and services including an ancillary restaurant/bar and community meeting/activity space, soft and hard landscaping, parking, access and other associated works.
4.2	The site was previously granted outline planning permission in December 2014 for up to 72 dwellings (Class C3) (Ref: 131002). Reserved matters consent was granted in 2016 for the erection of 10 houses and 62 flats over two blocks. The 10 houses were subsequently delivered but the construction of the flats has not commenced.
4.3	The proposed scheme is to build on the previously approved design for the 62 flats yet to be implemented, but in a modified way. The scheme will comprise three blocks of accommodation, including 137 apartments, raised up to the beach level with parking and servicing beneath. This would be a purpose-built residence providing extra-care and independent living retirement homes with communal facilities, available for residents, at beach level (upper ground floor). The facilities include a hair salon, laundry, private dining, café/ bar, restaurant, lounge, hobby spaces, village hall, and library, all accessed through a central reception area. The village hall is a flexible space that can host different activities.
4.4	The three buildings would be of staggered heights; the four storey building to the south; a five storey building at the middle and a seven storey building to the north which is a deviation from the previously approved apartment building of 4-5 storeys in height. The buildings will be broken up into 3 distinct sections by placing permeable elements at intervals along its length to allow views and movement through the building from Martinique Way to the beach. In addition, the central building will have a double height atrium facing the seaside to also assist in breaking down the overall mass of the proposed development.
4.5	The application proposes a mix of one-bed and two-bed apartments across the scheme, ranging from 50 m <sup>2</sup> (or 538 ft <sup>2</sup> ) to 80 m <sup>2</sup> (or 861 ft <sup>2</sup> ) in size, all having access to an amenity space in the form of either a terrace or patio. Corridors on residential floors shall have views to the outside and incorporate break areas for social interaction.

4.6	The main entry, servicing and car parking providing shall be accommodated on the lower ground floor. The car park would accommodate 70 parking spaces for residents and staff.
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<b>5.</b>	<b>Relevant Planning History:</b>
5.1	<u>EB/1993/0439</u> DEVELOPMENT OF 1400 FLATS AND HOUSES ON AREAS B1 B2 B3 AND C Approved Conditional 1994-02-22
5.2	<u>EB/1986/0431</u> MIXED USE DEV FOR RES, COMMERCIAL HOTEL, LEISURE & RETAIL NOT EXCEEDING 240,000 SQ FT GROSS ALSO INCL CONSTR HARBOUR & ASSOC WORKS OUTLINE Approved Conditional 1988-05-20
5.3	<u>EB/1992/0048</u> VARIATION OF CONDITION 1 ON EB/1986/0431 TO EXTEND THE OUTLINE IMPLEMENTATION TIME PERIOD Approved Unconditional 1992-03-31
5.4	<u>001044</u> Residential development of 563 dwellings and estate roads (mix of houses and flats, 501 in Areas B1 and B2 and 62 in Area B3), together with construction of waterway network. Outline (some reserved) Withdrawn 17/02/2000
5.5	<u>001254</u> Relaxation of Condition on 1 of planning permission EB/93/0439(OL) to permit an extension of time for the submission of reserved matters. Planning Permission Approved conditionally 06/04/2000
5.6	<u>001330</u> Application for variation to Condition no. 1 of EB/1992/0048 (as amended 2 April 1992) to provide five years extension of time. Planning Permission Approved conditionally 15/02/2001
5.7	<u>001340</u>

	<p>Erection of 452 flats and houses with associated access roads and car parking.  Reserved Matters  Approved conditionally  25/07/2001</p>
5.8	<p><u>010601</u>  Erection of single-storey building to act as a sales and information centre (for a temporary period) in association with the residential development of the surrounding land.  Planning Permission  Approved conditionally  25/04/2001</p>
5.9	<p><u>060292</u>  Erection of three blocks of 122 apartments together with the provision of 122 parking spaces and associated access road  Reserved Matters  Refused  08/08/2006</p>
5.10	<p><u>060296</u>  Erection of a block of 100 apartments together with the provision of 100 parking spaces and associated access road  Reserved Matters  Refused  08/08/2006</p>
5.11	<p><u>131002</u>  Outline planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour, Eastbourne:  Site 1 - up to 72 dwellings and access  Site 4 - Commercial and employment uses (A1-A5 3,200sqm)(B1, C1 and D13,600sqm)  Site 5 - Community use (800sqm)  Site 6 - Employment and office uses (B1 up to 15,000sq m )  Site 7 - Mix of employment uses (B1 6,700sqm) (C1 &amp; C2 up to 5,500sqm)(D1 up to 200sqm), up to 70 dwellings and open space (0.80 has).</p>
5.12	<p><u>151056</u>  Application for approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) together with discharge of conditions 2(part), 3(part), 9(part), 14, 16, 19, 22, 24, 28, 29, 39, 40, 41 and 47 following outline approval (Ref:131002) for the development of Site 1, Sovereign Harbour for 72 Residential Units, consisting of 62 Apartments over two blocks, and 10 houses.  Approved conditionally  17/05/2016.</p>



6.	<b>Consultations:</b>
6.1	<u>ESCC Archaeology:</u> Recommended for approval subject to conditions.
6.2	<u>ESCC Landscape Officer:</u> Awaiting response.
6.3	<p><u>ESCC – Lead Local Flood Authority and Pevensey and Cuckmere Water Level Management Board</u></p> <p>No objection- The information provided is satisfactory and enables the PCWLMB and LLFA to determine that the proposed development is capable of managing flood risk effectively.</p> <p>The information supporting the application to erect an extra care retirement facility is satisfactory and addresses all concerns with surface water management and impacts on local flood risk.</p> <p>Therefore, the PCWLMB and County Council as the LLFA has no objection to the application.</p>
6.4	<p><u>ESCC – South East England Coast Path and National Trail Officer:</u> Initial objection raised due to concerns regarding the impact of the development on the new King Charles III Coastal Path (KCIIEP).</p> <p>Should the proposed development be approved, it is anticipated that the use of the KCIIEP would increase as a result of the increased local population. New residents are likely to seek active travel and outdoor recreation opportunities along the coast, including use the KCIIEP. Consideration should therefore be given to improving the surface and accessibility of the KCIIEP in preparation for this expected increase in use.</p> <p>A further response has been received following further information from the applicant, which seeks a contribution to deliver surface improvements of the trail route outside of the application site.</p> <p><i>Officer comment:</i> <i>The further comments were received just prior to the finalisation of this report. They are being considered and an update will be provided in the Planning Committee Addendum.</i></p>
6.5	<u>Waste Services:</u> No response.
6.6	<u>Southern Water:-</u> The proposed development is located approximately 200m from the Eastbourne Wastewater Treatment Works. Due to the potential odour nuisance from a Waste Water Treatment works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An

