

App.No: 180423	Decision Due Date: 26 July 2018	Ward: Hampden Park
Officer: Anna Clare		Type: Planning Permission
Site Notice(s) Expiry date: 24 May 2018		
Neighbour Con Expiry: 8 June 2018		
Press Notice(s): 7 May 2018		
Over 8/13 week reason: n/a		
Location: Hampden Retail Park, Marshall Road, Eastbourne		
Proposal: : Erection of three new retail units comprising; one attached Use Class A1 unit and two detached A1/A3 units (including a drive-thru); external refurbishment of the existing retail units; reconfiguration of the existing car park and access, and associated works.		
Applicant: Eastbourne Borough Council		
Recommendation:		
A: Subject to legal agreement covering :		
<ul style="list-style-type: none"> • Local Employment Issues • Highway Issues; <ul style="list-style-type: none"> • The creation of the access, re-instating of the footway and dropped crossing points should be secured by condition and a s278 agreement. • Provision of signage from the site to the Station and bus stops • Provision of Real Time Passenger Information (RTPI) to provide better, more reliable information about bus services. To provide a RTPI sign would require a contribution of approximately £15,000.00. • Highway improvement works; • Widening the Marshall Road two-lane approach; and • Widening the entry width of the Lottbridge Drove (North) arm. • Travel Plan surveys and monitoring reports should be secured through an s106 agreement. 		
Then planning permission be granted subject to conditions outlined at the end of the report.		
B: If there is a delay in the processing of the S106 agreement (more than 8 weeks from the date of this resolution and without any commitment to extend the time) then the application be refused for the lack of infrastructure provision.		

Contact Officer(s):

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1 Executive Summary

- 1.1 The application is brought to Planning Committee given the applicant is Eastbourne Borough Council and as the proposal constitutes a major development by virtue of the size of the floorspace proposed to be constructed over the three new units.
- 1.2 In principle the proposed development is considered acceptable as it will positively contribute to the continuing vitality of Hampden Retail Park and the vision for the Hampden Park Neighbourhood of improving the public realm in shopping areas. It is supported by Policy EL1 of the ELLP through its contribution to job growth and economic prosperity in Eastbourne which will be supported in order to enable the achievement of a sustainable economy.
- 1.3 Therefore it is recommended that planning permission is granted subject to Legal Agreement and conditions.

2 Relevant Planning Policies

- 2.1 Eastbourne Borough Plan 2001-2011
 - NE16 (Development within 250m of former landfill site)
 - UHT1 (Design of New Development)
 - UHT4 (Visual Amenity)
 - UHT6 (Tree Planting)
 - UHT7 (Landscaping)
 - US4 (Flood Protection and Surface Water)
 - US5 (Tidal Flood Risk)

TR2 (Travel Demands)
TR6 (Facilities for Cyclists)
TR7 (Provision for Pedestrians)
TR11 (Car Parking)

2.2 Eastbourne Core Strategy 2006-2027
B1 (Spatial Development and Strategy)
B2 (Creating Sustainable Neighbourhoods)
C7 (Hampden Park Neighbourhood)
D4 (Shopping)
D5 (Housing – Low Value Neighbourhoods)
D8 (Sustainable Travel)
D10a (Design)

2.3 Employment Land Local Plan 2016
EL1 (Employment Land Strategy)

3 Site Description

- 3.1 Hampden Park Retail Park is currently made up of 5 individual Class A1 retail units providing a total of 5917sqm of floorspace. An existing car park provides 274 car parking spaces and is accessed from Marshall Road to the south-east of the site.
- 3.2 To the North the site sits adjacent to Lottbridge Drove, between the car park area and the road is a large grass verge with some low level shrubs/planting.
- 3.3 The west of the site borders the Brampton Road Industrial Estate which consists of a number of commercial/industrial uses. The closest residential properties are to the north-west on Brampton Road.

4 Relevant Planning History

- 4.1 None specifically relevant to this application.

5 Proposed development

- 5.1 The application proposes the following;
- The creation of three new units within the site, units 5, 6, and 7.
 - Unit 5 is proposed to be a new Class A1 (retail) unit of 743.2sqm floorspace, Units 6 and 7 to be Class A3 (restaurants and Café) of 167.2sqm floorspace each.
 - Recladding the existing buildings
 - Amendments to the access and circulation from Marshall Road including changes to the car parking arrangement, resurfacing and white lining.
 - Extension of the communal service yard and provide an exit only for new unit 5 onto Marshall Road, retaining the existing access from Faraday Close.
 - Pedestrian access onto Lottbridge Drove north of the site and south-east onto Marshall Road.

