

**Report to:** Planning Applications Committee  
**Date:** 21 August 2023  
**Application No:** 220849  
**Location:** Site 7a, Pacific Drive, Eastbourne, BN23 6DW  
**Proposal:** Erection of Class E foodstore alongside access, parking, landscaping, and associated works  
**Applicant:** Aldi Store Ltd.  
**Ward:** Sovereign  
**Recommendation:** 1. That the application be delegated to the Head of Planning to secure agreement to the scheme from

- the Councils Air Quality officer,
- landscaping issues,
- affordable housing issues, and
- ecological translocation issues.

On reaching agreement to these issues then 2 below.

2. That the Head of Planning be authorised to Grant permission subject to conditions and S106 / S278 agreement for

- Travel Plan audit fees
- Other highway works.
- Late-stage review to establish affordable housing position (unless otherwise agreed),
- Local Labour Agreement,
- Ecological translocation controls
- 'Golden Brick' clause to limit the trading of the foodstore until the schemes on the adjacent sites (Care Home & McCarthy and Stone) have reached a defined point in their construction.

3. If no meaningful engagement with the legal agreement is pursued within six months, then the Head of Planning be authorised to refuse planning permission due to the lack of infrastructure.

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# Site Location Plan



1.	<b>Executive Summary</b>
1.1	This application is brought before the Planning Committee due to the significant number of objections received following public consultation.
1.2	<p>The application seeks planning permission for the erection of a foodstore (Class E) with associated access, parking, landscaping and works.</p> <p>This application is one component in a tripartite submission. Two other applications have been independently submitted and reported elsewhere on this agenda.</p>
1.3	The development is considered to be sympathetic to the surrounding built and natural environment as well as the amenities of neighbouring residents and would provide good quality retail offer, providing choice for the local community.
1.4	The application subject to further matters of detail is recommended for approval subject to S106 agreement and conditions.
1.5	<p><u>Sustainability</u></p> <p>The scheme delivers a 48% reduction in carbon emissions through the use of improved building fabric, air source heat pump supplemented by refrigeration heat recovery and a photo voltaic array.</p> <p>This is considered to be given <b>significant positive weight</b> in the planning balance.</p>
1.6	<p><u>Land Allocation</u></p> <p>The site is allocated for employment purposes within the Local Plan and has dedicated policies limiting the use of the site. This has existed in various forms for more than 30 years.</p> <p>The site forms part of the wider development area for which outline approval for a mix of employment uses has been granted and this allowed for the reserved matters submission to be submitted within a 10-year period, this expires December 2024.</p> <p>The redevelopment for retail purposes is contrary to the Local Plan and as such should be afforded <b>significant negative weight</b> in the planning balance.</p>
1.7	<p><u>Under Delivery on land allocation aspiration</u></p> <p>It is recognised that despite the land being allocated and having an outline planning consent there has been no market interest by way of further planning applications for redevelopment.</p>

	<p>The application is silent on long term marketing but does evidence that there is no current market demand for office accommodation.</p> <p>It is evident that Pacific House (on adjacent site) was developed with the support of public grant and that no further office accommodation has come forward on that site.</p> <p>In part recognition that the wider application (site 7a as a whole) had not come forward over the past 30 years and that no reserved matters had been submitted following the outline approval approaching 10 years ago the recently published growth strategy identified a wider range of uses that may be considered appropriate.</p> <p>This clearly show the direction of travel of the emerging local plan and specifically at this stage it is not envisaged that the site should be developed for/as 100% residential. There remains the ambition of job creation to support the local economy on this site. It is also important to note that the emerging Local Plan does not recognise retail on the site as referred to above.</p> <p>Against this background and notwithstanding the commentary within the growth strategy the redevelopment of the site for a retail food store would to some degree see the regeneration benefits of inward invest, job creation and retail choice in a sustainable location.</p> <p>These regeneration benefits should be afforded <b><u>moderate positive weight</u></b> in the planning balance.</p>
1.8	<p><b><u>Economic Impact</u></b></p> <p>As outlined above there is not demonstrable evidence that employment uses in accordance with the local plan allocation will come forward.</p> <p>Against this background the scheme represents a multi-million-pound investment into the Borough that would create jobs through the construction and operational phases of the development.</p> <p>50 new job opportunities will come from the development offering full and part time opportunities to the whole community.</p> <p>The investment and job creation to be given <b><u>significant positive weight</u></b> in the planning balance.</p>
1.9	<p><b><u>Retail Impacts</u></b></p> <p>The applicant has undertaken a search of the Borough to establish if there are any other suitable sites available and their evidence concludes that there are none.</p> <p>The size of the store is below the threshold defined by the National Planning Policy Framework whereby a retail impact assessment is</p>

	<p>required. Given this parameter the development is too small to be deemed to have negative impact upon existing centres.</p> <p>The evidence assessed by this element of scheme should be given <b><u>moderate positive weight</u></b> in the planning balance.</p>
1.10	<p><b><u>Noise Impacts</u></b></p> <p>Post construction noise impacts will be limited to the use of the car park and deliveries to the store.</p> <p>The noise from the car park will be low and not deemed to result in a loss of amenity and the deliveries to the store will be controlled by condition.</p> <p>Given suitable controls in place to prevent/mitigate noise impacts beyond the boundary of the site this issue should be given <b><u>moderate positive weight</u></b> in the planning balance.</p>
1.11	<p><b><u>Landscape and Ecology Impacts</u></b></p> <p>Change in the landscape would be limited to the immediate site area due to the self-contained nature of the site. The scale and density of the development would be comparable with surrounding commercial development and the design incorporates significant green landscape buffers, with a significant landscape area to adjacent to the A259 Pevensey Bay Road.</p> <p>It is recognised that this is an allocated development site for employment uses and to some extent the existing habitat would have been impacted if the allocation had been implemented.</p> <p>The scheme proposes the incorporation of an ecological roof to mitigate the loss of habitat; given this and other landscaping at the site it is considered that the development would result in limited landscape harm, and this should be attributed <b><u>moderate positive weight</u></b> in the planning balance.</p> <p>In addition to the on-site landscape and biodiversity benefits the scheme proposes the translocation of protected species where appropriate and deemed to be necessary. All aspects of this translocation accord with best practice.</p> <p>This is considered to be attributed <b><u>moderate positive weight</u></b> in the planning balance.</p>
1.12	<p><b><u>Highways Safety &amp; Car Parking</u></b></p> <p>The scheme provides car parking, EV charging positions and cycle parking for customers and staff in accordance with local and County standards.</p>

	<p>The access and servicing requirements have been endorsed by ESCC Highways. The increase in traffic is of a degree that would NOT result in disruption or congestion on the surrounding highway network.</p> <p>It is considered that this should be attributed <b><u>moderate positive weight</u></b> in the planning balance.</p>
1.13	<p><b><u>Accessibility</u></b></p> <p>The scheme's design has been considered with regards to its access arrangements and servicing arrangements.</p> <p>The site is located with access to alternative modes of transport, cycling, walking and bus routes.</p> <p>This is considered to be attributed <b><u>moderate positive weight</u></b> in the planning balance.</p>
1.14	<p><b><u>Flood Risk &amp; Drainage</u></b></p> <p>At the time of writing this matter is under review by external consultees.</p> <p>On the presumption that the scheme does not give rise to off-site flooding and a designed drainage system that satisfies the lead Local Flood Authority can be achieved then this should be given <b><u>moderate positive weight</u></b> in the planning balance.</p>
1.15	<p><b><u>Heritage and Archaeology</u></b></p> <p>The intrusive site survey has heralded little archaeology remains at the site and as such this should be given <b><u>limited positive weight</u></b> in the planning balance.</p>
1.16	<p><b><u>Design &amp; Appearance</u></b></p> <p>The design is considered functional and appropriate for its use and would not in and of itself be harmful to the site and surrounding area.</p> <p>The design and appearance should be given <b><u>limited positive weight</u></b> in the planning balance.</p>
1.17	<p><b><u>High Pressure Gas Main</u></b></p> <p>The location of the new building is outside of the access/exclusion zone for the high-pressure gas main.</p> <p>This issue is considered to be given <b><u>limited positive weight</u></b> in the planning balance.</p>
1.18	<p><b><u>Brownfield Land</u></b></p>