	<p>Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU contour.</p> <p>Condition recommended to secure details relating to foul sewerage and surface water disposal.</p> <p>Awaiting response from Southern Water following agent's rebuttal to their recommendation.</p>
6.7	<p><u>ESCC – Local Highway Authority:</u> No objection subject to the imposition of conditions.</p>
6.8	<p><u>Regeneration Manager:</u> A review of the application for planning permission for the above site identifies:</p> <ol style="list-style-type: none"> <li>1. New residential retirement living complex.</li> <li>2. Hospitality and maintenance employment opportunities.</li> </ol> <p>The size of the build should provide sub-contracting opportunities for local business and increased trade spend, as well as medium term construction employment.</p> <p>The Local Employment and Training Supplementary Planning Document (SPD), adopted November 2016, confirms this planning application qualifies for a local labour agreement as it meets the threshold for a residential development.</p> <p>Facilities within the development will create 24 full time jobs. The threshold to engage for operational employment is 25 jobs. The Eastbourne hospitality sector is currently experiencing recruitment difficulties therefore Regeneration requests inclusion of operational employment within the local labour agreement to prepare job seekers to the development's job opportunities.</p> <p>In the event of the outline planning application being approved, Regeneration requests it be subject to a local labour agreement as outlined above and in accordance with the SPD.</p>
6.9	<p><u>Specialist Advisor (Planning Policy)</u></p> <p>Summary: The site is considered a sustainable location for development, with access to key services and public transport. The proposal if granted would contribute 76 residential units to the borough's housing supply (14 more than already committed) <i>Officer Note: this is due to the way C2 uses are counted against housing supply, not the total number of units being proposed within the scheme.</i> The proposed development would also employ people in the long term and would generate local jobs in the construction stage. In accordance with the Sovereign Harbour SPD the proposal should provide improvements to the public open space and a</p>

	<p>gateway to the Harbour, an appropriate setting to the Martello Tower and an appropriate connection between the Seafront Promenade and the Harbour Walkway. 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. Providing the sequential and exemption tests are satisfied and subject to the principles of the SPD being met planning policy have no objection in principle to the proposed development of the site. However, it is for the Case Officer to consider the details of the proposal against relevant national and local policies.</p>
6.10	<p><u>Specialist Advisor (Environmental Health)</u> No response received.</p>
6.11	<p><u>Specialist Advisor (Contaminated Land)</u> The applicant has submitted a land contamination assessment prepared by Campbell Reith (report ref: 14150-CRH-XX-XX-RPLQ-0001-LCA-P02 dated 19/12/2023).</p> <p>No objections raised subject to conditions.</p>
6.12	<p><u>Southern Water</u> No objection raised in response to consultation. Recommended that an Odour Assessment is carried out prior to development if the development is within 1.5 OdU odour contour of the nearby Waste Water Treatment Works to the south of the site.</p>
6.13	<p><u>Fire Brigade</u> No response received.</p>
6.14	<p><u>Health and Safety Executive (Fire Safety)</u> The HSE consultation is outstanding at the time of writing, but would be concluded prior to decision with any recommendations addressed to ensure compliance with any fire safety requirements.</p>
6.15	<p><u>Air Quality- Green Consultancy</u> Awaiting response.</p>
6.16	<p><u>Sovereign Group Ltd</u> No response received.</p>
6.17	<p><u>Environment Agency</u> No objection.</p>
6.18	<p><u>Active Travel England</u> No comment to make as it does not meet the statutory thresholds for its consideration.</p>

7.	<b>Other Representations:</b>
7.1	<p><u>Pre-application notification</u></p> <p>The applicant undertook a significant pre-application engagement with the local community and key stakeholders, including a locally held exhibition with members of the project team available to discuss concerns and answer questions.</p> <p>The event was well attended and led to a range of comments and views being recorded by the project team.</p>
7.2	<p><u>Notification</u></p> <p>Notification of this application has been undertaken in the form of:</p> <ol style="list-style-type: none"> <li>a. neighbour notification letters</li> <li>b. site notices displayed in roads neighbouring the site and</li> <li>c. a press advert in a locally distributed newspaper.</li> </ol>
7.3	<p><u>Neighbour Representations:</u></p> <p>Objections lodged by interested parties in relation to this application are based upon the following material planning considerations:</p> <ul style="list-style-type: none"> <li>• The size is out of character with sovereign harbour</li> <li>• Proposal is too large and disproportionate to the area and thus is overdevelopment</li> <li>• Land available is smaller than the area shown on plans</li> <li>• The tall building would set a precedent for other side of harbour</li> <li>• As it is a main entrance to Eastbourne (harbour entrance) it should be landscaped and provided with a park and play area to represent the town as previously proposed</li> <li>• This part of South Harbour is too densely populated and current parking facilities overwhelmed</li> <li>• Insufficient parking spaces (70no.) for the proposed development's residents, staff and visitors</li> <li>• Lack of public transport</li> <li>• Emergency services mainly fire and ambulance access problems will be exacerbated by this development</li> <li>• Concerns about the visibility from proposed access</li> <li>• Excess traffic including pedestrian will be disruptive</li> <li>• Development too high and encroaches too far onto the seafront</li> <li>• Dominant</li> <li>• Loss of sunlight to neighbouring gardens due to height of the building</li> <li>• Loss of privacy</li> <li>• Loss of habitat for wild flowers, birds, hedgehogs and foxes</li> <li>• Loss of large expanse of the beach</li> <li>• Loss of coastal views</li> </ul>

	<ul style="list-style-type: none"> <li>• The development will overshadow and block the views of the protected Martello tower</li> <li>• Negative impact on the Grade II Listed Martello Tower 66</li> <li>• How will the access to the Martello tower be preserved?</li> <li>• No community benefit as the facilities would not be available to the public at all times</li> <li>• The landscape, infrastructure and local services simply cannot cope with a development of this kind.</li> <li>• Extra pressure on infrastructure particularly sewage/water and medical services</li> <li>• Impact on already struggling water infrastructure</li> <li>• the land is soggy and flooding issues</li> <li>• Risk of beach erosion and flooding within the site and neighbouring properties</li> <li>• The current site is used by the sea defence team to store shingle used to rebuild the beach. An alternative site would need to be provided by the developers for this.</li> <li>• The developers should also be responsible for linking the promenade along the seafront with the walkway around the harbour, to keep the pedestrian access that currently goes across this site</li> <li>• Unlikely to provide stated employment</li> <li>• The D&amp; A is incorrectly drawn showing frontage of flats in Martinique Way as road facing but they are sea facing</li> <li>• Where will staff and services(doctors) come from?</li> <li>• Traffic and noise pollution from the additional residents</li> <li>• Concerns about storage and waste areas and rubbish collection</li> <li>• Previous application stated that 2/3rds of the site should be retained for public access</li> <li>• Noise, dust and inconvenience to local residents during construction</li> <li>• Lack of recreational area</li> <li>• A children's play area should be provided as was proposed as part of the extant planning permission</li> <li>• The units could be purchased as second homes</li> <li>• There is no need for senior living accommodation in the area.</li> </ul>
7.4	<p><u>Support</u></p> <ul style="list-style-type: none"> <li>• Support for C2 and complementary uses instead of more flats or houses.</li> </ul>
7.5	<p><u>Non-material planning considerations</u></p> <ul style="list-style-type: none"> <li>• Devaluation of neighbouring properties</li> <li>• Owners to apply for reduction in Council Tax</li> <li>• Will these dwellings incur the same sea defence harbour charges?</li> <li>• Two other older age related developments to be built on the north Harbour along Pacific Drive</li> <li>• The flats will be difficult to sell and will remain empty for a very long time.</li> </ul>

