

App.No: 170162	Decision Due Date: 19 April 2017	Ward: Sovereign
Officer: Anna Clare	Site visit date: 23 February 2017	Type: Planning Permission
Site Notice(s) Expiry date: 19 March 2017		
Neighbour Con Expiry: 6 April 2017		
Press Notice(s): 10 March 2017		
Over 8/13 week reason: n/a		
Location: South-West Corner of Site 6 Sovereign Harbour Easter Island Place, Pacific Drive, Eastbourne		
Proposal: The erection of a single storey building (Community Centre)		
Applicant: Sea Change Sussex		
Recommendation: Grant planning permission subject to conditions and a deed of variation to the original S106 legal agreement		

Executive Summary:

This application is being reported to planning committee at the discretion of the Senior Specialist Advisor given the district wide implications of the proposal.

It has long been recognised that the completion of the Sovereign Harbour development is long overdue and that the area is missing the social and economic infrastructure that is required for it to become a sustainable location.

The community centre, funding for which will be secured through a deed of variation to the S.106 agreement of the 2013 permission to develop sites 1, 7 and 8 for residential dwellings (Ref: 131002), will provide the social infrastructure required to enable Sovereign Harbour to become a sustainable community.

Therefore the proposed community centre is considered acceptable in principle and subject to conditions, the detailed design, layout and appearance is considered appropriate for the site and surrounding area.

Relevant Planning Policies:

National Planning Policy Framework 2012

4. Promoting sustainable transport

7. Requiring good design
8. Promoting healthy communities
11. Conserving and enhancing the natural environment

Core Strategy Local Plan 2013 Policies

B2 Creating Sustainable Neighbourhoods
C14 Sovereign Harbour Neighbourhood Policy
D10A Design

Supplementary Planning Documents

The Sovereign Harbour Supplementary Planning Document (SPD) (adopted 2013)

Eastbourne Borough Plan Saved Policies 2007

NE16 Dev within 250m of former landfill site
SH7 District Local and Neighbourhood Centres
UHT8 Protection of Amenity Space
US5 Tidal Flood Risk

Site Description:

The site refers to the south-western corner of land known as Site 6 Sovereign Harbour, which is a currently undeveloped shingle and in parts shrub covered area to the south of Pevensey Bay and to the north of the Harbour Retail Park.

The site currently has no means of access. To the north-eastern end of Site 6 part of the site has been developed for the Harbour Innovation Park currently constituting Pacific House an office building comprising of a variety of sized offices with communal servicing.

To the south of the site is an existing shingle 'mound' which covers a historic land fill site. There are a variety of trees and scrubs to the edge of site 6 with Pevensey Bay Road and the access to the Harbour Retail Park. The land is lower than the road and pavements and therefore drops down behind the vegetation.

Relevant Planning History:

There has been significant planning history for Sovereign Harbour with the most relevant application being:-

131002

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 s

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 15,000sqm)

Site 7 - Mix of employment uses (B1 6,700sqm) (C1 & C2 up to 5,500sqm)(D1 up to 200sqm), up to 70 dwellings and open space

Granted Outline Permission December 2014

150352

Reserved matters in relation to community centre Site 5 Granted 14 July 15.

Proposed development:

The application proposes the erection of a single storey building for use as a community centre.

The building provides 714m² gross internal floorspace, which includes two 'halls' one larger 277m² with vaulted ceiling, and a smaller 92m² hall. Other facilities include a meeting room, office and a kitchen/café area with indoor seating and external terrace area. A landscaped secure garden is to be provided to the side with access from the main hall. Car parking is provided by way of 3 disabled spaces only which will have access through site 6 adjacent to Pacific House onto Pacific Drive. Emergency vehicles and service vehicles can access the site via a new access road running to the south of Pacific House

The building is 9m at its highest roof ridge, reducing to 3.4m in height to the western eaves height.

A pedestrian path is proposed running south-west from the site to the existing Waterfront Car Park which is proposed to be utilised by visitors by car for parking.

It is suggested within the application documents that parking provision within the existing Sovereign Harbour Retail Park and Waterfront Car Parks will be utilised by the public when visiting the community centre by car. A new access path is proposed to be created from the Waterfront Car Park to the Community Centre along with an access from the existing path on the road from Pevensy Bay Road to the Waterfront.

Consultations:

Specialist Advisor (Arboriculture)

The application has not been supported by an Arboricultural Impact Assessment; therefore it is not evident what the resultant impact on existing trees/planting there will be from the proposed building, access paths or roads.

Therefore conditions are required to request further information in relation to the loss of trees and the resultant landscaping of the site.