6 Consultations

6.1 Regeneration Manager

6.1.1 The application is eligible for local labour agreement in accordance with the Local Employment and Training Supplementary Planning Document's threshold for a commercial development, namely the creation of 1,000sqm (gross) and a development of strategic importance. It is also likely that the three new retail units will create in excess of 25 new jobs.

6.1.2 In the event that the application is approved, Regeneration request a local labour agreement for both construction and operational employment and training.

6.2 Specialist Advisor (Arboriculture)

6.2.1 The proposal seeks to utilise a sizable portion of the verge area bordering Lottbridge Drove & Marshall Road. This area of verge is part of a large space which is set against the Marshall Roundabout and is considered to be part of the character of the area. Whilst it is accepted this is an industrial/retail park complex, its appearance is an important issue and one that can have quite a profound impact on the local environment.

6.2.2 I note that Unit 6 is set back from the road but is likely to require visual exposure to potential customers from the surrounding road network. None-the-less, there is an opportunity to plant trees to form a strong architectural feature in this area and along this and the adjacent street to try and offset the harsh urban landscape. There is an existing stand of IIRC Italian Alders nearby so a similar pattern/planting distances to reflect this existing feature would go some way in mitigating the impact of the development.

6.2.3 Similarly, the large hard standing of the car parking area could be significantly softened with the planting of medium sized trees. This would visually break up the large surface area and provide a more pleasant environment for users of the car park and thus improve the mood. It is suggested that medium sized and ornamental trees are used, such as *Sorbus aria Magnifica* and *Acer campestre Elegant* (these are just suggestions) planted every 10 or so parking spaces. The planting pit must be sufficient to support the growth of the trees for years to come and would therefore require a volume of soil beneath the surrounding hard surfaces.

6.2.4 A condition is requested regarding the submission of landscaping details.

6.3 Specialist Advisor (Planning Policy)

6.3.1 The application site is situated in the 'Hampden Park Neighbourhood' as identified by Policy C7 in the Eastbourne Core Strategy (2013). Policy C7 is The Hampden Park Neighbourhood Policy, which sets out the vision for this area as the following; "*Hampden Park will increase its levels of sustainability and reduce*

the levels of deprivation in the neighbourhood whilst assisting in the delivery of housing and employment opportunities for the town". This vision will be promoted through a number of factors including 'Improving the public realm in residential and shopping areas to create a sense of place'.

- 6.3.2 As stated in the Employment Land Local Plan (ELLP) when considering proposals for employment development, the Council will take a positive approach that reflects the "presumption in favour of sustainable development" set out in paragraphs 14 and 15 of the NPPF. Policy EL1 of the ELLP states that job growth and economic prosperity in Eastbourne will be supported in order to enable the achievement of a sustainable economy. It states that this will be achieved by encouraging development which supports improvements in the local jobs market through creation of additional jobs and employment diversification and seeking Local Labour Agreements on all development of 1,000sqm or more, to secure local employment and training measures as part of development proposals. Therefore, as this application proposes an increase in retail floor space of 1077sqm, it would be eligible for a Local Labour Agreement.
- 6.3.3 Class A1 and A3 uses are defined in the glossary of the NPPF as 'Main town centre uses.' As paragraph 24 states "*Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.*" The Hampden Retail Park is not identified as a designated centre in the retail hierarchy (Core Strategy Policy D4) and is therefore considered an 'out of centre' location, which means the sequential test needs to be applied.
- 6.3.4 The aim of the sequential test is to ensure that main town centre uses are directed towards town centres first, and only where they cannot be accommodated in or on the edge of town centres should main town centre uses be permitted elsewhere. Therefore the purpose of the sequential test is to direct retail development to the most sustainable location(s) and at the same time protect the vitality of town centres, rather than to simply enable the modernisation of the offer at an undesignated retail park.
- 6.3.5 The NPPG confirms that applicants are expected to demonstrate flexibility in terms of scale, form and layout of the proposal in their application of the sequential test. It states that where there are no sequentially preferable sites for the proposal, the sequential test is passed. In relation to the sequential test, the development of town centres (highest in the retail hierarchy), would be preferable over 'out-of-town' (lowest in retail hierarchy) sites.
- 6.3.6 The Planning statement provides assessments of other retail locations within the borough in relation to the sequential test. This demonstrates that there are no suitable and available retail units in sequentially preferable designated centres, or suitable sites on the edge of any designated centres. Additional evidence provided clarifies that a unit at Sovereign Harbour is unlikely to become available in the near future, and that a class A3 unit that is current available would not be large enough to be suitable to accommodate the proposal as a

whole. Therefore it is considered that evidence has been supplied to demonstrate that the sequential test has been passed.