7.6	<p><u>Other Representations:</u></p> <p><u>Sovereign Harbour Residents Association</u></p> <p>Objection is raised on the following material planning grounds:</p> <ul style="list-style-type: none"> <li>• Increase of units on site from extant permission</li> <li>• Traffic impacts</li> <li>• Lack of car parking facilities</li> <li>• Flood risk</li> <li>• Noise disturbance</li> <li>• Height of the building</li> <li>• Impact upon the Martello Tower</li> <li>• Walking / Cycle path upgrades</li> <li>• Should include a children's play area</li> <li>• Minibus transport should be made available to neighbouring residents if space is available.</li> </ul>
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8.	<p><b>Appraisal:</b></p>
8.1	<p><u>Key Considerations:</u></p> <p>Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the current development plan for the area in which the application site is located comprises:</p> <ol style="list-style-type: none"> <li>a) Saved policies of the Eastbourne Borough Plan 2003;</li> <li>b) Eastbourne Core Strategy Local Plan which was formally adopted February 2013; and</li> <li>c) Waste and Minerals Local Plan (February 2013) and the Waste and Minerals Sites Plan (February 2017), adopted by East Sussex County Council and form part of the statutory development plan, although not relevant to this application.</li> </ol> <p>Policies Eastbourne Borough Plan 2003 have been 'saved' via Direction of the Secretary of State dated 25 September 2007, under the provisions of Paragraph 1(3), Schedule 8 of the Planning &amp; Compulsory Purchase Act 2004. Annex 1 of the National Planning Policy Framework confirms that these 'saved' policies still form part of the development plan.</p> <p>Each planning application is considered on its own merits taking into account the adopted development plan and any other material considerations.</p> <p>The main material considerations for this application include:</p> <ul style="list-style-type: none"> <li>• principal land use considerations</li> </ul>

- Sustainability and Energy Efficiency
- Design, Scale, Massing and Landscaping
- Quality of Accommodation Provided
- Impact Upon Heritage Assets
- Impact of the proposed development on amenity of adjoining occupiers and the surrounding area
- Transport and Parking
- Flooding and Drainage
- Ecology and Biodiversity
- Refuse storage and recycling.

8.2

Principal Land Use Considerations:

Para. 124 c) of the NPPF states that planning decisions should ‘give 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;’

The proposed scheme responds well to this objective given the site is brownfield and is within a highly sustainable location, being well located from an accessibility perspective.

*Vision for Site 1*

The application site features within the Sovereign Harbour Supplementary Planning Document, as part of a larger site that encompasses Martello Tower 66 and the peninsula of land to the harbour arm, together with land already developed to the south. The Vision for Site 1 states that, ‘*The setting, character and heritage of Site 1 provide an opportunity for a unique and high-quality architectural response*’ and that ‘*Currently, the site is characterised by an unfinished domestic edge that fails to mark out this gateway to the Harbour or provide a suitable destination at the eastern end of the Eastbourne seafront*’.

The vision is committed to delivering public space and ‘place-making’ as a ‘Harbour gateway’, taking account of the constraints of the Martello Tower and sea defence works required to protect the coastline.

The Vision also refers heavily to the ecological value of the vegetated shingle and the making use of the opportunity to deliver a space that is ‘*rich in biodiversity*’.

*Extant Permission*

Consideration of this application is set against the grant of outline planning permission in December 2014 for up to 72 dwellings (Class C3) on the site (Ref: 131002). Reserved matters consent was granted in 2016 for the erection of 10 houses and 62 flats over two blocks. The 10 houses were subsequently delivered but the construction of the flats has not commenced. This extant planning permission is therefore of material consideration and

the principle of the proposed residential development is thus established provided it satisfies relevant planning policies relating to sustainability, impacts upon environmental, residential and visual amenities and impacts upon ecology and the highway network.

#### *Loss of Committed Housing*

Saved policy HO3 of the Eastbourne Borough Plan maintains that planning permission will not be granted for development which would result in the net loss of the number of residential units previously committed.

The extant permission provides a committed scheme for 72 residential units (Class C3). Planning Practice Guidance allows authorities to count housing provided for older people (Class C2) against their housing requirement (Paragraph: 016a). To do so the PPG sets out that authorities should calculate the amount of accommodation released into the market based on the average number of adults living in households. On this basis, the 137 apartments would constitute 76 units ( $137 / 1.8 = 76.1$ ).

Given this is in excess of the 72 units committed there is no conflict with saved policy HO3.

#### *Proposed Residential Use*

The site is located within the built-up area and also within an area recognised as predominantly residential by Policy HO2 of the Eastbourne Borough Plan. This Policy states that, in order to ensure that at least 60% of residential dwellings are built on previously developed land, planning permission will be granted for residential schemes in the areas identified on the Proposals Map as predominantly residential areas.

The National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing. As of October 2023, Eastbourne is only able to demonstrate a 1.4 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. National policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals. It also states that where relevant policies are out-of-date, permission should be granted "*unless 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*", (NPPF, paragraph 11).

The applicant has submitted a needs assessment for older people's housing in the country as a means to demonstrate the requirement for a facility of the size proposed in Eastbourne.

Para. 61 of the NPPF provides further context, stating that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including... older



people...and... people with disabilities). This social objective is recognised by Policy D7 of the Eastbourne Core Strategy, which states that ‘The Council will work with other relevant organisations to ensure that appropriate health care facilities, including new provision and enhancements to existing facilities, are provided in the most appropriate locations to meet existing and anticipated local needs.’

Whilst the development would occupy a site where there is extant permission for the provision of flats it is important to note that it would provide residential accommodation and that the availability of care facilities may free up existing family houses that are currently occupied by people who may move into the proposed extra-care retirement homes.

It is therefore concluded that the proposed use does make a significant contribution to the housing need and is acceptable in principle.

#### *Proposed C2 use*

The proposal is described in the submitted Planning Statement as an extra care retirement community.

The proposal also includes living accommodation in the form of apartments that would provide all the facilities required for self-contained living. This gives rise to questions regarding whether the use of the proposed ‘units’ falls with Use Class C3 (Dwelling Houses) rather than the proposed Use Class C2 (residential institutions).