	<p>The scheme promotes the redevelopment of brownfield land.</p> <p>This issue is considered to be given <b><u>significant positive weight</u></b> in the planning judgement.</p>
<b>2.</b>	<b>Relevant Planning Policies</b>
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>6. Building a strong, competitive economy</p> <p>8. Promoting healthy and safe communities</p> <p>9. Promoting sustainable transport</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment</p> <p>31 Local Plans to have regard to Market signals.</p> <p>38 Local Planning Authorities to work cooperatively with applicants to improve the economic, social, and environmental conditions of the area.</p> <p>81 Significant weights to economic growth</p> <p>87 Requirements for sequential test for sites that are not in accordance with the development plan.</p> <p>124 Make efficient use of land.</p> <p>126 High quality beautiful and sustainable developments</p> <p>130 Reflective of local character</p> <p>132 Importance of design quality.</p>
2.2	<p><u>Eastbourne Core Strategy 2006-2027:</u></p> <p>B1: Spatial Development Strategy and Distribution</p> <p>B2: Creating Sustainable Neighbourhoods</p> <p>C14: Sovereign Harbour Neighbourhood Policy</p> <p>D1: Sustainable Development</p> <p>D5: Housing</p> <p>D7: Community, Sport, and Health</p> <p>D8: Sustainable Travel</p> <p>D9: Natural Environment</p> <p>D10a: Design</p>

	E1: Infrastructure Delivery.
2.3	<p><u>Saved polices of the Eastbourne Borough Plan 2001-2011:</u></p> <p>BI7: Design Criteria  HO20: Residential Amenity  NE4: Sustainable Drainage Systems  NE16: Dev within 250m of Former Landfill Site  NE18: Noise  NE23: Nature Conservation of Other Sites  NE28: Environmental Amenity  UHT1: Design of New Development  UHT4: Visual Amenity  UHT7: Landscaping  US1: Hazardous Installations  US5 Tidal Risk  HO20: Residential Amenity  TR2: Travel Demands  TR5: Contributions to the Cycle Network  TR8: Contributions to the Pedestrian Network  TR6: Facilities for Cyclists  TR11: Car Parking  TR12: Car Parking for those with Mobility Problems.</p>
2.4	<p><u>Eastbourne Employment Land Local Plan (ELLP- adopted 2016)</u></p> <p>Policy EL1 – Economy and Employment Land  Policy EL4: Sovereign Harbour.</p>
2.5	<p><u>Supplementary Planning Documents and other relevant guidance</u></p> <p>Eastbourne Sovereign Harbour SPD  Local Employment and Training SPD  EBC Sustainability in Development TAN  EBC Biodiversity Net Gain TAN  EBC Electric Vehicle Charging Points TAN</p>

<b>3.</b>	<b>Site Description</b>
3.1	The application site forms part of Sovereign Harbour and is situated along the northern boundary of the north harbour.
3.2	The site is bounded by Pevensey Bay Road (A259) to the north, one of the main routes to Pevensey Bay from Eastbourne and forms part of a national cycle network route. Pacific Drive is to the south of the application site and is the only vehicular access to the north harbour area.
3.3	In the Southwest corner of site 7a is the development of the Harbour Medical Centre approved in 2009.
3.4	The site is currently undeveloped land that has permission for a mixed use of residential, employment uses (office) and open space. See planning history for more context).
3.5	The nearest residential properties of Coral Reef Close and Barrier Reef Way. are located on the opposite side of Pacific Drive to the south of the application site.
3.6	The application site is located within the Environment Agency's Flood Zone 3.
3.7	Along the border with Pevensey Bay Road runs a high-pressure gas pipeline.
3.8	<p>The application site is within close proximity to, but not within the District Shopping Centre of Sovereign Harbour, which is also known locally as The Crumbles. The separation distance is some 360m - 5 minutes' between the application site and the boundary of the District Centre.</p> <p>The shopping centre is comprised of large industrial designed retail units that are currently occupied by Asda, Next, Boots, Sports Direct, Matalan, TK Maxx, The Gym, Harvey's Furniture, Wilko, and Defiant Sport. There are two closed units, one previously occupied by Cineworld which has permission for a B&amp;M franchise and one occupied by Frankie and Benny's which has closed and no longer represented within Eastbourne.</p>

<b>4.</b>	<b>Proposed Development</b>
4.1	The application is seeking permission for the erection of a single storey building with Class E use to be used as a Foodstore to be occupied by Aldi Stores Ltd.
4.2	Proposed access to the site is via Pacific Drive opposite the residential properties of Coral Reef Close.
4.3	The proposal includes the provision of 130 car parking spaces, 7 spaces allocated as disabled parking, 8 spaces allocated for those with children and 16 spaces for electric vehicle parking of which 4 will be active and 12 passives for future demand.

4.4	20 Cycle parking spaces will be provided onsite, 10 allocated for customers visiting the store and 10 allocated for staff use.
4.5	The proposal includes landscaping of the site featuring soft landscaping to the borders of the carparking area and a larger landscaped area to the northeast area of the site adjacent to Pevensey Bay Road.

<b>5.</b>	<b>Relevant Planning History:</b>
5.1	There have been numerous historic applications concerning the wider site, below is the most recent application that refers to the application site.
5.2	<p><u>131002</u></p> <p>Outline planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour, Eastbourne:</p> <p>Site 1 - up to 72 dwellings and access</p> <p>Site 4 - Commercial and employment uses (A1-A5 3,200sqm) (B1, C1 and D13,600sqm)</p> <p>Site 5 - Community use (800sqm)</p> <p>Site 6 - Employment and office uses (B1 up to 15,000sqm)</p> <p><u>Site 7 - Mix of employment uses (B1 6,700sqm) (C1 &amp; C2 up to 5,500sqm) (D1 up to 200sqm), up to 70 dwellings and open space (0.80 has)</u></p> <p>Site 8 - Up to 8 dwellings, open space, and berth holder facilities</p> <p>Planning Permission Approved Conditionally 02/12/2014.</p>

<b>6.</b>	<b>Consultations:</b>
6.1	<p><u>East Sussex Highways Agency</u></p> <p>It is considered to have a single transport assessment reviewing the impacts of all three schemes to be acceptable.</p> <p>Trip rates and methodology for assessing impact considered acceptable.</p> <p>The existing junctions would work within capacity.</p> <p>No objections subject to conditions.</p>
6.2	<p><u>Environment Agency</u></p> <p>No objection subject to conditions controlling: -</p>

	<ul style="list-style-type: none"> <li>• Flood risk assessment implementation</li> <li>• Contamination</li> <li>• Verification of remediation strategy</li> <li>• Previously unidentified contamination</li> <li>• SUDS Infiltration</li> <li>• Piling and boreholes.</li> </ul>
6.3	<p><u>Environmental Health (Contaminated Land)</u></p> <p>No objections subject to conditions that mirrored the EA conditions with the addition of a condition controlling the provision of construction Environmental Management Plan.</p>
6.4	<p><u>CIL</u></p> <p>The application would not be liable for CIL as per the Eastbourne CIL Charging Schedule.</p>
6.5	<p><u>Southern Water</u></p> <p>No objections but guide the developer in terms of required clearance works (for access) to exist SW assets in the locality.</p> <p>Approval is required by SW prior to any connection to the SW assets.</p> <p>Any surface water management proposal cannot utilize SW foul water assets.</p>
6.6	<p><u>Wealden District Council</u></p> <p>The Council raise no objections to this application subject to:</p> <ol style="list-style-type: none"> <li>1) Wealden District Council has no objection in principle, and considers that the proposed development would not have any implications for the strategic planning aims of Wealden District Council.</li> </ol>
6.7	<p><u>County Archaeology</u></p> <p>No objection subject to conditions requiring further survey work to be carried out.</p>
6.8	<p><u>Environmental Protection (Noise &amp; External Lighting)</u></p> <p>No objection subject to conditions controlling hours of work for construction and controls on external lighting.</p>

