

<b>App.No:</b> 161393	<b>Decision Due Date:</b> 3 <sup>rd</sup> March 2017	<b>Ward:</b> Hampden Park
<b>Officer:</b> Thea Petts	<b>Site visit date:</b> 4 <sup>th</sup> January 2017	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 29 <sup>th</sup> December 2016		
<b>Neighbour Con Expiry:</b> 29 <sup>th</sup> December 2016		
<b>Press Notice(s):</b> 9 <sup>th</sup> January 2016		
<b>Over 8/13 week reason:</b> N/A		
<b>Location:</b> 1 Whittle Drive, Eastbourne		
<b>Proposal:</b> Proposed High-bay extension to the rear along with a two storey rear extension with a roof terrace on the first floor and a loading bay canopy.		
<b>Applicant:</b> Gardners Limited		
<b>Recommendation:</b> Approve subject to conditions and S106 agreement covering highway and local labour related issues.		

**Executive Summary:**

This application is reported to planning committee as it is a Major application.

The applicant seeks planning permission to expand the existing business on the site by way of a high bay extension of approximately 5210m<sup>2</sup> over two floors. The applicant states that if approved, it will result in the creation of 50 jobs.

A similar application was submitted by the applicant in 2015 (Ref: 150072) for a nearby site on Edison Road within the Gardners Books campus. However, this application was later withdrawn with no decision being issued.

Physically, the development involves some significant groundworks in an archaeologically and ecologically sensitive area. These issues are adequately controlled via planning condition.

The development supports the expansion/consolidation of this significant local employer. The design/appearance of the proposed extension is considered to be acceptable and appropriate for this site in particular and the wider area in general.

Application is recommended for approval subject to planning conditions and a Section 106 dealing with highway local labour matters.

**Planning Status:**

Commercial enterprise – wholesale storage and distribution

**Relevant Planning Policies:**National Planning Policy Framework 2012

1. Building a strong, competitive economy
4. Promoting sustainable transport
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C7: Hampden Park Neighbourhood Policy
- D1: Sustainable Development
- D2: Economy
- D8: Sustainable Travel
- D10: Historic Environment
- D10A: Design

Employment Land Local Plan 2016

- EL1: Economy and Employment Land
- EL2: Industrial Estates

Eastbourne Borough Plan Saved Policies 2007

- UHT1: Design of New Development
- UHT2: Height of Buildings
- UHT4: Visual Amenity
- UHT7: Landscaping
- UHT20: Archaeological Sites and Scheduled Monuments
- BI2: Designated Industrial Areas
- BI7: Design Criteria
- TR2: Travel Demands
- TR6: Provision for Cyclists
- TR11: Car Parking

**Site Description:**

The Highfield Industrial Estate is accessed from the Willingdon Drive, (the nearest adopted Highway) onto Whittle Drive the entrance of which is occupied by large industrial units belonging to the applicant (Gardners Books) which are linked via a raised link walkway spanning Whittle Drive.

The site is in a prominent location in this predominantly commercially focused area and is bounded by the Highfield Link road to the east, Willingdon Drive to the north west and Whittle Drive to the south west (from where the site is accessed). The site is characterised by large industrial buildings which link to other buildings on the Highfield Industrial Estate

(together the land and buildings associated with the business equate to an area of 50,000m<sup>2</sup>). The bulk of these buildings are positioned along the Willingdon Drove side of the site. Trees bound the Highfield Link boundary, with open space (both hard surfaced and grass) across the centre of the site.

A stream/ditch runs on a north-south axis through the northern half of the application site. In addition, the site is located in an Archaeological Notification Area. Ancient peat deposits have been found on neighbouring sites and during the life of this application, peat deposits have been found on the site itself.

**Relevant Planning History:**

150072

Demolition of existing unit and replacement with new highbay warehouse, loading bay area, plant room and associated offices.

Planning Permission

Withdrawn 18/03/16

000244

Conveyor belt bridge linking part two-storey, part single-storey extension to 1 Whittle Drive and two-storey extension to 2 Whittle Drive.

Planning Permission

Approved conditionally

26/07/2000

080359

Retrospective application for provision of hardstanding to rear of building including an area for helicopter landing and take-off (amended application description)

Planning Permission,09/07/2008

080592

Erection of extension to existing building to provide high bay storage area

Planning Permission

Approved conditionally

12/12/2008

960116

Outline application for a proposed extension to the north-east elevation to provide 1411m<sup>2</sup> additional book storage area.

Outline (some reserved)

Withdrawn

15/02/2001

960285

Extension to loading bay on south-east elevation.

Planning Permission

Approved conditionally

17/07/1996

990741

Proposed extensions to warehouse, loading bay and offices together with sprinkler water tank housing and multi-storey car park.