This is a particularly relevant material consideration given that a C3 use would give rise to an affordable housing contribution when considered against the Council’s adopted policy D5 (Housing) and Affordable Housing SPD. Policy D5 explicitly refers to C3 Use Class in defining where a contribution will be sought.

Use Class C2 is defined in the Town and Country Planning (Use Classes) Order 1987 (“the Use Classes Order”). In relation to Use Class C2, it states that this is:

*‘Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3. Dwellinghouses, used as sole or main residences)]. Use as a hospital or nursing home. Use as a residential school, college or training centre.’*

PPG Paragraph: 010 Reference ID: 63-010-20190626, also states:

*‘Extra care housing or housing-with-care: This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the*

*intention is for residents to benefit from varying levels of care as time progresses.'*

The applicant has provided Counsel opinion on this matter, for the purposes of clarification. It refers to a variety of case law, which defines the use in similar circumstances to this proposal.

The key factor for defining the C2 use is the provision of care. By way of the management fees and service charge for the Untold Living extra care model, the services provided to residents inhabiting the proposed building would (amongst other things) include:

*'A range of personal care services including in connection with: eating, drinking and food hygiene; using the toilet; washing or bathing; getting into/out of bed; dressing; oral care; the care of skin; hair and nails; support with domestic cleaning; administration of, prompting to take, or supervision of medicine; management of incontinence; hydration & nutrition support and monitoring; laundry services; concierge services and shopping. A base level of personal care support is included in the management fee / service charge and is tailored to each individual's needs, and the level of support can varied as needs change. All regulated personal care is provided by a Care Quality Commission (CQC) registered provider.'*

Taking this into account, and in conclusion, Officers agree that the proposed use falls within the C2 use class and would not result in an affordable housing liability.

The Revised National Planning Policy Framework (NPPF) directs Local Planning Authorities to adopt a presumption in favour of sustainable development. One of the three overarching objectives, that form the components of sustainable development, is a social objective (para. 8 b). The social objective requires the support of 'strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.' The proposed extra-care use supports the continued presence of a mixed community in the surrounding area, promoting cohesion and interaction between different elements of the community and, thereby, improving community well-being.

Saved policy HO17 of the Eastbourne Borough Plan supports the development of residential care facilities, subject to proximity to public transport, shops, open spaces, entertainment and community facilities as well as on the proviso that the property is suitable for the use and there is provision of adequate parking.

#### *Proposed community, dining, other ancillary uses*

The application proposes a range of communal facilities to support its C2 use. These are intended to be ancillary to the main C2 use and would be

available predominantly for residents. However, the application does propose 'moderate' public use, with the aim of encouraging social interaction and cohesion for the benefit of future and neighbouring residents alike.

The proposed facilities include a hair salon, laundry, private dining, café/bar, restaurant, lounge, hobby spaces, community hall, and potentially a small library.

Given the ancillary use and 'modest' external use, there would be no town centre uses (such as those falling within Use Class E) created by the proposal.

This satisfies Section 7 of the NPPF, which is concerned with 'ensuring the vitality of town centres' and 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". The facilities are designed to reduce the dependence on external facilities for day to day living, but it is not considered that the development would have any significant impact on town, or neighbouring, centres given the moderate external use.

The accompanying text to Policy C14 of the Eastbourne Core Strategy 2013 (Sovereign Harbour Neighbourhood Policy), states that '*...one of the main weaknesses of the Sovereign Harbour neighbourhood is access to services and facilities. There are particular problems with access to community facilities, playing fields, parks and gardens and children's play areas. The neighbourhood has few trees and greenspaces, and there is a low level of local jobs and businesses, meaning people have to travel outside of the immediate area for work.*'

The proposed development delivers a number of key objectives for the Sovereign Harbour Neighbourhood, including access to community facilities (albeit moderate), together with the creation of 24 full time jobs.

### 8.3 Sustainability and Energy Efficiency

Sustainable design and development is at the heart of the Eastbourne Core Strategy Local Plan. Policy D1 sets out the high level strategic policy against which all proposals will be assessed. It requires that all new development is sustainable, well designed and constructed and demonstrate that it has taken account of the principles of sustainable development.

ESCC Highways Authority has advised that the site is considered to be relatively well located from an accessibility perspective. It is acknowledged that the walking distance to the nearest amenities may be excessive for some residents; however, a relatively frequent bus service is available within 400m of the development whilst communal facilities, including residents lounge, restaurant/café/bar, meeting rooms/office space and a village hall available within the site will reduce the need for residents to undertake some types of journeys.

	<p>The surrounding residential area provides a potential source of staff within close proximity of the site. The size of the facility provided allows for the provision of a number of facilities to support occupants and staff including a hair salon, laundry, private dining, café/ bar, restaurant, lounge, hobby spaces, community hall, and potentially a small library which provide a level of self-sufficiency and sustainability.</p> <p>With regards to community benefit the submitted Planning Statement indicates that the internal areas have been designed primarily for the residents living within the development, however the applicant continues to welcome controlled access within the building at certain times. This might include the use of the community hall for pre-booked activities and the possible use of the cafe/bistro at certain times of the day. The applicant is also looking to invite the local community in other ways such as via U3A (locally run interest groups) and church groups, alongside commercial services such as hairdressing, cookery and other activity classes managed by a Community Engagement Manager and sourced locally.</p> <p>The proposed development through controlled access of some communal facilities would as such, improve facilities available to nearby residents and the sustainability of the wider neighbourhood.</p> <p>An energy strategy report submitted with the application confirms that a controlled ventilation system with heat recovery has been designed for all apartments where openable windows are not feasible for night-time purge ventilation. This comes with an added benefit of pollutants being filtered out.</p> <p>The buildings would have an east and west orientation and limited exposure to the south and north which would enable energy efficiency of the building.</p> <p>Solar photovoltaic (PV) and Air Source Heat Pump energy technologies are being proposed as green energy of choice for the development.</p> <p>Apartment kitchens and bathrooms will be equipped with water efficient appliances and fittings to achieve a consumption rate as low as 105 litres per person per day, which is a 16% saving over requirements set out in the current Approved Document Part G of the Building Regulations (125 l/p/d). These sustainability details have not been submitted with this application but can be secured via a planning condition.</p> <p>There would be provision of electric vehicle charging points details of which can be secured via a planning condition.</p>
8.4	<p><u>Design, Scale, Massing and Landscaping</u></p> <p>Section 12 of the NPPF is concerned about development ‘achieving well-designed places’ and under paragraph 135 it states, amongst other requirements, that ‘planning policies and decisions should ensure that developments:-</p>

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- b) are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) [...]
- f) ...create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Para. 128 states that 'decisions should support development that makes efficient use of land, taking into account... the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

Para. 126 of the National Design Guide (2019), 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.'