- 6.3.7 Policy D8 (sustainable travel) of the Core Strategy that's that new developments should '*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*'. The development includes provision for two cycle parking areas, allowing 10 cycle spaces (higher than East Sussex Guidance suggested figure of 7) which improve the current situation at the park of no cycle parking facilities. There are currently 280 spaces on site and after the parking reconfiguration it proposes 288 with 19 disabled bays and 4 parent/child bays, compliant with the East Sussex Guidance and local policy.
- 6.3.8 The NPPF (paragraph 26) explains that retail developments outside of the town centre proposing an increase in floor space over 2,500sqm, should provide an impact assessment. As this development is proposing an increase of 1,077sqm, an impact assessment is not required.
- 6.3.9 The site is identified as being in 'Flood Risk Zone 3' for tidal flood risk and the NPPF classifies retail areas as being 'less vulnerable' to flooding, suggesting that retail development would be appropriate in this zone without the exception test needing to be applied. The site is also protected by a series of coastal flood defences implemented by the LPA.
- 6.3.10 It is important to note that this application would be liable for CIL as per Eastbourne current charging schedule for A1-A5 use class.
- 6.3.11 To conclude, this development complies with a number of national and local policies. It will positively contribute to the continuing vitality of Hampden Retail Park and the vision for the Hampden Park Neighbourhood of improving the public realm in shopping areas. It is supported by Policy EL1 of the ELLP through its contribution to job growth and economic prosperity in Eastbourne which will be supported in order to enable the achievement of a sustainable economy. It should also benefit from a Local Labour Agreement as it meets the threshold set in the NPPF. Finally, the application provides assessments of other retail locations within the borough, evidencing no suitable alternative or preferable location for the proposed retail units. With this, the site location would pass the sequential test and comply with national policy.

6.4 CIL Consultations

- 6.4.1 As per the Eastbourne Charging Schedule A1-A5 use classes are liable for CIL and therefore this application for planning permission will be CIL liable.

6.5 Southern Water

- 6.5.1 The exact position of the foul and surface water sewer crossing the site must be determined on site before the layout of the proposed development is finalised.

6.6 Environment Agency

6.6.1 No objection is raised to the proposed development subject to a condition regarding the implementation of the submitted Flood Risk Assessment.

6.7 County Archaeologist

6.7.1 Although this application is situated on the edge of an Archaeological Notification Area, based on the information supplied I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

6.8 South East Water

6.8.1 No response received.

6.9 Highways ESCC

6.9.1 *Comments in Italic are further to the original consultation response following submission of further clarification/details.*

6.9.2 The site is currently accessed from Marshall Road with a servicing/delivery access from Faraday Close, (to the back of the retail units away from the car park).

6.9.3 Footways surround the site with a controlled pedestrian crossing on Lottbridge Drove and informal crossing points on Marshall Road, providing access to the wider pedestrian network and other retail areas.

6.9.4 This site is served by bus routes 55, 55A and The Loop, serving Langney, Beachlands and Eastbourne Town Centre. The closest stops are on Lottbridge Drove.

6.9.5 It is also noted that the northern extents of the site, as encompassed by the red site boundary shown on the proposed plans, is within ESCC Highway Boundary. However, there does not appear to be any development within that area.

6.9.6 Access

The applicant proposes to move the entrance to the site approximately 26m north on Marshall Road. The existing access is proposed to be closed and the footway re-instated.

6.9.7 Dropped kerbs and tactile paving should be provided along the Marshall Road access junction for pedestrians with a visual or physical disability. These are shown on drawing 17167/006. The creation of the access, re-instating of the footway and dropped crossing points should be secured by condition and a s278 agreement. Although the Road Safety Audit did not raise the close proximity between the proposed access and the Dunelm's car park access as a safety issue, ESCC believe that this arrangement could raise the risk of collisions, as drivers may not anticipate vehicles exiting the other car park.