Specialist Advisor (Planning Policy)

The provision of a community centre at Sovereign Harbour is strongly supported by Planning Policy. No objection in principle to the location of the community centre on this part of Site 6. Their detailed response is reported below:

Core Strategy Policy B1: Spatial Development Strategy and Distribution identifies Sovereign Harbour as a 'Sustainable Centre', which means that it is a priority location for balanced housing growth alongside delivering significant improvements to the provision of community facilities and services and improving linkages. Policy B1 also states that the delivery of new employment land and community facilities alongside new residential development in the two centres will be required to cater for increased growth and improve their sustainability as neighbourhoods.

The vision for Sovereign Harbour as set out in the Core Strategy is Sovereign Harbour will increase its levels of sustainability through the delivery of community infrastructure and employment development, ensuring that a holistic view is taken of development across the remaining sites.

The principle of the provision of a community centre at Sovereign Harbour is supported by Core Strategy Policy C14: Sovereign Harbour Neighbourhood Policy, which states that the vision for Sovereign Harbour neighbourhood will be promoted by a number of measures including developing community facilities in order to meet the needs of local residents.

The Sovereign Harbour Supplementary Planning Document (SPD) (2013) identifies also that Sovereign Harbour lacks a dedicated community centre. There are facilities in the neighbourhood that can provide a facility for community events, including the Haven School and the Sovereign Harbour Yacht Club, but these do not meet all the needs of local residents. Consultation on the Sovereign Harbour SPD indicated a consensus that any plans must include, as an absolute priority, a Community Centre of an appropriate size.

The SPD identified the Site 5 would be the ideal location for a community centre to serve the neighbourhood, due to its central location and close proximity to the retail park. Permission for a community centre on Site 5 was granted (ref: 150352), however site the site was not pursued for detailed design and construction issues.

Core Strategy Policy D7: Community, Sport and Health seeks additional community facility provision in neighbourhoods where there are identified deficiencies. The Core Strategy, particularly the supporting text to Policy C14, recognises that there is a deficiency in provision of community facilities within Sovereign Harbour. It is clear, therefore, that the provision of a community centre at Sovereign Harbour is strongly supported by Local Plan policy.

However, the current application site is part of an allocation in the Employment Land Local Plan (ELLP) known as Site 6. ELLP Policy EL4: Sovereign Harbour requires that a total of 23,125 Sqm (GEA) of B1 floorspace shall be provided at Sovereign Harbour, predominantly on Site 6 and Site 7a. It also states that 'Other employment generating uses that are compatible with the residential area (with the exception of class A1, A3 and A5 uses) will be acceptable on any remaining land on Sites 6 and 7 following the delivery of the 23,125 Sqm (GEA) of B1 floorspace'.

The Section 106 agreement pertaining to the outline permission for the Sovereign Harbour sites (ref: 131002) identifies the requirement for a minimum of 11,100 Sqm (NIA) of B1 floorspace to be provided on Site 6. A plan submitted with the application demonstrates that this quantum of B1 floorspace can still be provided alongside the community centre.

In addition, ELLP Policy EL4 identifies that Site 7a includes an area of at least 1,500 Sqm in order to accommodate a community centre, which reflects the Section 106 agreement for the outline permission (ref: 131002). The proposal for the community centre is not located on this site.

The current application site is located on Site 6, adjacent to the Sovereign Harbour District Shopping Centre as identified in the Core Strategy. This site is consistent with Core Strategy Policy D7, which states that development of new community provision should be located close to neighbourhood or local centres or where this is not practicable in locations that are easily accessible by walking, cycling or the use public transport.

Plans submitted with the application shows that an additional 10,548 Sqm GIA provision of B1 can be provided on Site 6, which when converted to NIA using a ratio of 85% and added to the existing NIA provision at Pacific House, would meet the requirement for 11,100sqm NIA to be provided on Site 6 by ELLP Policy EL4.

Southern Water

Require a formal application for a connection to the public foul sewer to be made by the developer. Where a SuDs scheme is proposed further information

regarding the responsibilities for the implementation and the maintenance and management of that scheme are required.

Environment Agency

Have raised an objection to the application as submitted as insufficient information has been provided to demonstrate that the risks posed to groundwater and landfill gas can be satisfactorily managed. Further information is required to demonstrate that all potential risks to groundwater can be mitigated.

The main development lies on the former landfill site, the proposals have the potential to cause contamination of the groundwater and there are potential human health effects associated with the development. In addition to this, the landfill site has the benefit of an Environmental Permit. Any proposed development will potentially have an effect on the engineered containment and environmental monitoring infrastructure and could require the relocation and or re-engineering of the site infrastructure.