The proposal relates to three linked buildings that would be of different heights in response to the surrounding buildings and context; the four-storey building to the south; a five-storey building at the middle and a seven storey building to the north.

The surrounding street scene is varied. To the west the site is bounded by existing residential apartment buildings on Martinique Way and Anguilla Close, comprising two storeys nearer to the site access rising to six storeys further north, adjacent to the harbour. To the south of the site are 10 semi-detached residential dwellings of up to 2.5 storeys, which were part of the extent permission.

Policy UHT2 (Height of Buildings) seeks to ensure that '*new development is of a height similar and conform with that of the majority of surrounding buildings and take full account of its effect on the skyline and long distance views*'.

It is clear from the submitted information that the buildings would have a greater scale than the extant scheme. It would also be taller than neighbouring buildings. However, when viewed in the context of Sovereign Harbour, the scale departure would not be significant.

The existing context is comprised of differing building heights, ranging from two storey deeper in the neighbourhood, to six storeys with pitched roof that punctuate the perimeter blocks on the periphery of the urban area and front the waterside in this part of the harbour.

	<p>The proposal would comprise a similar number of storeys, ranging from 4 storeys to the south adjacent to the houses built as part of the extant scheme, to seven storeys at the northern end, with the uppermost storey being set back from the primary elevations.</p> <p>The building responds to the rhythm of the taller harbour facing buildings directly to the north and, given that the site occupies the corner of the developed urban area, would 'book-end' the built form with a distinctive building that 'finishes' the developed urban context.</p> <p>The proposed materials are glassfibre Reinforced Concrete, glass cladding panels, and metal balustrading for the walls, aluminium framed windows and a green roof. Samples of the proposed materials would be secured by way of a condition.</p> <p>It is therefore considered that the large scale of the proposed building is consistent with the street scene and the wider surrounding environment.</p>
8.5	<p><u>Quality of Accommodation Provided:</u></p> <p>The Council does not have any specific adopted standards for care home development in terms of unit size. However, para. 135 (f) of the NPPF states that planning decisions should help create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.</p> <p>All bedrooms and primary amenity areas within the proposed building have access to clear glazed windows with a good level of outlook and exposure to natural light and effective natural ventilation.</p> <p>The layout of the building is clear and uncluttered with all corridors being wide, awkwardly shaped rooms avoided and a communal rooms provided within close proximity of the lift which provide step free access to all floors of the building.</p> <p>Shared communal facilities would be provided at the ground beach level with entrances from both the front (street) and rear (beach) sides for easy access to both the residents and the public. It is considered that this would encourage social interaction as well as support the provision of a wide range of activities on site, thereby enhancing its sustainability.</p>
8.6	<p><u>Impact Upon Heritage Assets:</u></p> <p>The Martello Tower No. 66 is a Grade II listed heritage asset and scheduled monument and is sited northeast of the site adjacent to the Harbour Arm.</p> <p>The proposal maintains a 62m distance from the Martello Tower, as agreed for the Outline planning permission for the site. The building to the</p>

northern corner is designed with a chamfered end to avoid blocking views of the Martello Tower as one walks along outer harbour promenade.

In response to consultation, Historic England (HE) has raised concerns regarding the scale of the development when considering the proximity to the nationally designated Martello Tower 66. HE considers that the scale, massing, and detailing of the design would compete visually with Martello 66, thereby detracting from its sense of isolation and dominance on the beach. HE also considers that the scheme would create a strong physical and visual barrier that would impede our ability to appreciate and understand the Martello's 360-degree field of fire and its role in landward defence.

HE's view is appreciated, but the heritage considerations of the LPA as decision maker is set within the context of an extant permission for development that would be similarly related in terms of separation distance.

What separates this proposal from the extant permission is the nature of the proposal, which would provide high quality landscaped areas on the seaward (Martello) side of the site for recreation, together with public access to facilities within the development, with the ultimate aim of supporting social interaction and cohesion at the site, in the vicinity of the heritage asset. These aspects of the proposal would encourage both a sense of placemaking and increased activity to appreciate the heritage asset.

Taking the above into account, together with the consideration of the housing and job creation in the planning balance, it is not considered that the relationship of the proposed development to the Martello Tower would have a significant impact to warrant refusal of planning permission when arriving at a balanced decision, taking account of the benefits delivered.

8.7

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

The existing residential properties to the west of the site and along Martinique Way and Anguilla Close are the most likely to be affected by the proposed development. The properties back on to the site with the walls of adjacent buildings closest to the boundary being blank gables or have very limited openings. A wall-to-wall separation distance of between 13m and 20m would be maintained between the proposed development and these residential properties to the west. The distance to the windows along the inset walls would be approx. 39m.

A day and sunlight assessment has been submitted with the application and it has demonstrated that the proposal would not have significant adverse impacts on residential amenity of neighbouring occupiers when set against the extent permission. The results of the submitted daylight and sunlight assessment demonstrate there would be negligible impact to the daylight of Anguilla Close, 10 Martinique Way, 28 - 36 Martinique Way

or 37 – 48 Martinique Way.

The NPPF (at para.129) states that ‘in considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

The residential properties to the south do not have habitable/main windows on the facing side elevation and a separation distance of 11m from the proposed development would be kept.

On balance of the consideration of the impacts upon light loss against the constraints of the site and the built-up urban context, the overall daylight/sunlight impacts of the scheme are considered to be within acceptable limits.

Turning to privacy, the proposal would generate a number of new elevated vantage points from the building towards neighbouring residential occupiers. However, the scheme would not provide a significantly different relationship between the site and neighbouring windows when set against the extant permission and, as such, is considered to be acceptable on these grounds.

In terms of the impact upon outlook for neighbouring occupants, it is recognised that the building will have a degree of dominance from some neighbouring windows. However, it is not considered that this would be significant or considerable when set against the extant permission and, on balance, it is considered that the proposal is acceptable based upon the constraints of the site and the existing urban context.

8.8

Transport and Parking:

Policy D8 of the Core Strategy states that new development should reduce the need to travel; make walking, cycling and accessibility to public transport a priority in the design of their layouts; provide for the needs of pedestrians and cyclists, including people with disabilities and mobility difficulties, which is particularly relevant to the proposed development; contribute towards sustainable travel schemes and activities, including the County Council’s Local Sustainable Accessibility Improvement Contributions; and support safe and effective traffic movement along existing highways.

A Transport Assessment has been prepared and is submitted in support of the application, which confirms that, when set against the extant permission, the proposals could attract 26 additional vehicle trips in the morning peak hour (less than 1 every 2 minutes) and six additional trips in the evening peak hour (around 1 every 10 minutes).



To promote sustainable means of transport, a Travel Plan is has been provided in accordance with saved policy TR3 of the Eastbourne Borough Plan.