- 6.9.8 A new service exit onto Marshall Road is proposed south of Unit 5. This point will provide egress onto Marshall Road for two 7.5t Vans per day and one articulated vehicle per week. Furthermore, it is unclear how the one-way system of the servicing access would be controlled. Vehicles could still potentially access from Marshall Road, which could increase conflicts and would require those vehicles to reverse back out in an unsafe manner.
- 6.9.9 *Vehicle tracking has subsequently been provided. The swept path analysis showing the Rigid Truck accessing and egressing the site is acceptable. Furthermore proposals within the Addendum Technical Note are generally sound showing space for vehicles to wait for/pass each other to the rear of unit 5, and vehicles waiting on Marshall Road wouldn't necessarily be a concern.*
- 6.9.10 Furthermore, visibility splays have not been provided for the servicing access onto Marshall Road. The access should be shown to be able to provide a visibility splay in line with DMRB without the use of third-party land. The Stage 1 RSA carried out for the proposals also raised the issue of visibility at this egress. The applicant's team stated that vehicle speeds coming out of the site will be low. This would not have an effect on the visibility requirement, as the relevant speed when determining the visibility splay is that on the public highway.
- 6.9.11 **Pedestrian/Cyclist Considerations- wider network**
The most likely route from the site to Hampden Park Station is via Marshall Road, Brampton Road and a dedicated footpath between Brampton Road to the Station. While this footpath provides pedestrians with an easy connection to the Station, it is considered that the existing path is not sufficiently attractive to pedestrians, especially more vulnerable pedestrians due to a lack of informal surveillance and the poor quality footpath condition. The lack of signage between the site and the station also discourages people to use this route.
- 6.9.12 In order to encourage more people to use the train when visiting the retail park and use this pedestrian route, the applicant should provide signage from the site to the Station. This should be secured via condition or a s106 agreement.
- 6.9.13 Cycle routes run within close proximity to the site, which indicates that the development has the potential to generate more cycling trips. As part of the proposed vehicle traffic mitigation, the applicant proposed to reduce the width of the cycle refuge at the Marshall Roundabout, which was also raised as a safety concern as part of the Stage 1 RSA. Prioritising vehicle traffic over sustainable travel modes in this way is not considered to be in line with ESCC policy, especially as this would actively decrease safety for cyclists and make the site's surrounding area less attractive to cyclists. This is not considered to be acceptable.
- 6.9.14 The applicant should provide an alternative design proposal for the Marshall Roundabout that does not impact on the safety of cyclists. The proposals should aim to enhance cycling facilities, as this would potentially reduce the number of vehicle trips to the site, reducing pressure on the surrounding junctions as well as parking space.
- 6.9.15 *An Addendum Technical Note has been submitted which states as part of the*

upgrade works, addition information will be provided to customer on route to Hampden Park Station as well as local bus stops. An amended drawing also shows that the relocation of the cycle crossing will be retained to a minimum width of 1.75m as per existing conditions, with markings and dropped kerbs repositions and realigned with the central island. This has been confirmed as acceptable to ESCC Highways.

6.9.16 Public Transport

A bus stop is located directly adjacent to the site on the south side of Lottbridge Drove and directly opposite the site on the north side of the Lottbridge Drove carriageway. The northern bus stop has real-time passenger information, which is lacking from the bus stop of the south side of the carriageway. The development will increase the use of public transport in the area and a contribution towards providing Real Time Passenger Information (RTPI) is required to help provide better, more reliable information about bus services. To provide a RTPI sign would require a contribution of approximately £15,000.00. These works should be secured by legal agreement and would help the development meet the targets that would be set in the Travel Plan.

6.9.17 Traffic Impact - Traffic Surveys

The applicant has undertaken Manual Classified Counts at Marshall Roundabout and the site access junction on a Friday, Saturday, and Sunday during store opening times to understand the current operation of the local network. Average queues were also observed at the Marshall Roundabout and baseline junction modelling has been calibrated to match these observed queues. This is generally considered to be a good survey approach.

6.9.18 Traffic Impact - Trip Generation

The Manual Classified Counts undertaken at the site access have been used to determine the vehicle trip generation assessment for the development. No trip generation assessment has been undertaken for other modes of transportation. However, it is considered that the development will increase trips by those other modes as well.