6.9	<p><u>Arboriculture</u></p> <p>No objection on arboricultural grounds subject to conditions relating to the provision of arboricultural method statement and site supervision and monitoring.</p> <p>The submitted landscape proposals (Ref: 17800-VL-L01 - 17800-VL-L06) are comprehensive and ensure continuity of tree cover and other areas of soft landscaping on the application site.</p>
6.10	<p><u>Regeneration</u></p> <p>No objection subject to a local labour agreement covering construction and operational jobs.</p>
6.11	<p><u>Planning Policy</u></p> <p>Planning Policy Context  Eastbourne Core Strategy 2013 Policy B1 sets out the spatial development strategy to deliver at least 5,022 dwellings and 55,430sqm of employment land by 2027 within the built-up area boundary. The policy sets out that the priority locations for growth are the Town Centre, and Sovereign Harbour.</p> <p>Core Strategy Policy C14, sets out the vision for the Sovereign Harbour neighbourhood as increasing its levels of sustainability through the delivery of community infrastructure and employment development. The policy identifies Site 7 as a key area of change, and an employment opportunity site.</p> <p>Employment Land Local Plan (ELLP) policy EL4 sets out that within Sovereign Harbour, a total of 23,125sqm (GEA equivalent to 18,500sqm NIA) of B1 floorspace shall be provided (delivered predominantly on Site 6 and Site 7a). This policy sets out 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 23,125sqm of B1 floorspace.</p> <p>Paragraph 4.48 of the ELLP sets out that Class A uses would not be appropriate outside of the defined Sovereign Harbour District Centre.</p> <p>The Sovereign Harbour SPD 2013 sets out the vision for site 7 as providing a mix of uses, including employment, residential and public open space. The SPD identified the opportunity to provide some sheltered or assisted living/extra care accommodation (Class C3) on the site and perhaps a limited amount of care home accommodation (Class C2), however it stated this must not compromise the delivery of the proposed employment space requirements.</p>

Paragraph 86 of the National Planning Policy Framework (NPPF) sets out how planning policies should define a network and hierarchy of town centres and promote their long-term vitality and viability.

To provide a sustainable network of local shopping, Eastbourne Core Strategy Policy D4 sets out the retail hierarchy of District, Local and Neighbourhood Centres. The site is not located within a designated District, Local nor Neighbourhood Centre.

#### *New Eastbourne Local Plan*

Paragraph 122 of the National Planning Policy Framework sets out that planning policies and decisions need to reflect changes in the demand for land and where the local planning authority considered there to be no reasonable prospect of an application coming forward for the use allocated in a plan;

- a) *It should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate., deallocate a site which is undeveloped); and*
- b) *In the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.*

The Eastbourne Core Strategy was adopted in 2018, the NPPF requires that local plans are reviewed to assess whether they need updating at least once every five years. The Core Strategy was five years old in 2018, a review at the time concluded **that the plan could no longer be considered up to date.**

Eastbourne are currently preparing a new local plan that will guide the type, amount, and location of development in the borough up to 2039.

The NPPF requires that local plans have an overall strategy for the pattern, scale and quality of development and make sufficient provision for housing, employment, retail, leisure, and other commercial development needs.

There are strong reasons why Eastbourne is unable to meet its development needs in full, this means that the Local Plan will be required to consider all sites with potential for development and to ensure that **all opportunities** are maximised in a sustainable way. A Regulation 18 consultation on a proposed Growth Strategy for the new Local Plan was undertaken between November 2022 and January 2023.

The Eastbourne and Wealden Economic Study 2022 has been published since the writing of the applicants planning statement. This states that the local plan should plan positively for office space at 21,946 and it should be noted that will increase with further losses which should be considered for replacement. The new Local Plan Growth Strategy suggested that Key

Development Sites identified could accommodate 13,000sqm of office space, including 10,000sqm at Sovereign Harbour Site 6 and 3,000 within the Town Centre, on land adjacent the Enterprise Centre and Railway Station.

The new Local Plan Growth Strategy identified Site 7a as a key development site, with potential to deliver a mix of uses. Although it is noted that the site is allocated for employment uses, it is relevant that the site has had outline consent for almost 10 years without a forthcoming reserved matters application for development. As set out in Paragraph 122 of the NPPF as above, the high need for homes means that different uses for the site need to be considered. The site is identified in the Growth Strategy of potentially being able to provide around 40 residential units, whilst also providing some employment generating uses.

The Eastbourne Town Centre, Retail and Leisure Needs Study 2022 sets out capacity forecasts for convenience goods floorspace in Eastbourne over the plan period showing that there is an oversupply across Eastbourne in 2023, albeit with some small capacity of around 400sqm towards the end of the plan period.

The NPPF paragraph 86 sets out that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation. Criteria of this paragraph sets out that planning policies should allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead.

Current evidence supporting the new Eastbourne Local Plan, shows there is little forecast capacity for convenience goods floorspace, and therefore no need for additional retail space over the plan period therefore no sites are currently being considered in the Growth Strategy for retail or leisure provision.

Planning Policy agree that given the lack of delivery since the site was granted outline planning permission in 2014, and the lack of developable sites for development in the borough, the site should be considered for alternative uses. Given the high housing need in the borough the Eastbourne Growth Strategy for the new local plan identified Site 7a as a key development site, with potential to deliver a mix of uses including around 40 residential units, whilst also providing some employment generating uses.

However, the proposal is in conflict with ELLP policy EL4 which states other employment generating uses that are compatible with the residential area will be acceptable on site 7, except class A1, A3 and A5 uses.

The site is also considered contrary to Core Strategy Policy D4 of the Core Strategy as the proposal is not fully integrated within an existing shopping area, it has not been evidenced that the proposal will not have an

	<p>unacceptable adverse impact on the designated shopping centres, particularly the Sovereign Harbour District Centre, and the proposal is not appropriate in scale and function to its location.</p> <p>Therefore, the application is considered contrary to Core Strategy Policy D4 and Policy EL4 of the ELLP.</p>
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7.	<b>Other Representations:</b>
7.1	<p><u>Notification:</u></p> <p>Notification of this application has been undertaken in the form of:</p> <ol style="list-style-type: none"> <li>a. neighbour notification letters</li> <li>b. site notices displayed in roads neighbouring the site and</li> <li>c. a press advert in a locally distributed newspaper.</li> </ol>
7.2	<p><u>Neighbour Representations:</u></p> <p>Circa 400 letters of objection have been received, which raise the following concerns based upon material planning grounds:</p> <ul style="list-style-type: none"> <li>• Proposed access to the site is inappropriate due to being the only vehicular access to the north harbour.</li> <li>• Access should be from Pevensey Bay Road</li> <li>• Surrounding road network is insufficient to support the level of trips to and from a supermarket.</li> <li>• Proposed access could impact access for the RNLI, emergency services and bus routes.</li> <li>• Impact to highway safety for pedestrians, cyclists, and vehicles</li> <li>• Parking provision on site is insufficient.</li> <li>• Air pollution from additional traffic</li> <li>• Noise nuisance</li> <li>• Out of keeping with the surrounding residential area</li> <li>• Land should be used for additional housing.</li> <li>• Foodstore should be located in the retail park.</li> <li>• North Harbour is being overdeveloped.</li> <li>• Should be used as recreational space.</li> <li>• Discordant with planning policies</li> <li>• Applicant did not take into consideration any of the comments from the public consultation prior to the submission of the planning application.</li> </ul>

7.3

Other Representations:

Circa 13 letters of general observations have been received, which raise the following points:

- Level of traffic will be detrimental to the residential area.
- Additional foodstore is not required.
- Access should be from Pevensey Bay Road
- Should be located in the retail park.

Circa 25 letters of support have been received, which raise the following points:

- Will provide jobs for the town.
- Will support the local economy.
- Will relieve traffic around the Hampden Park store.
- Land is allocated for development.
- Accessible site
- Will provide choice.
- Will take the pressure off Hampden Park.

7.4

Comments received from competing retailers:

Waitrose

Breach of Strategic Allocation for Employment Uses at Sovereign Harbour  
Conflict with Emerging Policy and Undermining Housing Delivery  
Inadequate Application of the Sequential Assessment.

Asda

Breach of Strategic Allocation for Employment Uses at Sovereign Harbour  
Conflict with Emerging Policy and Undermining Housing Delivery  
Inadequate Application of the Sequential Assessment.

Tesco

Breach of Strategic Allocation for Employment Uses at Sovereign Harbour  
Conflict with Emerging Policy and Undermining Housing Delivery  
Inadequate Application of the Sequential Assessment  
Inappropriate Reliance on Historic Sovereign Harbour Permission  
Unsubstantiated Reliance upon the Separate Applications on Site 7a.