The building form has been designed to enhance pedestrian routes passing through the site will improve permeability and local connections in accordance with Core Strategy Policies C14 and D8.

A new vehicular site access road off Martinique Way would be created, running parallel to the western site boundary with a hammerhead turning point at the northern corner. The new access road would also link the Sovereign Outer Harbour Promenade with the Eastbourne Promenade via Martinique Way and completing the existing network of public pedestrian and cycle routes.

70 parking spaces would be provided, 18 spaces along the access road and a further 52 within the building integral lower ground car park area.

There would be provision of electric vehicle charging points, the details of which can be secured via a planning condition.

Secure and covered parking facilities for 20 bicycles would be provided across both car parking garages, and a dedicated store with electric charging facilities for 6 mobility scooters would be located close to the main entrance. These would be secured via a planning condition.

The applicant has committed to further sustainable transport incentives, including within a Travel Plan, bus shuttle service and contributions to a car club that would be made available for both future occupants and the wider community.

The Local Highway Authority (LHA) has been consulted and they have raised no objections subject to conditions. They have commented that they have no major concerns regarding the proposed accesses into the site and noted that all works within or connecting to the highway will need to be in accordance with ESCC specification and carried out by an approved contractor under the appropriate license or legal agreement.

With regards to car parking the LHA has acknowledged that the proposed use does not fit into non-residential or residential categories fully and the ESCC Parking guidance does not provide specific standards for age-restricted retirement accommodation; however, the Transport Statement suggests that given the nature of the proposal, the demographic of future residents and the sustainable location the parking demand is anticipated to be much lower than that of typical residential accommodation.

The LHA has advised that in comparison to standard residential accommodation, it is accepted that car parking demands associated with an extra care retirement home are likely to be lower, especially in this instance as the site is relatively well located from an accessibility perspective being in close proximity to public transport. The facilities

available within the site, which are extensive, will also contribute to reducing the need for residents to travel and provide travel choice, by creating a community environment. As a result, LHA is satisfied that the level of parking proposed is adequate in this instance.

LHA has no adverse comments regarding pedestrian routes and links with the site and given that the level of traffic associated with the consented use of the site was previously assessed and considered acceptable, they are satisfied that the relatively minor increase in traffic likely to be generated by the use of the site now proposed would not have a detrimental impact on the highway network and therefore no further capacity assessments are required.

Therefore, LHA does not wish to object to the development proposal; subject to the proposed off-site works including the provision of upgraded bus stops, fully accessible pedestrian links and financial contributions being secured by the appropriate legal agreement. Additional cycle storage may be required, and this should be monitored as part of the Travel Plan, as should mobility scooter usage, and increased as required. The internal layout, including parking and turning facilities within the site, will be secured by appropriate conditions.

8.9

Flooding and Drainage:

The site falls within the Environment Agency's Flood Zone 3a.

Development proposed within FZ 3a must pass the sequential test, and in addition, 'Essential Infrastructure' and 'More Vulnerable' development, including housing, must also pass an exception test.

The site featured within an Outline planning permission for the wider Sovereign Harbour, in which it formed one of eight sites and still retains reference to 'Site 1' as a result. Reserved matters were approved in 2014 and the development was commenced in the form of the construction of 5 houses to the south of the site (not part of this application site).

Given the site has an extant permission for residential development, this provides a 'fall-back' position which is a material consideration that weighs heavily in favour of residential development of the site. In this context, it is considered that the proposal passes the sequential test and exception tests, including giving consideration of the additional social and environmental benefits that the scheme provides above and beyond that of the consented scheme.

The submitted Design and Access Statement advises that due to the seafront location of the proposed development, there is an immediate threat of flooding by seawater. The level of the existing flood defence line is between 6.5m and 6.8m AOD. As the podium of the building has a finished floor level of 4.15m it accommodates only non-habitable spaces. The proposed finished floor level of 7.15m for the ground floor elevates the habitable spaces above the flood defence line.

	<p>The Environment Agency has raised no objections subject to conditions.</p> <p>In addition, the County Council as the LLFA has commented that the information provided is satisfactory and enables the PCWLMB and LLFA to determine that the proposed development is capable of managing flood risk effectively.</p> <p>The information supporting the application to erect an extra care retirement facility is satisfactory and addresses all concerns with surface water management and impacts on local flood risk.</p> <p>Therefore, the County Council as the LLFA and PCWLMB has no objection to the application.</p>
8.10	<p><u>Ecology and Biodiversity:</u></p> <p>The National Planning Policy Framework (NPPF) states that ‘planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity...’ and that ‘opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity...’.</p> <p>Eastbourne Borough Council’s Biodiversity Net Gain Technical Advice Note (September 2021) also advises that the Council ‘expects that major planning applications will demonstrate a minimum 10% increase in Biodiversity Net Gain, and would encourage applications to consider achieving higher net gains in proposals’.</p> <p>In accordance with Policy D9 of the Core Strategy, a Preliminary Ecological Appraisal (PEA) has been submitted in support of the application.</p> <p>The site is within an area of Coastal Vegetated Shingle HPI. Shingle removed from beach during levelling of the site will be placed on roofs to promote and contribute to biodiversity on site. The submission also indicates that the site would be landscaped using native coastal species.</p> <p>There are two non-statutory local wildlife sites – Sovereign Harbour Beach and Sovereign Park – located 181m and 427m away from the site, respectively. The nearest nationally designated wildlife site is the Beachy Head East Marine Conservation Zone (MCZ), which covers a wide area of the English Channel, as shown in Figure 2.3 below. The boundary at its nearest point lies 33m southeast of the site but it will be unaffected by the proposals within this application.</p> <p>All other nationally designated wildlife sites are between 3.5km - 4.42km away from the site. The nearest internationally designated wildlife sites lie between 3.5-7km away.</p>

	<p>There are no existing trees on the site, as confirmed within the submitted Arboricultural Impact Assessment.</p> <p>The County Ecologist has been consulted but no formal response has been received at the time of writing this report.</p>
8.11	<p><u>Fire Safety</u></p> <p>The LPA has a duty to consult regarding fire safety matters under Gateway 1 for relevant buildings under the Building Safety Act.</p> <p>Planning gateway one defines relevant buildings as those that:</p> <ul style="list-style-type: none"> <li>• contain two or more dwellings or educational accommodation and</li> <li>• meet the height condition of 18m or more in height, or 7 or more storeys.</li> </ul> <p>As such the Health and Safety Executive (HSE) is the statutory consultee. The HSE consultation is outstanding at the time of writing, but would be concluded prior to decision with any recommendations addressed to ensure compliance with any fire safety requirements.</p>
8.12	<p><u>Refuse storage and recycling:</u></p> <p>3no refuse stores to service the residential units and an additional one for commercial waste would be provided at the lower ground floor. An additional store is provided for commercial waste to be collected separately. This has the capacity to accommodate 4no 1,100l Eurobins.</p> <p>According to the submitted design and access statement a facilities management team would monitor manage waste to avoid overflowing waste spilling onto the floor details of which can be sought and secured via a planning condition.</p> <p>The Waste Team has been consulted but no response received by the time of writing this report.</p>
8.13	<p><u>Community Infrastructure Levy:</u></p> <p>As per the Eastbourne Charging Schedule, care homes are not liable for CIL.</p>
8.14	<p><u>Planning Obligations:</u></p> <p>This application is recommended for approval subject to a Section 106 Legal Agreement for Local Labour Agreement and Transport contributions.</p>
8.15	<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>