County Ecologist No response received

South East Water No response received

Highways ESCC – No objection raised subject to conditions and a legal agreement being in place to secure pedestrian improvements. Response reported below;

Pedestrian/Vehicular Access

It is suggested within the Transport Statement the parking provision within the Sovereign Harbour Retail Park and Waterfront Car Park will be utilised by the public when visiting the community centre. Whilst this is acceptable it is reliant on safe, suitable pedestrian access being provided and maintained. The Design and Access Statement and additional plan indicate that a pedestrian link can be provided however design details have not been included. The Information submitted by the applicant suggests that the link will be 1.4m in width; this is not sufficient given the proximity to the carriageway and the pedestrian flows that are likely. A minimum of 2m (ideally 3m) footway should be provided.

The proposed pedestrian link from the site to Pevensey Bay Road is likely to encourage drop off and collection between the Harbour Roundabout (A259) and the access to the retail park. Taking into consideration the limited on-site parking provision proposed, the distance from the off-site parking and lack on of parking restrictions in place where the pedestrian access meets the entrance to the Crumbles retail park, parking and drop off is likely to have an adverse effect on the free flow of traffic along Pevensey Bay Road (A259). In order to ensure that highway safety is not

compromised parking restrictions would need to be provided between Pevensey Bay Roundabout and the existing parking restrictions located within the Crumbles retail park access. A contribution of £5000 would be required to allow TRO's to be consulted on. As any TRO is open to public objection and ultimately decided upon by ESCC Planning Committee the implementation of any restrictions cannot be guaranteed. If parking restrictions cannot be achieved then the pedestrian access arrangements linking the site would need to be reconsidered.

The pedestrian facilities at this point are also limited to dropped kerbs. An increased level of pedestrians wishing to cross at this point will require the facilities to be enhanced for example with the introduction of a pedestrian island.

A scheme will need to be submitted to ensure the safety of pedestrians to and from the site this would necessitate the applicant entering into a s278 legal agreement with East Sussex County Council prior to commencement of development which would need to be secured through a 106 legal agreement prior to planning permission being given. The off-site works will need to be subject to the standard road safety audit procedure and my comments are subject to a satisfactory outcome.

Access to the site for the refuse collection and deliveries is suggested via Pacific Drive and the Harbour Innovation Park Site entrance adjacent to Pacific House; however, it is noted there is currently no footway or cycle provision along the proposed access. In order to facilitate connectivity a shared footway/cycle link should be provided.

Traffic Impact

A Transport Statement has been submitted to consider the impact of the proposal on the surrounding highway network. The TRICS database has been used to consider the number of trips that would be associated with proposed use of the site. Having looked at these figures and carrying out my own analysis using the same selection criteria (2013-2016 data included) it is evident that the proposal is likely to generate approximately 174 trips daily with 18 trips in the AM Peak and 14 in the PM Peak, with the maximum trip generation occurring outside peak hours between 15:00 and 16:00 which will lessen the impact on the surrounding network. In addition to this analysis, work has been carried out as part of similar outline applications on traffic impacts of the remaining sites in Sovereign Harbour, which includes this site. This work has demonstrated that the roundabouts at Pevensey Bay Road/Pacific Drive and Pacific Drive/Harbour Quay will continue to operate successfully with this additional level of traffic created.

Parking

A Community Centre, in accordance with the ESCC Parking Standards should provide 1 space per 5 seats, plus 1 l/t space per 200m² gfa. It is unclear on the exact seating capacity however, taking into account the proximity of the site to the Crumbles Retail Park and proposed Harbour Innovation Park the lack of parking provided by the community centre it is not a major concern. The two previously consented community centres within the Sovereign harbour area were approved with a similar level of parking due to the proximity of local residents and extensive parking facilities. Parking provided has now been increased to 4 spaces and is therefore in accordance with the ESCC parking standards. Cycle parking has been provided in excess of the East Sussex Parking at Development Standards requirement, this should be secure and conveniently located for users.

Accessibility

The nature of this development will attract people predominantly from the local area and therefore it is likely that a proportion of users will walk/cycle. Access to the site on foot is generally good as the area is flat with a good network of footways linking the site to Sovereign Harbour and beyond. The site is also accessible by bus with a number of stops within 100m-300m on Pevensey Bay Road and Pacific Drive. These stops are served by buses on several routes which link the site to large parts of the town, including the town centre.

Subject to the completion of a legal agreement to secure the TRO contribution and securing the off-site pedestrian improvements I do not wish to restrict grant of consent and recommend the inclusion of conditions.