**OFFICERS RESPONSE**

The applicant has provided within their supporting documentation justification for the siting, size, and function of the store.

A summary is outlined below: -

A sequential assessment has been undertaken; this is only required to relate to the functional trading catchment of the application site (Eastern Eastbourne). Notwithstanding this the applicant has assessed sites within whole Borough including Eastbourne town centre and District Centres of Sovereign Harbour and Langney Shopping Centres.

The sequential assessments of these areas have confirmed that there are no suitable sites.

For Eastbourne centre a number of sites were assessed including the sites of Debenhams and Bonners.

- **Former Debenhams** - The former store, as it is, has been dismissed on the basis that it has no parking and irregular sales area and on this basis is not suitable. That the site may still be technically available however is not reason for it to pass the sequential test. In order to bring this site forward, it would be necessary to demolish this building, which is an attractive feature within the conservation area and capable of being used for other purposes. In this context, loss of this building is unlikely to be supported and indeed we are not aware that officers would support such an approach.
- **Former Bonners** - At just 0.13ha this site is simply too small to even accommodate the sales area proposed, let alone supporting car parking and servicing. In any event, the site is now occupied by St Wilfred's Hospice and is no longer available.

The application proposes a Limited Assortment Discount (LAD) Retailer with a limited floorspace 1,315 sqm net retail sales area. This limited sales area is below that specified within the legislation whereby a retail impact assessment is required.

Notwithstanding this given the limited range of goods around 2,000 product lines with this particular retailer compared to 40,000 product lines within a major retail supermarket it is considered that the proposal would not adversely impact upon the retail function of the existing superstores within the Borough.

It is recognised that the Borough already has existing LAD's and as such the superstores are currently competing in this market.

In addition, the limited product lines within the store whilst offering choice would still mean that wider comparison shopping will be required for consumer to complete all their shopping needs, and this will mean accessing other retail outlets including the supermarkets.

In conclusion it is not considered that the proposal will adversely affect the retail function of this part of the Borough and moreover it will offer retailing choice for those residents of Sovereign Harbour and neighbouring wards.

8.	<b>Appraisal:</b>
8.1	<p><u>Key Considerations:</u></p> <p>Key considerations for this application are whether the proposal complies with national and local policy, and the level of impact the proposal may have on the residents of the North Harbour and surrounding area.</p>
8.2	<p><u>Principle:</u></p> <p>In decision making, Local Planning Authorities are required by the National Planning Policy Framework (NPPF) to consider the balance between the 3 overarching objectives of sustainable development: social, economic, and environmental benefits.</p> <p>The use applied for is contrary to the adopted Local Plan and this is not in dispute however, equally both national and local require that regard is given to other relevant material considerations.</p> <p>Paragraph 12 of the NPPF states, “local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.</p> <p>Further and specifically in respect of allocations, Paragraph 122 of the NPPF recognises that where there is no reasonable prospect of an application coming forward for the use allocated in a plan, this should either be reallocated, or, in the interim, alternative uses proposed where these would contribute to meeting an unmet need for development in the area.</p> <p>The NPPG (Paragraph 66-001-20190722) provides further guidance, noting the following factors may be relevant to determine whether there is a realistic prospect of an allocated site being developed for its intended use:</p> <ul style="list-style-type: none"> <li>• The length of time since the site was allocated in the development plan.</li> <li>• The planning history of the site including any planning applications or pre-application enquiries.</li> <li>• Whether there is evidence that the site has been actively marketed for its intended use for a reasonable period, and at a realistic price; and</li> <li>• Whether there are any changes of circumstance that mean that take-up of the site for its intended use is now unlikely.</li> </ul> <p>The guidance goes on to state that:</p> <p>“Where an alternative use for the allocated site is proposed, it will also be relevant to consider the extent to which evidence suggests the alternative</p>

use would address an unmet need, as well as the implications for the wider planning strategy for the area and other development plan policies.”

- In respect of points 1 and 2 of NPPG guidance above, detailed commentary on the history of the site allocation and various planning applications is set out below, noting that the original planning permission for redevelopment of the site for office use was granted over 30 years ago.
- Outline planning permission for the comprehensive mixed-use development of the Sovereign Harbour area was originally granted in 1988 (ref: EB/1986/0431).
- Following this, further outline applications were submitted and approved in the 1990s for the comprehensive delivery of residential dwellings along with employment uses including ref: EB/1995/0267.
- At this stage, Policy B14 (Retention of Employment Commitments) of the Eastbourne Borough Plan 2001 – 2011 allocated land at Sovereign Harbour for office use in line with the permitted outline consent, noting that “in the event that planning permission expires on the following sites, the Council will grant planning permission for industrial, and business uses as specified, subject to other policies in this plan”.
- From this point, development of the area has come about incrementally with plots around the harbour sold individually to residential developers or commercial developments such as the Sovereign Harbour Retail Park.
- It is recognised however within the Sovereign Harbour SPD (February 2013) that the completion of such regeneration is long overdue, with the area still missing social and economic infrastructure that is required for it to become a sustainable community.
- It is noted that Core Strategy (2013) policies C14 and D2 continue to support allocation of remaining sites at Sovereign Harbour for offices through development of a business park.
- In line with this, the most recent outline planning permission (ref: 131002) was granted in 2014 for development of six sites within Sovereign Harbour (including the application site – Site 7a) which were identified for potential development but remained undelivered. This included an approved masterplan for a mix of employment uses including offices (Use Class B1), community uses (Use Class D1), care home (Use Class C2) as well as residential dwellings (Use Class C3). Condition 5 attached to this permission required reserved matters for site 7a to be submitted within 10 years of the date of the decision. In line with policy aspirations, condition 10 required development of sites 6, 7a and 4 to provide a maximum of 20,000 sqm of B1 floorspace.
- Despite the longstanding policy aspirations for employment uses and permission in principle being in place and remaining extant, no

reserved matters applications have been submitted in relation to Site 7a and no deliverable development has progressed. This is also despite both online and in-situ marketing efforts in line with uses sought by the allocation as set out within the submission, having regard to part 3 of the above NPPG guidance.

Notwithstanding the above and having regard to the final part of NPPG guidance set out above, namely '*whether there are any changes of circumstance that mean that take-up of the site for its intended use is now unlikely*', the relevance of the lack of 'on the ground' progress identified above and the clear direction of travel as a result, as noted within the Council's own evidence base and adopted and emerging policy wording is recognition of this fact.

The Council's own independent evidence base, including that prepared in the relation to the Employment Land Local Plan ('ELLP') (prepared by JLL) which was adopted in 2016 noted the viability issues associated with delivering development on the remaining sites at Sovereign Harbour, including that office floorspace would be unviable to bring forward due to weak levels of demand for new purpose-built office space in Eastbourne.

Further in respect of the application site, the viability analysis undertaken at Section 3 of the JLL Report which considered the potential for further office development to come forward at Sovereign Harbour concluded that:

- "At all the points in this sensitivity analysis the scheme fails to reach the level of profitability necessary to encourage a private developer to bring the site forward and these appraisals assume that the site can be acquired for a pound which will not be the case in reality. In our opinion the GVA analysis updated by us suggests an unviable proposition likely to remain unviable for the foreseeable future."  
(Page 5).

The Eastbourne Economic Development Needs Assessment ('EEDNA') (2017) further acknowledged the challenges in delivering new office development at Sovereign Harbour due to suitability and viability issues as identified in the ELLP. Of note, paragraph 9.28 recognises that less than 10% of the original 1988 permission for 30,000 sqm of office space across two sites at Sovereign Harbour has been delivered. This refers to Pacific House which as noted, was made possible only by public funding. In terms of the remaining allocation of land at Sovereign Harbour, the EEDNA notes that this exceeds the objectively assessed need for office space in Eastbourne in quantitative terms over the study period to 2035, stating at paragraph 9.30 that "the development of Pacific House in early 2016 (providing 2,350 sqm of new office floorspace) in itself delivers approximately 25% of the highest Borough-wide requirement for office space over the 20-year plan period to 2035."