8.16	<p><b>Conclusions:</b>          Approve subject to the conditions listed below and a section 106 legal agreement to secure a travel plan, local labour agreement, traffic regulation order, highway improvements, restrict age of C2 uses.</p>
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<b>9.</b>	<b>Recommendations</b>
9.1	<p>1. Delegate to the Development Management Lead to:</p> <ul style="list-style-type: none"> <li>a) Conclude consultation with the ESCC (Ecology and Landscape), Council's Specialist Advisor (Arboriculture) and the Council's Specialist Advisor (Green Consultancy - Air Quality); and</li> <li>b) Make any necessary revisions, attach conditions or seek planning obligations resulting from the above consultations.</li> </ul> <p>and upon conclusion of the above:</p> <p>2. Grant planning permission with conditions, subject to S106 Agreement to secure:</p> <ul style="list-style-type: none"> <li>a) Local Labour Agreement;</li> <li>b) Transport contributions</li> <li>c) Travel Plan and monitoring fee</li> <li>d) Car Club contributions</li> <li>e) Contributions to provide improvements to the public open space and a gateway to the Harbour and an appropriate connection between the Seafront Promenade and the Harbour Walkway</li> <li>f) Restrict age of occupiers and new apartments not being used as second homes</li> <li>g) Any additional heads of terms requested by consultees.</li> </ul> <p>3. Should the Section 106 Agreement outlined within 2 (above) not be completed within a reasonable timescale (to be agreed with Officers) that the application be refused for the following reason:</p> <p>The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that planning obligations required to make the proposed development acceptable in planning terms can be secured, contrary to Policy D8 (Sustainable Travel) of the Eastbourne Core Strategy 2013 and policies TR7 and UHT1 (Design of New Development) of the Eastbourne Borough Plan 2003 and paragraph 114 of the NPPF.</p>

<b>10.</b>	<b>Conditions:</b>
10.1	<p><b>Time Limit:</b> 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

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

- 23026-GFA-ZZ-ZZ-DR-A-10901-P.01 Site Location Plan
- 23026-GFA-ZZ-ZZ-DR-A-10915-P.01 Existing Block Plan
- 23026-GFA-ZZ-LG-DR-A-10913-P.02 Proposed Block Plan Lower Ground Floor
- 23026-GFA-ZZ-RF-DR-A-10914-P.02 Proposed Block Plan Roof Level
- 23026-GFA-A-00-DR-A-11101-P.03 Proposed Ground Floor Plan
- 23026-GFA-A-00-DR-A-11112-P.00 Proposed Ground Floor Plan - Part 01
- 23026-GFA-A-00-DR-A-11113-P.00 Proposed Ground Floor Plan - Part 02
- 23026-GFA-A-LG-DR-A-11100-P.04 Lower Ground Floor Plan
- 23026-GFA-A-LG-DR-A-11110-P.00 Lower Ground Floor Plan - Part 01
- 23026-GFA-A-LG-DR-A-11111-P.00 Lower Ground Floor Plan - Part 02
- 23026-GFA-A-01-DR-A-11114-P.00 First Floor Plan - Part 01
- 23026-GFA-A-01-DR-A-11115-P.00 First Floor Plan - Part 02
- 23026-GFA-A-00-DR-A-11102-P.02 Proposed First Floor Plan
- 23026-GFA-A-02-DR-A-11103-P.02 Second Floor Plan
- 23026-GFA-A-02-DR-A-11116-P.00 Second Floor Plan - Part 01
- 23026-GFA-A-02-DR-A-11117-P.00 Second Floor Plan - Part 02
- 23026-GFA-A-03-DR-A-11104-P.03 Third Floor Plan
- 23026-GFA-A-03-DR-A-11118-P.00 Third Floor Plan - Part 01
- 23026-GFA-A-03-DR-A-11119-P.00 Third Floor Plan - Part 02
- 23026-GFA-A-04-DR-A-11105-P.04 Fourth Floor Plan
- 23026-GFA-A-04-DR-A-11120-P.00 Fourth Floor Plan - Part 01
- 23026-GFA-A-04-DR-A-11121-P.00 Fourth Floor Plan - Part 02
- 23026-GFA-A-05-DR-A-11106-P.03 Fifth Floor Plan
- 23026-GFA-A-05-DR-A-11122-P.00 Fifth Floor Plan - Part 01
- 23026-GFA-A-05-DR-A-11123 Fifth Floor Plan - Part 02
- 23026-GFA-A-06-DR-A-11107-P.03 Sixth Floor Plan
- 23026-GFA-A-06-DR-A-11124 Sixth Floor Plan - Part 01
- 23026-GFA-A-06-DR-A-11125 Sixth Floor Plan - Part 02
- 23026-GFA-A-06-DR-A-11125 Sixth Floor Plan - Part 02
- 23026-GFA-A-ZZ-DR-A-12100-P.02 General Arrangement Elevations - Sheet 1 of 2
- 23026-GFA-A-ZZ-DR-A-12101-P.02 General Arrangement Elevations - Sheet 2 of 2
- 23026-GFA-A-ZZ-DR-A-12150-P.02 Bay Study - Sheet 1 of 2
- 23026-GFA-A-ZZ-DR-A-12151-P.02 Bay Study - Sheet 2 of 2
- 23026-GFA-A-ZZ-DR-A-13101-P.02 General Arrangement Sections - Sheet 02 of 03
- 23026-GFA-A-ZZ-DR-A-13102-P.02 General Arrangement Sections - Sheet 03 of 03
- 23026-GFA-A-RF-DR-A-11108-P.02 Roof Plan
- 386-LST-XX-XX-DR-L-0101 Rev P04(Landscape General Arrangement)

Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates.