SGN Plant Protection Team

Should the authority be minded to approve the proposed development scheme, the company respectfully requests an 'Informative Note' regarding the positioning of the high pressure gas main. This demonstrates due diligence on part of the both the authority and company in safeguarding both the land user and wider public from the implications of damage to gas pipelines resulting from the decision to approve the development by the authority.

Health and Safety Executive

The online consultation service was used, this advised that the development does not cross any consultation zones in relation to the nearby major hazard pipeline, and as such the HSE does not need to be consulted on the development.

Neighbour Representations:

No comments from residents/members of the public have been received to the consultation.

Appraisal:

Principle of development:

The application site is located within the Sovereign Harbour neighbourhood as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013). It is also within an area allocated for employment development (known as Site 6) through the Eastbourne Employment Land Local Plan, which was adopted on 16 November 2016.

Although the provision of a community centre on Site 6 instead of Site 7a would be contrary to the ELLP, the Core Strategy is supportive of the principle of a community centre in Sovereign Harbour and the inability of other sites in Sovereign Harbour to accommodate a community centre and the close proximity of the application site to the Sovereign Harbour District Centre means that Site 6 could be considered an acceptable location.

The site plan submitted with the application show that the 11,100 Sqm Nett Internal Area of B1 floorspace could be provided on Site 6 in addition to the community centre, and therefore this application would not compromise the ability of Site 6 to accommodate the necessary quantum of B1 space as identified in the ELLP.

Although this proposal is a departure from the most recently approved plan (the Employment Land Local Plan), it is considered that there may be policy reasons why the development of a community centre would be acceptable in this location.

It is considered therefore that the proposal is acceptable in principle.

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

The proposed community centre is situated within Site 6 which is currently undeveloped and therefore will have no impact on surrounding properties or buildings in terms of the structure/building, loss of light/outlook or privacy.

The site has outline planning permission to be developed for office uses, which if occurs, the proposed use, and the structure being only single storey would have limited impact upon.

The site is away from any residential properties and therefore the proposed operating times of 7am to 11pm on any day will have little impact on residential amenity and are therefore considered acceptable.

Design issues:

The building is proposed single storey, with a massing that consists of two volumes. The larger area will have a pitched roof and the smaller volume a

sloped roof leaning on the West side of the building this design accommodates the height requirements of the two halls within the centre. This design will also mean that the lower roof height is adjacent to the road minimising the visual bulk and appearance from Pevensy Bay Road and the access through to the Marina or Retail Park. This however will result in a building of little visual prominence or presence within its site. For the most part only the roof will be visible which will therefore not afford passing pedestrians or visitors knowledge of the buildings meaning or importance as a community asset.

The appearance of the larger volume of the south facing elevation is screened by implementing a green wall. This elevation houses the entrance to the centre which is proposed to be opened up with large panes of glazing to allow internal visibility.

On the South West and West elevations, the proposed material is sweet chestnut cladding. This helps to break the overall massing of the building.

Along the west elevation tall thin splayed windows to the hall provide natural light. This is also considered in the main hall with two banks of floor to ceiling height windows. The main entrance is glazed to allow for visual connection between the inside and the outside. On the west two windows project outwards giving glimpses of the outside from the meeting room.

The materials and design of the proposed building are considered acceptable within their context.

Impacts on trees:

The application has not been supported by an Arboricultural Impact Assessment; therefore it is not evident what the resultant impact on existing trees/planting there will be from the proposed building, access paths or roads. Therefore conditions are required to request further information in relation to the potential impact on the existing trees and shrubs the resultant landscaping of the site.

Impacts on highway network, access and parking:

A Transport Statement has been submitted to consider the impact of the proposal on the surrounding highway network; it concludes that the use of the site should not impact upon the local highway network in terms of vehicle movements or highway safety.

The nature of this development will attract people predominantly from the local area and therefore it is likely that a proportion of users will walk/cycle. Access in general to site 6 on foot is generally good as the area is flat with a good network of footways linking the site to Sovereign Harbour and beyond. The site is also accessible by bus with a number of stops within 100m-300m on Pevensy Bay Road and Pacific Drive. These stops are served by buses on several routes which link the site to large parts of the town, including the town centre.

It is considered that in access, highway capacity and safety terms the proposal is considered acceptable subject to conditions in relation to the creation of the pedestrian footway.

Planning obligations:

The community centre, funding for which will be secured through a deed of variation to the S.106 agreement of the 2013 permission to develop sites 1, 7 and 8 for residential dwellings (Ref: 131002), will provide the social infrastructure required to enable Sovereign Harbour to become a sustainable community.