As a further indication of changes of circumstance, Eastbourne are now underway with preparation of a new Local Plan – The New Eastbourne Local Plan ('NELP'), which sets out the vision for the development of

Eastbourne going forward. The Issues and Options Consultation draft (2019) noted that the current planning policies allocate land for 28,750 sqm of additional office floorspace, before going on to recognise that (pages 37 - 38):

- “This is in excess of the amount of office space that more recent forecasts suggest is needed in Eastbourne over the next 20 years, which means that not all of the existing office space land allocations will need to be carried forward into the new Local Plan.”

With specific regard to the role of Sovereign Harbour in terms of a location for providing additional office floorspace the Issues and Options Consultation draft recognised that (page 40):

- “At the current time, Sovereign Harbour Site 7a is no longer needed to meet the office space forecast. However, it is considered the land should be developed for alternative employment-generating use to support the local community at Sovereign Harbour.”

Whilst it is accepted that New Eastbourne Local Plan is at an early stage of preparation, it nevertheless indicates a clear direction of travel and is reflective of viability concerns indicated within various policy and evidence base documents prepared over the last 25 years or so. This is a highly compelling material consideration, acknowledging that the historic allocation aspirations for office space are simply not a viable or realistic option, thereby opening the door for alternative employment generating uses to come forward.

To provide further commentary on this matter, a report on the state of the Eastbourne Office Market was prepared by Hunt Commercial (HC) and submitted in May 2023. This note’s the extremely limited demand for space, combined with “steady stream of office buildings becoming vacant... with offices lying vacant often for several years”.

It is abundantly clear both from evidence and (perhaps most pertinently) from the on the ground situation that historic forecasts for office space have not materialised and there is clearly no reasonable prospect of historic policy aspirations for the site being met.

Since submission of the application, the emerging Local Plan has continued to progress; the Council consulted on the next stage (Regulation 18) of the Local Plan (The 'Growth Strategy'), between November 2022 and January 2023. This consultation document provides more detail on the level of housing and employment growth that could be accommodated in Eastbourne up to 2039 and where it might be located.

Specifically with regard to site 7a, the Growth Strategy on page 15 comments,

- “...the site is currently allocated for employment (office) use, but the high need for homes means that new uses now need to be considered”.

Nevertheless, the desire to see a mix of uses is also recognised, stating that...

	<ul style="list-style-type: none"> <li>• “The site should still provide some employment-generating uses, but could also provide around 40 residential units”.</li> </ul> <p>In this context, the proposals provide an appropriate option, delivering an employment generating use for the site which will also support the local community.</p> <p>In conclusion therefore and despite being contrary to the adopted local plan the development when assessed against the Local Plan and the NPPF as a whole provides sustainable economic development and therefore is considered acceptable in principle.</p>
8.3	<p><u>Sustainability</u></p> <p>The new building will be built to BREEAM standard very good. This is a high threshold for commercial property. This will be delivered by a fabric first approach, meaning that the construction of the building would be constructed to a highly thermal efficiency standard.</p> <p>The construction elements would be further supplemented by heat recovery from fridges and solar panels on the roof.</p> <p>The external layout delivers a number of EV charging points with the potential for growth if there is demand and also includes cycle parking/storage for customers and staff.</p> <p>Given the above it is considered that the sustainable elements of the scheme are considered to be acceptable and appropriate for this scale of the development.</p>
8.4	<p><u>Land Allocation</u></p> <p>The site was previously granted outline planning permission in December 2014 for a mix of employment uses including B1 (6,700sqm), D1 (up to 200sqm), C1 and C2 (up to 5,500sqm) (Ref: 131002).</p> <p>The S106 of the above permission, required 8900sqm (NIA) of B1 floorspace on site 4 and 7a, or if less, then the difference between the allocation (in the Employment Land Local Plan) and 11,100sqm.</p> <p>The S106 also required that site 7a was marketed for a maximum of 10 years, if by the date 6 months before the end of the marketing period no acceptable offers have been received then the requirement to market and utilise the Business Area for B1 space purposes shall be deemed to have been satisfied and the council shall have due regard to this when considering any subsequent application for reserved matters for an alternative development.</p> <p>Limited evidence has been provided to show compliance with the Business Areas Marketing Obligations of the S106 and no Reserved matter application has been submitted.</p>

	<p>It is not in dispute that the site is allocated for employment/commercial uses with retail positively excluded from the potential mix.</p> <p>The land allocation has been in place in various guises and in a number of different policy documents for about 20years. The site also has the benefit of an outline planning permission with a requirement for the reserved matters submitted within a 10-year period. This period for submission of details was imposed given the exceptional circumstances of the site and the give the best possible chance that the site would be developed for its designated purpose.</p> <p>In this regard the proposal would be contrary to the adopted Local Plan and the outline planning permission, and this should be given significant weight in deciding this proposal.</p>
8.5	<p><u>Under-delivery on land allocation aspirations</u></p> <p>It is not in dispute that the site lies fallow and vacant, which in part is a reflection of the markets' desire to implement the site's land use allocation.</p> <p>It is considered that the period of time that the site has not been developed is a material consideration and with no indication that things will alter into the future it is considered that to retain the allocation for the plan period would not be appropriate.</p> <p>It is considered that to bring the site forward and to develop and conclude the development of this site and neighbouring plots then there is the requirement to consider alternative uses.</p>
8.6	<p><u>Economic impacts</u></p> <p>This proposal will deliver a multi-million-pound inward investment into the Borough and will also create 50+jobs (mixed full and part time) for the operational phase and also construction jobs from the construction phase.</p> <p>This level of job creation should be given significant weight in the planning balance as is it considered to support the principles of economic sustainability, one of the three pillars of sustainable development with in the NPPF.</p> <p>When taking the NPPF as a whole and the Local Plan as whole, job creation and the associated spend within the local economy is of paramount importance. This position is highlighted further by Policy E1 of the Eastbourne Employment Local Land Local Plan which stipulates that job and economic growth will be supported, with the authority taking a positive approach which reflects a presumption in favour of sustainable economic development. This is stated to be achieved through encouraging development which supports improvements in the local jobs market through the additional job creation and employment diversification.</p>

	<p>The proposals form a significant employment generating use on a currently vacant site which is allocated for development.</p> <p>Paragraph 81 of the NPPF clearly states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and the wider opportunities for the development.</p>
8.7	<p><u>Retail impacts</u></p> <p>A sequential site selection process has been undertaken by the developer looking at sites in established centres, edge of centre locations and also transitional areas (12 in total) and no sites are available and or suitable to accommodate this form of development.</p> <p>The size of the store falls below that defined by the NPPF as requiring a retail impact assessment. (for further details see under the</p> <p>The application promotes a discount food retailer which offers consumers a choice of retail shopping in a sustainable location.</p> <p>It is acknowledged that the location of the store is outside of any existing commercial centre, but given its proximity and its form and operating nature and the weight given to job creation is considered acceptable.</p> <p>The applicants are accepting of a planning condition limiting the size of the store.</p>
8.8	<p><u>Noise impacts</u></p> <p>Noise impacts will fall into two categories; construction and operational.</p> <p>For the construction phase there will be controls via recommended conditions such as the construction method statement and hours of working condition. These controls are considered necessary and appropriate to mitigate construction noise.</p> <p>For the operational phase there will be two sources of potential noise; one from the customer use of the carpark and the other from the deliveries to the establishment.</p> <p>The carpark noise given the relatively low-level noise generated is not likely to give rise to a statutory noise nuisance and as such there are no controls limitations over its use.</p> <p>There is the potential for noise nuisance from the servicing and delivery of stock to the new retail store. These risks are controlled via planning conditions such as the operational method statement. Subject to the details of this condition being supported and maintained on site any noise impacts are considered to acceptable and appropriate for the site and surrounding area.</p>

8.9

Landscape and Ecology impacts

The hard landscaping is considered appropriate to the form and function of the development and as such is deemed to be acceptable.

The soft landscaping includes traditional 'retail park' planting around the perimeter of the site/car park, this is deemed to be appropriate and acceptable.

In addition, there is a large area of appropriate contextual landscaping provided to the east of the site. This area is significant in its size and considered to make a positive contribution to the appearance of the site and surrounding area.

The scheme also proposes the inclusion of an ecology roof over the store, which will help mitigate the habitat lost through/by the re-development of site 7a as a whole.

The site has the potential to carry populations of protected species and where they cannot be retained in site then the applicant has secured an appropriate translocation site. The method of capture and translocation and the ongoing maintenance of the receptor site will be controlled via the S106 legal agreement.