6.9.19 Because the proposed development includes two new food and beverage units, one of which will have a drive-thru facility, it is considered that the trip generation cannot be determined simply by factoring up trips for the existing site up to match an increase in floor area. This would only be considered acceptable for the new Unit 5, as it is considered likely to be a retail unit similar to the others at the site.

6.9.20 The drive-thru facility especially would be expected to significantly add to vehicle trip demand at the site, which could affect the capacity of the site access junction as well as the Marshall Road roundabout. The small food and beverage Unit 7 would also be expected to add some dedicated trips to the site, though it is accepted that a portion of trips to this unit would likely be linked trips.

6.9.21 The applicant should survey a similar drive-thru facility in the area to determine the trip generation, or use the industry standard TRICS database to determine a robust trip generation for the proposed drive-thru and food-retail unit.

- 6.9.22 The trip generation as set out in the TA is not considered to be an accurate representation of the expected trip generation for the development.
- 6.9.23 **Junction Capacity Assessment and Impact**
The junction capacity modelling methodology within the Transport Statement is considered to be generally sound. However, as the trip generation is considered likely to be an under-estimate of the number of trips to and from the site, the junction modelling is also expected to be inaccurate.
- 6.9.24 The surveys show that the Marshall Roundabout is expected to operate at or over capacity (RFC of 1.00 or more) in 2027 on Saturdays and Sundays in the peak. The modelling shows the proposed development would be expected to exacerbate this issue, pushing the junction further past capacity. The applicant proposes the following mitigation:
- Widening the Marshall Road two-lane approach; and
 - Widening the entry width of the Lottbridge Drove (North) arm.
- 6.9.25 The submitted modelling shows that these proposed works would likely mitigate the effect of the development, but would keep the junction operating at or over capacity. Visitors to the proposed development would therefore still likely experience delays and significant queueing. As visitors and staff associated with the proposed development would use Marshall Road, the applicant should provide a contribution to improvements to this junction, to mitigate the impact of the proposed development.
- 6.9.26 The site access junction is shown to be able to operate within capacity based on the trip generation assessment set out in the TA. However, this junction should be re-assessed following revisions to the trip generation.
- 6.9.27 General engineering design principles as set out in the Design Manual for Roads & Bridges (DMRB) are that when designing priority junctions and roundabouts, RFC levels should not exceed 0.85 (85%) during peak conditions. Not only does this provide for a margin of error in any calculations, experience has shown that in practice, queues and delays can start to form prior to the 100% threshold being reached. The applicant should therefore show RFC levels of 0.85 or less in the peak 2027 + Development scenario for the site access junction.
- 6.9.28 **Accident Data**
The accident data review is considered to be too sparse. There have been several crashes within the site's immediate surrounding area. The applicant should provide more detail on the crashes that occurred at the Marshall Roundabout and on Lottbridge Drove to show the percentage of collisions involving a pedestrian or cyclists, as well as a short description of each one, to ensure there are no existing highway safety issues that may be exacerbated by the expected additional trips to the site caused by the development.
- 6.9.29 *Further analysis was submitted as part of the Addendum Technical Note which has been confirmed to sufficiently detailed and acceptable by ESCC highways.*
- 6.9.30 **On-Site Car and Cycle Parking**
It is proposed that 288 car parking spaces will be provided in line with ESCC

- 6.9.31 Guidance for the extended retail park. This is considered acceptable and sufficient evidence has been prepared to support the view that the proposed development would not result in overspill parking onto the public highway or the surrounding car parks.
- 6.9.32 It should be noted that the Manual Classified Counts show that the existing site generally has spare parking capacity on Fridays, Saturdays and Sundays. The lowest number of available spaces recorded on Friday was 182, on Saturday it was 150, and on Sunday the minimum was 183. This suggests that there is not a current parking accumulation issue.
- 6.9.33 Cycle parking is proposed to be provided in line with ESCC guidance. This is considered acceptable.
- 6.9.34 **Refuse and Servicing**
Servicing of the proposed food and beverage retails units is to be undertaken from within the car park outside of operational hours to reduce conflict with vehicles and pedestrians. This is considered to be acceptable. Servicing of the existing units is proposed to remain generally similar to the existing situation which is considered acceptable.
- 6.9.35 **Travel Plan**
A Travel plan has been submitted as part of the application. This Travel Plan is considered to be generally sound. The Travel Plan commits the applicant to baseline surveys at six months post occupancy and surveys at Year 3 and Year 5 of occupation.
- 6.9.36 The travel surveys undertaken should be TRICS compliant and these should be supported by cycle parking and car parking occupancy surveys. The results of these surveys should be communicated to the LPA and ESCC via a monitoring report.
- 6.9.37 The surveys and monitoring reports should be secured through an s106 agreement.
- 6.9.38 **Construction**
A Construction Traffic Management Plan will need to be provided with details to be agreed. This would need to include management of contractor parking to ensure no on-street parking occurs during the whole of the demolition and construction phases. Deliveries should avoid peak times to prevent additional congestion on the network. This would need to be secured through a condition of any planning permission. Tracking of construction vehicles on-site would also be required for each construction phase. Drawings should also be submitted showing hoarding lines and welfare areas, as well as any pedestrian re-routing required during construction.
- 6.9.39 *The trip generation data is currently being considered by ESCC Highways at the time of publication of this report and will be reported on verbally/in an addendum report for Committee.* Notwithstanding this the proposed changes are unlikely to have any material impact upon the local highway network and is therefore considered acceptable in NPPF high way terms.