A deed of variation to the original S106 of the 2013 Outline Planning Permission is required to secure funding as the alternative site from site 5 for the community centre was stated in the agreement as Site 7a. Site 6 has been chosen as a preference over site 7a and therefore the agreement requires amendment.

The requirements of ESCC in terms of the provision of pedestrian improvements and the TRO will also be included in this deed of variation.

Other Matters:

Foundation Design:

The application does not promote a design solution for the proposed foundation, however it is known from the recent residential development at sites 1 & 7 that piled foundations required close scrutiny from The Environment Agency. Given the lack of detailing at this stage it is recommended that this condition is controlled via planning condition.

Flood Risk:

The proposal includes hard surfacing and impermeable structure on a parcel of land where there are none currently, it is considered that this change may have implications upon localised flooding with regard to the increasing the speed of surface water run-off.

It is known that the existing water table in this and neighbouring sites is relatively high (near the existing ground surface) and given this it is considered that the design solution for mitigating the flow of surface water discharge should be controlled via planning conditions.

Ecology:

The Ecology report submitted with the application states that the site supports a 'good' population of reptiles. All reptiles are protected, whilst the site has a 'good' population this specific part of site 6 offers limited reptile habitat in for the form of grassland and scrub. A Reptile Mitigation Strategy has been submitted which will be controlled by condition.

The site also supports vegetation which has the potential to support nesting birds. Therefore if vegetation is removed to facilitate development then clearance should be undertaken outside of the bird-nesting season (March to August) so to avoid potential disturbing a nest or clearance works need to be undertaken with an ecologist present to check for nesting birds.

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:

The delivery of the community centre is strongly supported in planning policy terms to ensure that the Sovereign Harbour neighbourhood is sustainable. The site is considered appropriate as it is within walking distance of neighbourhood and local centres. The provision of a path from the Waterfront car park and the new road within Site 6 to provide vehicular access for servicing and disabled will result in an accessible centre for community uses.

The design is also considered appropriate for its use and for its site and wider context.

Recommendation

1. Grant planning permission subject conditions and subject to a deed of variation to the S106 of the 2013 planning permission to develop sites 1, 5, 6, 7, and 8 of Sovereign Harbour being signed within a reasonable timeframe in relation to:-

- amendments to the location of the Community Centre (previously proposed on site 5 or 7a)
- to include a financial contribution towards pedestrian improvements, footpath provision and assistance with changes to other highway infrastructure via Traffic Regulation Order
- The applicant shall be required to submit a planning application for the provision of a new access road connecting Pacific House with this application site
- Details of reptile translocation site ensuring fit for purpose retained in perpetuity

Should the deed of variation to 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 legal mechanism in place to secure the improvements to pedestrian access to the site.

Conditions:

1. Time for commencement of development
2. Approved drawings
3. Materials to be as stated
4. Details of proposed vehicular linking Pacific House and the site and pedestrian access linking The Waterfront carpark to the site and that these to be implemented in full prior to the first beneficial use of the building and retained as such thereafter.
5. Submission of detailed landscaping plan showing position of any trees
6. Details of hard and soft landscaping
7. Retention of existing trees and tree protection measures
8. Before commencement the submission of a survey of the site showing the location and species of trees
9. Submission of details of the design of the building foundations and services in so far as they may affect trees and hedgerows
10. Soil levels within the root spread of trees/hedgerows to be retained shall not be raised or lowered.
11. Development to be undertaken in strict accordance with the Reptile Mitigation Strategy.
12. Submission of a surface water drainage scheme
13. No part of the development shall be occupied until the car parking spaces have been provided
14. No part of the development shall be occupied until a surface water drainage scheme preventing water draining onto the public highway or adjacent sites has been submitted
15. Submission of a construction traffic management plan
16. No part of the development shall be occupied until a vehicle turning space has been provided.
17. No part of the development shall be occupied until cycle parking has been provided in accordance with approved details
18. Prior to the commencement of development a foundation design, and a risk assessment taking into account the adjacent mound and any of its infrastructure shall be submitted.
19. No fill material shall be imported to the site unless agreed in writing by the Local Planning Authority. Any fill material shall be clean and inert.
20. Site clearance shall be implemented outside of the bird nesting season

Informatives:

1. Pre commencement conditions information
2. Information in relation to requirements of the Surface water drainage system conditions.
3. SGN Informative
4. Southern water informative in relation to connection to the sewer

5. Southern Water informative in relation to wastewater grease trap.

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**.