The landscaping will be controlled via planning condition.

8.10

Highway safety and car parking

There have been a significant number of representations received stating that the development should utilize and form an access directly onto the Pevensey Bay Road the A259. This is not part of the development proposal and should be discounted from Members assessment as to the appropriateness of the scheme.

The scheme before members uses the access onto the Pacific Drive to service the development, this has the full endorsement of ESCC Highways. Their assessment has been outlined below for ease of reference.

Trip Generation and Impact

The applicant has submitted trip generation analysis. Based on survey data obtained from an existing site at Lottbridge Drove, the applicant estimates that the site could attract approximately 123, 176 and 268 trips in the AM, PM, and Saturday Peaks respectively. The survey data has not been provided as part of the submission. However, these figures do appear reasonable for the proposed development and are considered acceptable in this instance.

The applicant has also applied values for secondary trip types, such as transferred trips and linked trips, which assumes that 35% of the trips

outlined above are new to the network. This value is considered acceptable in this instance.

It is noted that whilst the secondary trips are not new the overall transport network, the majority of these trips would be new to the immediate local roads and junctions, with pass-by trips forming a reduction in some movements at local junctions. This appears to have been correctly applied to the development flows.

### Site Access

The site has an existing vehicular access from Pacific Drive, though this is currently a stub access and does not serve any developments. This is to remain as existing for the proposed development. Two new pedestrian accesses, each 2.0m wide, are proposed from Pacific Drive.

Although swept paths have not been submitted as part of this planning permission, the appears to be suitable visibility from the proposed access in both directions, and is considered acceptable in this instance.

An existing bus stop is located to the west of the proposed access. The interactions between the bus stop and turning traffic into the proposed site is a concern, and the bus stop would require relocation and / or incorporation into a layby. This would be undertaken by through a S278 agreement, with details to be agreed at that stage.

### Road Safety Audit

A Stage 1 Road Safety Audit has been undertaken as part of this application. The auditors concluded there were no areas of concern with regards to highway road safety.

### Parking

The proposed development will consist of 1,802m<sup>2</sup> of A1 use. In accordance with the County Council's parking guidance, for A1 use, 1 space per 18m<sup>2</sup>gfa plus 50m<sup>2</sup> of usable space for loading & unloading for each 750m<sup>2</sup>gfa is allowed, which equates to approximately 120 spaces, and an area for loading and unloading measuring 120m<sup>2</sup>. The proposed development is proposing 130 car parking spaces, including 7 disabled spaces, 8 spaces for parents with children, 4 electric vehicle spaces and 12 passive electric spaces. A loading area measure approximately 4m x 25m is provided adjacent to the proposed building. This level of parking and loading is considered acceptable in this instance, and should be secured by condition.

ESCC parking guidance requires the minimum dimensions of parking bays to be 5m x 2.5m, with an additional 0.5m in either/both dimensions if the space is adjacent to a wall or fence. The submitted drawings indicate that the parking spaces meet these dimensions.

	<p>In terms of cycle parking, the County Council’s guidance advises that there should be provision for 1 short term space per 250m<sup>2</sup> plus 1 long term space per 10 full time staff for A1 use. The applicant indicates that the proposed development would employ approximately 50 staff members. Therefore 8 short term spaces and 5 long term spaces should be provided. The plans indicate 10 short term cycle parking spaces, and 10 long term cycle spaces are proposed, which is considered acceptable. The cycle storage should be covered, secure and convenient. Further details of cycle parking facilities should be secured by condition.</p> <p><u>Servicing</u></p> <p>Swept path drawings have been submitted on drawing no. 21137-TR001 for a 16.4m long articulated vehicle which shows the vehicle can enter and exit the site in a forward motion. The applicant indicates that the store waste is also taken away in the servicing vehicle. This is considered acceptable. A servicing management plan should be submitted, which should be secured by condition. Servicing should be undertaken outside of the network peak, to minimise the impact of servicing vehicles on the local highway network.</p> <p>Given the support given by ESCC Highways it is considered that a refusal based on this issue could not be substantiated or sustained through to appeal.</p>
8.11	<p><u>Accessibility</u></p> <p>The site is located approximately 4.8km from Eastbourne town centre. The nearest bus stop to the site is located within 200m from the site which provides services to Eastbourne, Langney, Silverhill, Hastings, Pevensey Bay, and Willingdon. The nearest train station to the site is located 2.8km from the site. Additional/improvements to the local bus-stops will be facilitated by the S106 agreement. The application provides cycling parking and cycle storage in addition the site is relatively level and provides for footpath access to customers on foot and or mobility scooters.</p> <p>The site is therefore considered to be located in an accessible location.</p> <p>An outline travel plan has been submitted. The measures outlined within the submitted outline travel plan appear reasonable. The completion and implementation of a full travel plan should be secured by condition, with a S106 agreement for audit fees for the Travel Plan.</p>
8.12	<p><u>Flood Risk and Drainage</u></p> <p>These issues have been addressed by documentary evidence and supported by the Environment Agency and Southern Water subject to conditions. The imposition of conditions mitigates the risks to an acceptable and appropriate level.</p>

	<p>Through the design of the surface water drainage scheme there should not be any discharge over and into the Public Highway.</p>
<p>8.13</p>	<p><u>Heritage and Archaeology</u></p> <p>NPPF Paragraph 205. says that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.</p> <p>This application is accompanied by a desk – based archaeological assessment and detailed geotechnical records which place the site in its archaeological, historic and geoarchaeological context.</p> <p>The British Geological Survey has mapped the superficial geology at the site as Storm Beach Deposits – gravel. This gravel accumulation is known as ‘The Crumbles’ and may have developed in the medieval period.</p> <p>The proposed development does not lie within an Archaeological Notification Area. However, an Archaeological Notification Area (a non – designated heritage asset) associated with an area of wetland / peat deposits on East Langney Levels is located just c.45m. to the north-west of the site. Analogous peat deposits found c.2.3km. to the west of the site are known to contain the remains of a nationally important Late Bronze Age timber platform and causeway, together with elements of at least two other prehistoric timber trackways, all preserved by waterlogging.</p> <p>Seven geotechnical boreholes have been excavated across the area of proposed development. Six of these (BH2, BH3 and WS01, WS02, WS03, WS04) recorded the presence of c.1.30m. to 4.0m. - thick ‘made–ground’ above gravel / gravel-clay. However, borehole BH1 revealed a sequence of ‘made-ground’ (c.2.10m. thick) above gravel (c.2.40m. thick) above a 1m. – thick layer of ‘organic clay’ and peat. No absolute evidence for the date or formation process of this relatively thick peat deposit has as yet been recorded, although it does appear to lie beneath gravel deposits thought to have developed in the medieval period. Indeed, it is entirely possible that this horizon represents an extension of the peat deposits known to exist just c.45m. to the north-west of the site on East Langney Levels (see above). Until proven otherwise, the peat deposit recorded in borehole BH1 must be considered to have the potential to hold important geoarchaeological and palaeoenvironmental evidence and even preserved prehistoric structures analogous to those found on Shinewater Marsh. At c.4.50m. beneath the current land surface this peat deposit is likely to be impacted by the piling suggested as a construction method for the new development.</p> <p>In light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the</p>

	<p>proposals should be the subject of a <b><i>programme of archaeological works</i></b>. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved <i>in situ</i> or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the <b>NPPF</b> (the Government's planning policies for England):</p> <p>This issue will be controlled via planning conditions.</p>
8.14	<p><u>Design</u></p> <p>The design of the building is a typical format store building and as such considered to be appropriate in terms of the form and function.</p> <p>The site is allocated for development within the local plan and as such development of this or similar scale would be likely to happen.</p> <p>There is no objection to the proposal in design terms.</p>
8.15	<p><u>High Pressure Gas Main</u></p> <p>There is a high-pressure gas main running adjacent to the A259.</p> <p>The statutory undertaker and the health and safety executive require safeguarded land, essentially a protected buffer strip in order to ensure that there is not development that may impact upon the gas main causing risk to life/property. In addition, this buffer strip allows for ease of access for repairs and maintenance of the gas main if required.</p> <p>The development falls outside of this buffer zone and therefore there are no issues with this element of the development.</p>
8.16	<p><u>Brownfield Land</u></p> <p>Paragraph 120 (c) of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.</p> <p>It is considered that the economic and social aspects of the application proposal support the redevelopment of this brown field land.</p>
8.17	<p><u>Planning Obligations:</u></p> <p>There will be a need for a S106/S278 agreement to cover: -</p> <ul style="list-style-type: none"> <li>• Travel Plan audit fees</li> <li>• Other highway works including public transport enhancements.</li> <li>• Late-stage review to establish affordable housing position (unless otherwise agreed),</li> <li>• Local Labour Agreement,</li> </ul>