6.9.40 Crime Prevention Design Officer

- 6.10 I ask whether A3 & A5 usage needs to be requested if the proposed unit number 6 is to be a drive through venture as well as a sit down restaurant for hot and cold foods and drink. I ask that any consent for this or future application for the premises is conditional that alcohol is ancillary to food prepared on the premises and served at table by waiters /waitresses. Substantial food shall be available at all times.
- 6.10.1 I recommend that external doors and ground floor or any easily accessible windows conform to LPS 1175 SR2. Additional advice on roller shutters, gates, lighting safes and strong-rooms and intruder alarms, can be found within the SBD Commercial Developments 2015 document.
- 6.10.2 I was pleased to note that new service yard will be gated. I recommend that the proposed locations for the two cycle storage / park are relocated to more centralised locations that have more footfall and increased natural surveillance over them, as the proposed areas are on the peripheral of the development with reduced natural surveillance.
- 6.10.3 Given the addition of a proposed drive through A3 unit to the retail park and no opening times disclosed, consideration is to be given to controlling the car park after hours to prevent loitering and rogue parking as this usage has the potential to create a honey spot possibly increasing into a hot spot.

7 Neighbour Representations

- 7.1 No comments received from the public consultation.

8 Appraisal

8.1 Principle of development:

In principle this development complies with a number of national and local policies. It will positively contribute to the continuing vitality of Hampden Retail Park and the vision for the Hampden Park Neighbourhood of improving the public realm in shopping areas. It is supported by Policy EL1 of the ELLP through its contribution to job growth and economic prosperity in Eastbourne which will be supported in order to enable the achievement of a sustainable economy.

- 8.1.1 Therefore the application is supported in principle providing there are no significant impact in terms of the detailed design proposals and highways impacts in accordance with local and national planning policies.

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

- 8.2.1 There are no residential properties in the immediately surrounding area. The site is situated adjacent to but does not form part of the Brampton Road industrial

Estate.

8.2.2 Therefore the proposals will have no impact on residential amenities.

8.2.3 Unit 5 is proposed to the western boundary of the site, there are existing commercial/industrial units to site adjacent which form part of the Brampton Road Industrial Estate. Given the nature of the uses here it is not considered that the bulk or scale of the proposal will cause significant issues to the occupiers or users of these adjacent buildings.

8.4 Design issues:

8.4.1 Works to the existing buildings consist of;
Overcladding the roofs with trapezoidal metal cladding
Elevations to be overclad in horizontal or trapezoidal cladding

8.4.2 The cladding to the existing elevations is designed to provide a crisp and contemporary feel to the car park frontage. On the B&Q frontage, which is a stand alone unit the brick columns are proposed to be retained to provide a contrasting element to the cladding. New signage is also proposed to each unit which is the subject of a separate advertisement consent application.

8.4.3 The elevation treatments for the refurbished facades are to match with the new units with the exception of Unit 6.

8.4.4 Unit 6 is a drive-thru unit detached from the other units situated to the north-west of the site. This building is proposed to be class A1/A3, and is proposed part rendered, part clad with horizontal timber boarding with a standing metal seamed roof. Unit 6 is a single storey building on a lesser scale than the existing units on the site to reflect its siting between the main units and the road. The proposed landscaping will assist with softening the visual appearance of the rear elevation which is the drive thru frontage. The proposal is considered a step between the road and the larger units. Equally the proposed unit 7 is detached from the existing B&Q building between this and the Road. This is proposed to a lesser scale, single storey at just over 5m in height. Again this provides a step up in the built form between the road and the existing units and is considered an appropriate design concept to lessen the impacts of the proposal on the streetscene.