Planning Permission

Not determined

10/10/2007

**Proposed development:**

The applicant seeks permission for a third highbay located to the north of the site, near the Shinewater Roundabout. This highbay extension is to allow expansion of the existing business, Gardners Books, and will reportedly create fifty jobs on the site.

The highbay itself is an automated storage facility. The highbay storage unit would extend from the rear of existing highbays 1 and 2, with matching eaves and ridge heights. The building is to be finished in matching materials.

Filling the space between the existing building and the highbay extension, a two storey addition is proposed. This will offer a 'goods in' area to the ground floor, a bulk area, canteen and terrace to the first floor. The roof of the proposed two storey extension is to match the height of highbay 1.

To facilitate the development, it will be necessary to divert the existing stream/ditch. This will require extensive groundworks and the removal of some of the trees planted originally to screen the site from the road.

**Consultations:**

Internal:

Specialist Advisor (Arboriculture) – Conditions recommended

- A substantial loss of existing tree screen will occur as a result of development
- The affected trees should be considered as a group not as individual trees
- Tree screen was put in place as part of original landscaping for the Highfield Link. This tree screen is replicated along the entire Highfield Link Road.
- Applicant intends to plant supplementary trees on the east side of the existing group to compensate for the loss of screening. However, due to the species, location and spacing of these trees any removal of trees on the west side of the group will lead to failures of some of the remaining trees indicated as retained
- Landscaping needs to be revisited with regards to screen group and redesigned so that the species and planting match that along the rest of the road (associated condition recommended)

Specialist Advisor (Economic Development) – supports application, subject to a Local Labour Agreement

- Gardners is Eastbourne's largest independent company
- The proposal indicated a further increase in employment levels
- The construction phase will also provide additional employment as well as opportunities for sub-contractors and the local supply trade
- In accordance with the Local Employment and Training Supplementary Planning Document (SPD) the proposed development qualifies under the commercial thresholds for development detailed on p.11 of the SPD

Specialist Advisor (Environmental Health)

Specialist Advisor (Planning Policy) – Supports scheme in principle

- This type of development is encouraged by the Employment Land Local Plan and it will help to meet requirements set out by that plan
- Additional jobs will be created and this local business will be enhanced

Specialist Advisor (Engineering) – comments received

- Trash screens within the ditch should be properly maintained in perpetuity and maintenance of watercourses in the future should be fully addressed.
- States that any works affecting the existing ditch system will require an application for land drainage consent under Section 23 of the Land Drainage Act 1991 to ESCC in their capacity as LLFA.

External:

Southern Water

- No public sewers appear to be in the area
- Alternative means of draining surface water from this development are required
- Application makes reference to using SuDS – associated facilities are not adoptable by sewerage undertakers. Therefore the applicant will need to ensure that long term maintenance of such a scheme is arranged

Environment Agency – the development will only meet the requirements set out by the NPPF subject to the condition recommended

- The Flood Risk Assessment submitted with this application is to be adhered to
- Flood risk mitigation measures referenced in Section 6 of the FRA must be adhered to and fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority

### County Archaeologist – Consultations

- The proposed development is situated within an Archaeological Notification Area which contain a well preserved prehistoric peat deposit, areas of which contain archaeological remains dating from the Neolithic and Bronze Age periods, including organic remains such as timber structures.
- Timber trackways have been identified in very close proximity to Gardners Books and slightly further away are the remains of a later Bronze Age platform and causeway, which is a designated Scheduled Monument.
- The proposed areas of development (ditch diversion and extension) have been subject to geo-archaeological investigation through coring. These cores have identified the peat deposits exists across much of the development area and its top is at a minimum depth of 1.12 metres below current ground levels and its base at a maximum depth of 3.12 metres below ground level.
- The significant number of piles in the piling array, and potentially the construction of the concrete base to the building, will all destroy areas of this peat deposit. The diversion ditch may be shallow enough, or can be redesigned to be shallow enough, to avoid damage to the peat and leave a sufficient buffer of undisturbed ground between its base and the top of the peat (however agreement for its future management will be needed in relation to desilting it).
- There is also a very high potential of damage through desiccation of other areas of the peat in proximity to these physical impact areas. Both these impacts will require mitigation through archaeological excavation and recording, and if possible lower impact design to protect and preserve in-situ remaining areas of the peat deposit.
- In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of conditions which should be strictly adhered to.

### County Ecologist – supported in principle, condition recommended

- The site is adjacent to the Highfield Industrial Estate Local Wildlife Site (LWS). However, as this site has been destroyed and is recommended for deletion, no impacts on designated sites are foreseen.
- The site comprises a mosaic of habitats. However, much of it has become scrubbed over and is isolated from other natural habitat.
- The proposed development has the potential to enhance biodiversity through ditch realignment which should retain the

ditch profile, recreation/restoration of habitats and ongoing habitat management.