	<ul style="list-style-type: none"> <li>• Ecological translocation controls</li> <li>• 'Golden Brick' clause to limit the trading of the foodstore until the schemes on the adjacent sites (Care Home &amp; McCarthy and Stone) have reached a defined point in their construction.</li> </ul>
8.18	<p><u>Human Rights Implications:</u></p> <p>The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>
8.19	<p><u>Conclusions:</u></p> <p>The local plan is more than 5 years old, and is therefore out of date in so far as it relates to housing delivery. The policies of relevance to this application are considered to be up to date and in accordance with the NPPF therefore they should be given full weight in decision making.</p> <p>The application proposal is contrary to the Local Plan allocation, and decisions must be made in accordance with the development unless material considerations indicate otherwise.</p> <p>For the reasons outlined in this report and when taken as a whole the benefits of the scheme outweigh them harm of retail on this site.</p> <p>The scheme is recommended for approval subject to a legal agreement and conditions.</p>

<b>9.</b>	<b>Recommendations</b>
9.1	Grant Planning Permission subject to condition and legal agreement.

<b>10.</b>	<b>Conditions:</b>
10.1	<p><b>Bus stops</b></p> <p>Prior to the commencement of development details of off-site highway works detailing the relocation of the bus stop shall be submitted the Local Planning Authority for approval in consultation with the Highway Authority.</p> <p><b>Reason:</b> To safeguard the operation of the public highway</p>
10.2	<p><b>Travel Plan</b></p> <p>No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved</p>

	<p>shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.</p> <p><b>Reason:</b> To encourage and promote sustainable transport.</p>
10.3	<p><b>Parking layout</b></p> <p>The development shall not be occupied until a parking area has been provided in accordance with the approved plans and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.</p> <p><b>Reason:</b> To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.4	<p><b>Size of parking spaces</b></p> <p>The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).</p> <p><b>Reason:</b> To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.5	<p><b>Cycle Parking</b></p> <p>The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.</p> <p><b>Reason:</b> In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.</p>
10.6	<p><b>Servicing Management Plan</b></p> <p>No part of the development shall be occupied until such time as until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Servicing Management Plan.</p> <p><b>Reason:</b> To safeguard the operation of the public highway.</p>
10.7	<p><b>Surface Water Drainage</b></p>

	<p>Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway in line with the submitted drainage strategy 79-E0000-CDY-XX-XX-RP-D-PM_30_30_29-0001 Rev F Dated 07/07/2023 onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.</p> <p><b>Reason:</b> To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.</p>
10.8	<p><b>Visibility Splays</b></p> <p>The access shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.</p> <p><b>Reason:</b> To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.9	<p><b>Construction Management Plan</b></p> <p>No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>• the anticipated number, frequency and types of vehicles used during construction,</li> <li>• the method of access and egress and routeing of vehicles during construction,</li> <li>• the parking of vehicles by site operatives and visitors,</li> <li>• the loading and unloading of plant, materials, and waste,</li> <li>• the storage of plant and materials used in construction of the development,</li> <li>• the erection and maintenance of security hoarding,</li> <li>• the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),</li> <li>• details of public engagement both prior to and during construction works.</li> </ul> <p><b>Reason:</b> In the interests of highway safety and the amenities of the area.</p>
10.10	<p><b>Wheel washing</b></p> <p>During any form of earthworks and/or excavations that is carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority in</p>

	<p>consultation with the Highway Authority, to prevent contamination and damage to the adjacent roads.</p> <p><b>Reason:</b> In the interests of highway safety and for the benefit and convenience of the public at large</p>
10.11	<p><b>Flood Risk Assessment Implementation</b></p> <p>The development shall be conducted in accordance with the submitted drainage strategy, 79-E0000-CDY-XX-XX-RP-D-PM_30_30_29-0001 Rev F, DATED July 2023) and the following mitigation measures it details:</p> <ul style="list-style-type: none"> <li>• Finished floor levels shall be set no lower than 5.06 metres above Ordnance Datum (AOD) as per section 5.1 of the FRA.</li> <li>• A formal flood warning and evacuation plan (to be approved by the Local Authority emergency planners) is to be implemented (Section 5.3 of FRA).</li> <li>• The owners are to sign up to the Environment Agency’s free Flood Warning Service (Section 5.2 of FRA)</li> </ul> <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p><b>Reason:</b> To reduce the risk of flooding to the proposed development and future occupants.</p>
10.12	<p><b>Development on land affected by contamination.</b></p> <p>No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority.</p> <p>This strategy will include the following components:</p> <ol style="list-style-type: none"> <li>1. A preliminary risk assessment which has identified: <ul style="list-style-type: none"> <li>• all previous uses</li> <li>• potential contaminants associated with those uses.</li> <li>• a conceptual model of the site indicating sources, pathways, and receptors.</li> <li>• potentially unacceptable risks arising from contamination at the site.</li> </ul> </li> <li>2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.</li> <li>3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the</li> </ol>

	<p>remediation measures required and how they are to be undertaken.</p> <p>4. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.</p> <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p><b>Reason:</b> To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.</p> <p>The previous use of the proposed development site as a tramway and infilled areas presents a medium risk of contamination that could be mobilized during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A.</p>
10.13	<p><b>Verification report</b></p> <p>Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority.</p> <p>The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p><b>Reason:</b> To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.</p>
10.14	<p><b>Unexpected Contamination Report</b></p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p><b>Reason:</b> To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination</p>

	<p>sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.</p>
10.15	<p><b>Suds infiltration into the ground</b></p> <p>No drainage systems other than infiltration shall be used unless otherwise agreed in writing by the Local Planning Authority.</p> <p>No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be conducted in accordance with the approved details.</p> <p><b>Reason:</b> To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.</p> <p>The previous use of the proposed development site as tramway and infilled areas presents a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A.</p>
10.16	<p><b>Piling and Boreholes</b></p> <p>Piling and investigation boreholes using penetrative methods shall not be conducted other than with the written consent of the local planning authority. Where piling is proposed, this should include a foundation works risk assessment to be submitted for approval in writing by the local planning authority prior to piling taking place. The development shall be conducted in accordance with the approved details.</p> <p><b>Reason:</b> To ensure that the proposed construction and monitoring, does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement A4 of the <a href="#">‘The Environment Agency’s approach to groundwater protection’</a>.</p> <p>Piling and investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilizing contamination, drilling through different aquifers, and creating preferential pathways.</p>
10.17	<p><b>Construction and Environmental Management Plan</b></p> <p>No development shall take place, including any works of demolition, until a Construction Environment Management Plan has been submitted to, and approved in writing by the local planning authority. The Construction</p>

	<p>Environment Management Plan shall provide for:</p> <ul style="list-style-type: none"> <li>i) traffic management in the adjoining highways;</li> <li>ii) site operatives' travel plan;</li> <li>iii) the parking of vehicles of site operatives and visitors;</li> <li>iv) loading and unloading of plant and materials;</li> <li>v) storage of plant and materials used in constructing the development;</li> <li>vi) the erection and maintenance of security hoarding;</li> <li>vii) measures to control all environmental effects of the development including artificial illumination, noise, vibration, dust, air pollution and odour, including the effects of decontamination, and site illumination during construction.</li> </ul> <p>The approved Construction Environment Management Plan shall be adhered to throughout the construction period for the development.</p> <p><b>Reason:</b> In the interests of amenity of the locality</p>
10.18	<p><b>Archaeological Reporting/Investigation</b></p> <p>[ARCH 1] No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>[ARCH 3] No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the <i>Local Planning Authority</i>. <i>The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition [ARCH 1].</i></p> <p><b>Reason:</b> To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.</p>
10.19	<p><b>Hours of Construction Work</b></p> <p>Permitted hours of work:</p> <p>The permitted hours of work when noise can be audible at a site boundary are:</p> <p>MONDAY TO FRIDAY 8:00am to 6:00pm</p> <p>SATURDAY 8:00am to 1:00pm</p> <p>SUNDAY AND BANK HOLIDAYS No work allowed.</p>