8.4.5 Unit 5 is proposed to follow the scale of the existing units, matching the adjacent unit in terms of height and in continuing the terraced visual appearance. This is considered entirely appropriate for this boundary of the site which is set away from Lottbridge Drive.

8.4.6 The proposed materials are considered acceptable and will improve the visual appearance of the retail park which is currently tired and unkempt. A condition is considered prudent to ensure that the cladding to the buildings is undertaken as one operation to ensure that not some units and not others are clad to maintain a standard appearance.

8.5 Landscaping:

- 8.5.1 Bar the existing grass verge adjacent Lottbridge Drive and Marshall Road, with some low level shrub planting there is little landscaping to the existing site which is dominated by the large expanse of hard surface car parking.
- 8.5.2 New landscaping is proposed to the site as part of the development. Around the proposed unit 6 the grass verge is proposed to be retained to provide a visual separation between the car park and the road. New trees are proposed adjacent to the existing B&Q unit to the rear of the proposed unit 7, and to the south adjacent to new unit 5. An additional 6 trees are proposed running in a line through the car park area to soften the appearance of the large expanse of car park.
- 8.5.3 New landscaping is proposed to the north and south boundaries to the site, with low level planting adjacent Lottbridge Drive and Marshall Road. New access points are also proposed for these areas improving pedestrian links.
- 8.5.4 The landscaping and position of new trees assists within mitigating the impacts of the development. The retention of the grassed area to the northern boundary with Lottbridge Drive is welcomed and will soften the appearance of the proposed development whilst maintaining the character of the area. A grass verge is maintained for the majority along both sides of Lottbridge Drive and other parts of Willindon Drive and whilst the area is industrial/retail in its nature this landscaping is considered very much part of the character of the area, softening the harsh industrial buildings.
- 8.5.5 Overall the landscaping is considered to be improved, whilst the grass verge adjacent Lottbridge Drive is reduced this is retained in keeping with the wider character of the area.
- 8.6 Impacts on highway network or access:
- 8.6.1 The proposals include amendments to the existing access, creation of new servicing access, alterations to the highway on Marshall Road, relocating the existing pedestrian/cycle crossing. The Highways issues have been considered fully by ESCC Highways who agree the access arrangements and alterations to the highway are acceptable.
- 8.6.2 It is proposed that 288 car parking spaces will be provided in line with ESCC Guidance for the extended retail park. This is considered acceptable and sufficient evidence has been prepared to support the view that the proposed development would not result in overspill parking onto the public highway or the surrounding car parks.
- 8.6.3 The applicants submitted capacity counts show that the existing site generally has spare parking capacity on Fridays, Saturdays and Sundays. The lowest number of available spaces recorded on Friday was 182, on Saturday it was 150, and on Sunday the minimum was 183. This suggests that there is not a current parking accumulation issue.
- 8.6.4 Cycle parking, improvements to the access for pedestrians, and improvements

to the signage for sustainable travel (to train station and bus stops) will assist with users travelling by sustainable means. A Travel Plan has been submitted with the application which is acceptable and commits the applicant to encouraging sustainable travel particularly by staff of the units.

8.6.5 Therefore the proposals are considered acceptable.

8.6.6 A S106 agreement and conditions are proposed to mitigate any highways issues and ensure the delivery of the highway works. A s106 is required to secure a number of highways improvements including;

- The creation of the access, re-instating of the footway and dropped crossing points should be secured by condition and a s278 agreement.
- Provision of signage from the site to the Station and bus stops
- Provision of Real Time Passenger Information (RTPI) to provide better, more reliable information about bus services. To provide a RTPI sign would require a contribution of approximately £15,000.00.
- Highway improvement works;
 - Widening the Marshall Road two-lane approach; and
 - Widening the entry width of the Lottbridge Drove (North) arm.
- Travel Plan surveys and monitoring reports should be secured through an s106 agreement.

8.7 Other issues:

8.7.1 There is a culvert owned by Southern Water running along the grass verge north of the site. In order to facilitate the development the culvert needs to be re-directed. Drainage plans have been submitted as part of the application and the Applicant is in discussion with Southern Water over the re-direction of their assets.