- The site has the potential to support breeding birds. Therefore, works should be conducted outside of the breeding season. This is a legal requirement. A nesting bird check should be undertaken prior to commencement of works.
- The site is unlikely to support any protected species and as such, no associated mitigation is required.
- The site offers opportunities for enhancement. These include the restoration of semi-natural habitats and the use of species of known value to wildlife in the landscape scheme. Use of a rich herb mix for the amenity grassland will be a helpful contribution to the ecology of the site.

#### Highways ESCC – no objection, subject to S106 contributions for infrastructure and conditions

- Parking provision generally falls below the level generally required for a use of this type, however, ESCC calculations do not take into account shift work patterns etc. Therefore, parking provision is likely to be acceptable
- Site is well connected via local bus routes and close to bus stops
- Overspill parking onto the highway is unlikely to have a significant effect
- The increase in staff will result in greater demand for public transport
- In order to encourage use of public transport, a contribution towards Real Time Passenger Information is required (£12,000 per bus stop)
- The existing travel plan at Gardners should be updated to accommodate changes resulting from development
- Cycle storage has not been detailed within the application. Cycle storage must be provided in accordance with ESCC guidelines

#### South East Water Limited – no comments received

#### SUDS – No objection, conditions recommended

- Submitted surface water drainage strategy should be carried forward to form a detailed design (to include hydraulic calculations)
- Groundwater monitoring will be required due to position of groundwater
- Maintenance and management plans will be required to show who will take responsibility for any drainage scheme implemented

- Following implementation of a drainage scheme, evidence is to be submitted to prove that it has been implemented in accordance with approved details

Water Management Alliance – no formal comments to make

The site is not within 9m of a main drain and as such will have a minimal impact on flows into the district drainage network

Sussex Police: Designing Out Crime – no concerns

- Proposed extension work will be within the existing secure site perimeter
- All access to site will be monitored at point of entry
- 24/7 shift pattern lends itself to good levels of activity and natural surveillance
- A safe and secure environment is likely to be maintained on the site

**Neighbour Representations:**

No objections or any representations of any kind have been received

**Appraisal:**

Principle of development:

The Hampden Park Neighbourhood Policy aims to assist in the delivery of housing and employment opportunities for the town, which includes the encouragement of intensification of industrial estates.

Policy D2 of the Core Strategy states that job growth and economic prosperity will be supported which will be achieved in part by maximising the use of existing employment sites, through redevelopment for employment use and increased density on existing industrial estates, and the upgrading of existing stock. This is further bolstered by the policies of the newly adopted Employment Land Local Plan, in particular, Policies EL1 and EL2.

The proposed development to erect a new, replacement industrial unit within the designated industrial estate is acceptable in principal and should be granted approval as long as it is in accordance with Policy UHT20 concerning the protection of archaeological sites.

The NPPF recommends that sustainable development that supports economic growth should be supported without delay.

Archaeological issues:

Ancient peat has been found during the life of the application following investigation by the applicant's archaeological contractor.

The development has raised significant concerns with regard to the potential for finding or destroying important archaeology on the site. The report (on boring investigations) provided within the life of the planning application demonstrates that there is a strong potential for archaeological remains to be



found within the site and that these are likely to be located close to the surface of the ground. As such, if the development is supported, significant archaeological investigative work will have to be carried out prior to any other works commencing. These requirements will be controlled by conditions recommended by ESCC Archaeology.

The applicant has been made aware of the potential archaeological risk with this development and based on the evidence before me (within the application) and supported by the advice of our specialist advisor from ESCC there is no reason to withhold consent.

Impacts on trees:

In order to facilitate works to relocate the stream/ditch, some trees will have to be removed. These trees do not benefit from any particular protection, however, the reason for their current location along the Highfield Link side of the site was part of the original landscaping plan for the road.

Although a planting scheme has been proposed, it is considered that the contribution made collectively by the trees is significant and as such, a revised landscaping plan will be required (as per attached condition). This revised plan will need to allow for better replacement of trees lost in terms of positioning and species planted.

Impacts on highway network or access:

The existing 'goods in area' is located at Unit 2, which is the building connected to the application site by the raised walkway over Whittle Drive. At present, at times of delivery there are often queues onto the highway. The relocation of the 'goods in' into the heart of the application site area will attempt to attend to this issue.

Nevertheless, to ensure that congestion caused by construction traffic during the works is kept to a minimum, a condition controlling the times construction is carried out shall be applied to any consent.