	<p>Best practicable means” shall be used to minimise noise and vibration resulting from construction operations. The developer and all contractors shall use methods of work that conform with the Code of practice for Noise and Vibration on Construction and Open Sites, BS 5228 Parts 1 and 2; 2009.</p> <p>Any noisy operations outside the permitted hours (including delivery of materials) cannot be undertaken without prior approval of the Local Planning Authority. Note: permission would only be granted in exceptional circumstances e.g., Emergency works.</p> <p>The movement of vehicles to and from the site must be controlled to minimise noise and disturbance to nearby residents.</p> <p>All workers on the site including sub-contractors, self-employed staff and employees must be made aware of the need to keep noise and disruption to a minimum from building works, equipment, plant and machinery, radios, music, vehicles, or any other sources.</p> <p>Contact details shall be clearly visible on the site to provide local residents a relevant point of contact in the event of any issues arising.</p> <p>Liaison between officers from the Environmental Health and the site management should be established at the earliest possible stage of any construction works.</p> <p><b>Reason:</b> To protect the amenities of surrounding properties.</p>
10.20	<p><b>External lighting</b></p> <p>Prior to the first occupation of the store, lighting shall be installed in accordance with the details as shown on proposed lighting plan – 69171.0 Rev 0 and thereafter permanently retained.</p> <p><b>Reason:</b> In the interests of the visual amenities of the area</p>
10.21	<p><b>Arboricultural Method Statement</b></p> <p>Prior to the commencement of any work on site you must apply to us for our approval of a detailed Arboricultural Method Statement that shall expand on the heads of terms listed in paragraph 2.5 (page 7) of the supporting Arboricultural information (Ref: 22038-AA-PB). This shall include details of an auditable system of Arboricultural site supervision and record keeping prepared by an Arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:</p> <ul style="list-style-type: none"> <li>i) identification of individual responsibilities and key personnel.</li> <li>ii) induction and personnel awareness of Arboricultural matters.</li> <li>iii) supervision schedule, indicating frequency and methods of site visiting and record keeping.</li> <li>iv) procedures for dealing with variations and incidents.</li> </ul>

	<p>You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery, or materials for the development onto the site, until we have approved what you have sent us.</p> <p>You must then adhere to the approved supervision schedule. You must produce written site supervision reports and accompanying photographic evidence after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.</p> <p><b>Reason:</b> Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.</p>
10.22	<p><b>Damaged Trees</b></p> <p>No retained tree shall be cut down, uprooted, destroyed, pruned, cut, or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.</p> <p><b>Reason:</b> 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.</p>
10.23	<p><b>Approved Plans</b></p> <p>To be updated via the addendum report.</p>
10.24	<p><b>Surface Water Drainage onto the Public Highway</b></p> <p>Notwithstanding the details submitted with this application no surface water is permitted to be discharged from the proposed site layout onto the public highway</p> <p><b>Reason:</b> To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.</p>
10.25	<p><b>Time Limit</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p>

	<p><b>Reason:</b> To comply with Sections 91 &amp; 92 of the Town &amp; Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)</p>
10.26	<p><b>Landscape and Ecological Management Plan</b></p> <p>Landscape and Ecological Management Plan For Reptile Receptor Site  A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior [...to the commencement or occupation...] of the development [or specified phase of development]. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> <li>• a) habitat descriptions and evaluation of features/habitat types to be managed;</li> <li>• b) ecological trends and constraints on site that might influence management;</li> <li>• c) aims and objectives of management;</li> <li>• d) appropriate management options for achieving aims and objectives;</li> <li>• e) prescriptions for management actions, together with a plan of management compartments;</li> <li>• f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);</li> <li>• g) details of the body or organisation responsible for implementation of the plan;</li> <li>• h) legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</li> <li>• i) ongoing monitoring and remedial measures. Note: The plan will set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.</li> </ul> <p>Reason: - In order to comply with the terms of this application and in order to ensure that species and habitats are protected/mitigated.</p>
10.27	<p><b>External materials</b></p>
10.28	<p><b>Hard and Soft Landscaping</b></p> <p>The development hereby approved shall be landscaped in full accordance with the submitted Landscaping Plans during the first planting season following completion or first occupation of the development, whichever is sooner. Any new tree(s) that die(s) or are/is removed, becomes 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. Replacement planting shall</p>

	<p>be in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.</p> <p><b>Reason:</b> To safeguard and enhance the character, amenity, and biodiversity of the site.</p>
10.29	<p><b>Hours of Use</b></p> <p>A) Store opening to the public between 08:00hrs and 22:00hrs Monday - Saturday and between 10:00 and 17:00 on Sundays.  B) Deliveries to the store to be made between 06:00hrs and 23:00hrs Monday-Saturday, and 08:00hrs and 21:00hrs on Sundays.</p> <p><b>Reason:</b> In order to maintain the character of the site and surrounding area and in the interest of amenity</p>
10.30	<p><b>Delivery Management Plan</b></p> <p>The development hereby approved shall not be first opened for trading unless and until a scheme specifying arrangements for deliveries to and removals from the site, to include details of:</p> <ul style="list-style-type: none"> <li>(a) The types of vehicles to be used and hours of their operation</li> <li>(b) Confirmation that reversing alarms will be turned off outside of trading hours</li> <li>(c) No movement of goods or pallets or roll cages on open areas of the service yard</li> <li>(d) Refrigeration units to be switched off prior to vehicles entering the service area has been submitted to and approved in writing by the Local Planning Authority.</li> <li>(e) Refuse storage and servicing details.</li> </ul> <p>Thereafter the approved details shall be implemented and operational from the first day of opening of the store for the lifetime of the development.</p> <p><b>Reason:</b> In the interests of the amenity of the site and surrounding area.</p>
10.31	<p><b>Floorspace Restriction</b></p> <p>Notwithstanding the provisions of the Use Classes Order 1987 (as amended) (or any other Order amending, revoking, and re-enacting that order), no more than 20 per cent of the net internal sales area shall be used for the display of comparison goods. The net internal sales area of the food store hereby approved shall not exceed 1,315sqm, and no additional internal floor space shall be created (for example by the installation of mezzanine floors), nor internal subdivision or extension, without the prior permission of the Local Planning Authority, following the formal submission of a planning application.</p> <p><b>Reason:</b> To accord with the terms of the application.</p>
10.32	<p><b>External materials</b></p>

	<p>No external materials or finishes shall be applied until a schedule of materials has been submitted and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and maintained as such, unless otherwise agreed in writing by the Local Planning Authority.</p> <p><b>Reason:</b> In the interests of the character and amenity of the area.</p>

<b>11.</b>	<b>Informatives</b>
11.1	<p>The Proposed Site Layout (ref 17800_110 rev D) has not incorporated the proposed finished floor levels of 5.06mAOD. Please ensure the proposed plans include the proposed finished floor level (FFL) in line with the approved FRA.</p> <p>The “Conclusions” section of the FRA refers to raising the FFL to 50.06mAOD which is an obvious typographical error, and we accept the proposed 5.06mAOD.</p> <p>We note that in section 5.1 of the FRA, it is stated that it is expected that the crest of defenses will be increasing in line with climate change. New built development should be fully resilient for their lifetime and should not be reliant on existing defenses or assumed improvements. Although we acknowledge that the proposed development will be protected by the Pevensy Bay coastal defenses, it cannot be guaranteed that the same standard of protection will be in place for the whole life of the development. The applicant should always consider that flood defenses can fail or be overtopped at any time.</p>
11.2	<p>The applicant is hereby reminded of the Control of Asbestos Regulations 2012 when carrying out demolition and other works associated with the development hereby permitted. For more information, please visit <a href="http://www.hse.gov.uk/Asbestos/regulations.htm">http://www.hse.gov.uk/Asbestos/regulations.htm</a></p>
11.3	<p>All waste material arising from any site clearance, demolition, preparation, and construction activities at the site should be stored, removed from the site, and disposed of in an appropriate manner following current guidance and practices.</p>

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