8.8 Conclusion:

8.8.1 The proposed development is considered acceptable in principle following the submission of a sequential test which provided assessments of other retail locations within the borough, evidencing no suitable alternative or preferable location for the proposed retail units. The proposal would also be supported by Policy EL1 of the ELLP through its contribution to job growth and economic prosperity in Eastbourne which will be supported in order to enable the achievement of a sustainable economy.

8.8.2 The works to the existing buildings are considered will improve their visual appearance, and the new units will fit within the site without harm to the character or appearance to the wider area given the landscaping improvements. Car parking provision is increased and is considered acceptable following capacity surveys and the wider highways works are considered acceptable.

8.8.3 Therefore the proposal is considered acceptable. The proposed improvements to the existing units are welcome, the new units will be visually in keeping with the existing and retention of the grass verge with additional landscaping will improve the visual appearance without harm to the character of the wider area.

9 Human Rights Implications

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

10 Recommendation

A: Subject to legal agreement covering :

- Local Employment Issues
- Highway Issues;
 - The creation of the access, re-instating of the footway and dropped crossing points should be secured by condition and a s278 agreement.
 - Provision of signage from the site to the Station and bus stops
 - Provision of Real Time Passenger Information (RTPI) to provide better, more reliable information about bus services. To provide a RTPI sign would require a contribution of approximately £15,000.00.
 - Highway improvement works;
 - Widening the Marshall Road two-lane approach; and
 - Widening the entry width of the Lottbridge Drove (North) arm.
 - Travel Plan surveys and monitoring reports should be secured through an s106 agreement.

Then planning permission be granted subject to conditions outlined below;

B: If there is a delay in the processing of the S106 agreement (more than 8 weeks from the date of this resolution and without any commitment to extend the time) then the application be refused for the lack of infrastructure provision.

10.1 Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission.
Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved drawings;
4158-155 Tree Plan
4158-301 Rev P Proposed Site Plan
4158-306 proposed Elevations
4158-307 Unit 6 Proposed Elevations
4158-308 Shopfront Details
G22765 0101 Rev P1 Proposed Drainage Layout
Reason: For the avoidance of doubt and in the interests of proper

planning.

3. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of that part of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

4. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (April 2018) and the following mitigation measures details within the FRA:
 - a. All occupants will sign up to the Flood Warning Service, as stated in FRA sections 6.1 and 7.
 - b. A flood preparation and evacuation plan is drawn up, as recommended in FRA Sections 6.2 and 7, for identification and provision of a safe route into and out of the site to an appropriate safe haven.
 - c. Flood resilience and resistance measures are incorporated into the design, as advised in Section 6.3 of the FRA.

The mitigation measures shall be 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.

Reason: In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework for Flood Risk and Coastal Change to ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future Occupants.

5. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
 - i. a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
 - ii. location, type and materials to be used for hard landscaping including specifications, where applicable for:
 1. permeable paving
 2. tree pit design
 3. underground modular systems
 4. Sustainable urban drainage integration
 5. use within tree Root Protection Areas (RPAs);
 - iii. a schedule detailing sizes and numbers/densities of all proposed trees/plants;
 - iv. specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and

v. types and dimensions of all boundary treatments

6. All soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.
Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.
7. The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.
8. No part of the development shall be occupied/brought into use until the car parking has been constructed and provided in accordance with the approved drawing 4158 301 Rev P. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To provide suitable car-parking space for the development
9. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved drawing 4158 301 Rev P. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and in accordance with policy/para...
10. Development shall not commence until a Construction Traffic Management Plan has been submitted and agreed, and the approved Plan shall be implemented and adhered to in full throughout the entire construction period, the Construction Traffic Management Plan must include but not be limited to, tracking of construction vehicles for each phase of development (if phased), details of hoardings/welfare areas, and pedestrian re-routing required during construction.
Reason: In the interests of highway safety and the amenities of the area and in accordance with policy/para...
11. The vehicle electric charging point shown on approved drawing 4158 301 Rev P shall be installed and made available for use prior to the first occupation of the new units and thereafter shall be retained in perpetuity.
Reason: To encourage environmentally friendly modes of transport.

Informatives

1. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property.
2. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. 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.
3. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk". Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

11 Appeal

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

12 Background papers

The background papers used in compiling this report were as follows:

- **Case File**