No cycle parking has been included within the proposed scheme and this will be a necessary addition due to the increase in employees and loss of car parking spaces. Further to this, it is noted that a Travel Plan already exists, however, this will need to be updated due to the changes proposed by this development.

Sustainable development implications:

The development, in principle, have the potential to work towards the greater sustainability of the town. This is reflected in the scheme's compliance with Policy EL1 and EL2 which seek to improve the sustainability of the town through employment land provision. Overall, it is considered that the proposed development would be of economic benefit to the area and to Eastbourne as a whole.

In highway terms, the site is considered to be well connected by bus routes and is close to local cycle routes. As such lends itself to access via sustainable means of transport. The public transport accessibility will be enhanced by this proposal with the developer supporting via S106 legal agreement the provision of two real time information bus stops.

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

The development is located far from any residential development and as such will not have any direct effect on occupiers of any residential properties. However, the Kings Church complex is located on nearby Edison Road. To avoid unnecessary disturbance of this community facility, hours of demolition and construction will be controlled to attempt to mitigate disturbance.

Design issues:

It is considered that the proposed development, although undoubtedly more visible from the wider area than the existing building, is not out of keeping with the area and as such is considered acceptable. The character of the proposal is to match the existing buildings on the site serving Gardners Books. The wider area is predominantly commercial and the built environment reflects this, the proposed extension would fit in with this character.

Ecology matters:

The development provides an opportunity to improve the biodiversity of the site as part of the ditch realignment works. As a result of this, it is recommended by ESCC Ecology that a rich herb mix is used for the amenity grassland within the site following development.

The site is not considered to be supportive of protected species, therefore no associated mitigation measures are required. However, the site is likely to support breeding birds and legislation regarding disturbance of breeding birds should be referred to and adhered to throughout the development. As this is dealt with under other legislation outside of planning it is not considered that associated conditions should be applied, but an informative shall be placed on any permission granted for the applicant's reference.

Planning obligations:

Given the scale of the development both in construction terms and also potential increase in workforce it is considered that some mitigation/enhancements could be delivered via a S106 agreement.

In accordance with policy it is considered that a S106 agreement should cover local labour issues, to enable access to job opportunities for the local workforce and that the provision of real time bus information bus stops may assist in employees choosing this mode of accessing the site/development rather than relying on their private motor vehicles.

**Human Rights Implications:**

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.

**Conclusion:**

Subject to necessary conditions, the scheme is recommended for approval subject to conditions and Section 106 Agreements.

**Recommendation:**

1. Approve conditionally subject to a legal agreement covering highway and local employment related issues.
  
2. Should the S106 agreement not be signed within a reasonable time period (8 weeks from the date of the Committee resolution unless an extension of time has been agreed) the application should be refused on the grounds that there is no provision in place to ensure that the local labour initiatives and highway implications falling from the proposal can be delivered. This lack of key elements of infrastructure would be contrary to established development plan policies/procedures.

**Conditions:**

1. Time
2. Drawings
3. Matching materials
4. Hours of demolition and construction
5. Construction/Demolition Method Statement to be submitted
6. Traffic Management Scheme to be submitted
7. Construction access details and details of any temporary structures to be submitted
8. Flood Risk Assessment to be implemented prior to occupation
9. Surface water drainage strategy (detailed design to include hydraulic calculations and implementation timetable)
10. Ground water monitoring
11. Maintenance and management plan (drainage scheme)
12. Evidence - drainage scheme functional
13. Applicant to secure implementation of Archaeological Works in line with an approved WSI (prior to commencement)
14. Development not to be used until WSI implemented
15. Details of foundations and piling (prior to commencement)
16. Soil levels within root spread shall not be changed (trees)
17. Revised landscaping plan, works to be carried out in accordance with approved plan and trees to be replaced if death occurs within 5 year
18. Existing trees to be retained unless shown on plan as removed
19. Travel Plan to be updated

20. Cycle parking prior to occupation
21. Details of waste and refuse provision to be submitted
22. Amenity grassland to be a rich herb mix
23. Details of exterior lighting to be submitted

### **Informatives**

- 1) The development hereby approved is subject to a Section 106 Agreement between the applicant and Eastbourne Borough Council for local labour contributions
- 2) The development hereby approved is subject to a Section 106 Agreement between the applicant and the Local Highway Authority due to requirements for a financial contribution towards the costs of implementing Real Time Passenger Information
- 3) The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
- 4) The site is capable of supporting breeding birds. The applicant should therefore refer to legislation pertaining to the protection of breeding birds before commencing any works.
- 5) Any works affecting the existing ditch system will require an application for land drainage consent, if not already sought, under Section 23 of the Land Drainage Act 1991 to ESCC in their capacity as LLFA.
- 6) Future maintenance of the watercourses on the should be fully addressed by the applicant.

### **Appeal:**

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