10.3	<p><b>External Materials:</b> Prior to commencement of the development, hereby approved, samples of all facing materials used in the external surfaces of the development, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented in accordance with the details approved and maintained as such for the lifetime of the development.</p> <p>Reason: To secure that the development has a satisfactory appearance.</p>
10.4	<p><b>Landscaping:</b> A Scheme of Soft and Hard Landscape Works shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall be designed in accordance with the approved in accordance with the approved Landscape General Arrangement (386-LST-XX-XX-DR-L-0101 Rev P04) and include:</p> <ul style="list-style-type: none"> <li>• Written specifications</li> <li>• Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;</li> <li>• Details of all hard-surfaces, including paths, access ways, boundary treatments, play equipment and parking spaces.</li> <li>• A landscape maintenance and management plan for all new and retained landscape elements</li> <li>• A timetable for implementation of the soft and hard landscaping works</li> <li>• A Lighting strategy, including design and specifications of all lighting of roads, paths and buildings</li> <li>• Details of wayfinding signage and heritage related information.</li> </ul> <p>The Scheme of Soft and Hard Landscape Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interest of the amenity and biodiversity of the site.</p>
10.5	<p><b>ARCH 1:</b> 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>
10.6	<p><b>ARCH 3:</b> 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 Local Planning Authority. The archaeological site investigation and post-investigation assessment will</p>

	<p>be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition (ARCH 1).</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>
10.7	<p><b>Land contamination:</b> No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:</p> <p>a. Additional site investigation scheme, based on preliminary investigations already undertaken to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;</p> <p>b. The results of the site investigation and the detailed risk assessment referred to in (a) 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;</p> <p>c. 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 in (b) 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 express written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>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 [in accordance with National Planning Policy Framework, para 170, 174, 178 and 179.</p>
10.8	<p><b>Verification report:</b> No occupation of any part of the permitted development shall take place until a verification report demonstrating 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. It shall include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved.</p>



	<p>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 [in accordance with National Planning Policy Framework, para 170, 174, 178 and 179.</p>
10.9	<p><b>Previously unidentified land contamination:</b> 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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>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 [in accordance with National Planning Policy Framework, para 170, 174, 178 and 179.</p>
10.10	<p><b>Assessment of UXO Risk:</b> No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until an assessment of UXO (unexploded ordnance) risk is undertaken. The assessment must be taken by a competent person and conform with current guidance and best practice.</p> <p>Reason: To ensure that the risks from the site wide unexploded ordnance to future users of the land and existing neighbouring land are eliminated and or minimised to ensure that development can take place without unacceptable risk to workers, residents and neighbours including any unacceptable major disruption to the wider public on and off site that may arise as a result of evacuation/s associated with the mitigation of UXO, in accordance with in accordance with National Planning Policy Framework, para 170, 174, 178 and 179.</p>
10.11	<p><b>Vehicular Access:</b> No development shall be occupied until the vehicular access serving the development has been constructed in accordance with the approved plan.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>

10.12	<p><b>Pedestrian Accesses:</b> No development shall be occupied until the pedestrian accesses serving the development has been constructed in accordance with the approved plan.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.13	<p><b>Parking Areas:</b> The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.14	<p><b>Parking Areas:</b> 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>
10.15	<p><b>Cycle and mobility scooter parking areas:</b> The development shall not be occupied until cycle and mobility scooter parking areas have been provided in accordance with the approved 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>
10.16	<p><b>Turning space for vehicles:</b> The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.17	<p><b>New estate roads:</b> The new estate roads shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as publicly maintained highway.</p>

	Reason: In the interest of highway safety and for this benefit and convenience of the public at large.
10.18	<p><b>Highways matter sectional drawing:</b> Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority.</p> <p>Reason: In the interests of highway safety and for the benefit and convenience of the public at large.</p>
10.19	<p><b>Construction Environmental Management Plan:</b> No development shall take place, including any ground works or works of demolition, until a Construction Environmental 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 approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period and shall provide details as appropriate but not be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>• the anticipated number, frequency and types of vehicles used during construction (including a workers travel plan),</li> <li>• the method of access and egress and routeing of vehicles during construction,</li> <li>• the parking of vehicles by site operatives and visitors,</li> <li>• the loading and unloading of plant, materials and waste,</li> <li>• the storage of plant and materials used in construction of the development,</li> <li>• the erection and maintenance of security hoarding/ temporary site security fencing,</li> <li>• artificial illumination</li> <li>• site illumination</li> <li>• measures to manage the impact upon local air quality (including dust suppression, air pollution and odour);</li> <li>• noise and vibration mitigation</li> <li>• 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),</li> <li>• details of public engagement both prior to and during construction works.</li> </ul> <p>The approved Construction Environment Management Plan shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.</p> <p>Reason: In the interests of highway safety and the amenities of the area.</p>
10.20	<p><b>EV Charging facilities:</b> Details of electric charging facilities, including their number, specification and location, shall be submitted to and</p>

	<p>approved in writing by the Local Planning Authority. Thereafter, the facilities shall be implemented in accordance with the details approved prior to first use of the development, hereby approved, and retained as such thereafter for the lifetime of the development.</p> <p>Reason: To provide sustainable travel options in accordance with current sustainable transport policies.</p>
10.21	<p><b>Travel Plan:</b> 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>
10.22	<p><b>Flood Risk:</b> The development shall be carried out in accordance with the submitted flood risk assessment (ref: 14150-CRH-ZZ-XX-RP-C-0002-P2, 19/12/23,Campbell Reith) and the following mitigation measures it details:</p> <ul style="list-style-type: none"> <li>• Finished floor levels of the ground floor level shall be set no lower than 7.15 metres above Ordnance Datum (AOD), as detailed in Paragraph 7.4.3.</li> </ul> <p>All residential accommodation shall be restricted to this level and above.</p> <ul style="list-style-type: none"> <li>• The lower ground floor level is to be used for car parking and ancillary services only, and shall be set no lower than 4.15 metres AOD as detailed in Paragraph 7.4.4. Residential or more vulnerable uses shall not be permitted on the lower ground floor.</li> <li>• Residents shall sign up to the Environment Agency's Flood Warning Service, as detailed in Paragraph 7.5.3.</li> </ul> <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 lifetime of the development.</p> <p>Reason: To reduce the risk of flooding to the proposed development and maximise the safety of future occupants in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.</p>
10.23	<p><b>Refuse Storage:</b> Prior to first occupation of the development, hereby approved, the enclosed refuse and recycling storage facilities shall be provided in accordance with drawing No: 23026-GFA-ZZ-LG-DR-A-10913-P.02 Proposed Block Plan Lower Ground Floor. Thereafter, the</p>

	<p>facilities shall be retained solely for the storage of refuse and recycling in accordance with the approved plans for the lifetime of the development.</p> <p>Reason: To ensure satisfactory refuse and recycling to the properties and to protect the amenity of the adjacent residential property.</p>
10.24	<p><b>Micro Renewables:</b> Details of micro renewable equipment, including their number and specification, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be implemented in accordance with the details approved prior to first use of the development, hereby approved, and retained as such thereafter for the lifetime of the development.</p> <p>Reason: To provide on-site sustainable energy production to reduce the energy demands of the development.</p>

<b>11.</b>	<b>Appendices</b>
	None.

<b>12.</b>	<b>Background Papers</b>
	None.