

**Report to:** Planning Committee

**Date:** 17 October 2022

**Application No:** 220633

**Location:** 177-187 Terminus Road, Eastbourne, BN21 3NX

**Proposal:** Retention of original building façade (on Terminus and Seaside Roads), demolition of remaining building and redevelopment of the site for a mixed-use development comprising 710 sqm (GIA) of commercial space (Class E) on the ground floor with 65 residential units (Class C3) on part ground and up to six upper floors with associated communal amenity space, cycle and car parking, refuse, recycling and servicing facilities.

**Applicant :** Capreon

**Ward:** Town Centre

**Recommendation:**

1. Delegate to the Head of Planning to:
  - a) Clarify the servicing arrangements and agree them with ESCC Highways; and
  - b) Finalise the schedule of conditions, taking account of any revisions required following the above consultation.

and on the provision that these issues are concluded favourably:
2. Approve with conditions, subject to S106 Agreement to secure:
  - a) Local Labour Agreement
  - b) Eastbourne Town Centre Movement and Access Package scheme financial contribution of £130,000.
  - c) Restriction of resident parking permits
  - d) Travel Plan and audit fee of £4,500
  - e) Car club vehicle (including £5,000 TRO fee) with review after 3 years to monitor success of the car club and in the event that evidence does not support the use of the road space for this purpose, that the road space is reinstated as a flexible bay requiring a further TRO with associated costs.
  - f) Review of viability
3. If no meaningful progress is made in the S106 within 6 months of the date of this approval then the Head of Planning be authorised to refuse the application given that the development has failed to deliver sufficient infrastructure to mitigate the impacts of the development

**Contact Officer:**

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**Map Location:**



**1. Executive Summary**

- 1.1 This application is brought to the Planning Committee in line with the Scheme of Delegation as it proposes major development.
- 1.2 This submission follows a previous application for redevelopment of the site, which failed to find agreement with Officers and accumulated significant public objection on grounds of its visual appearance in this heritage context.
- 1.3 The applicant has continued to engage with Officers to develop a revised scheme, which has been the subject of further review by the Conservation Area Advisory Group and the Eastbourne Society. The result is a development scheme that meets the objectives of the Development Plan and a building that listens to the voice of the local community.
- 1.4 The development proposals make use of a currently underused brownfield site in a highly sustainable location through partial demolition, including retention of part of the building façade, and redevelopment to provide an intensified mixed use scheme comprising commercial floorspace and residential dwellings set over six floors.
- 1.5 The commercial element would provide 710sqm of high quality ground floor space suitable for uptake by a range of town centre uses falling within Use Class E. The space could be taken up by a single occupier or broken down

to form smaller units subject to further permission, to allow for a greater degree of flexibility of uptake in the current landscape.

- 1.6 The residential element would provide a new gain of 65 high-quality residential dwellings that meet adopted residential standards and provide a housing mix that is suited to this town centre location.
- 1.7 The scheme would be highly energy-efficient, utilising a mix of building fabric performance and renewable technologies and would result in improved surface water attenuation features and a biodiversity net gain when compared to the existing site.
- 1.8 The proposal complies with the Development Plan and is therefore recommended for approval subject to conditions and a S106 Agreement to secure a local labour agreement and public transport/environmental improvements.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change.

### 2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C1: Town Centre Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D7: Community Sport and Health
- D8: Sustainable Travel – A2021 Quality Bus Corridor
- D9: Natural Environment
- D10: Historic Environment
- D10a: Design.

### 2.3 Eastbourne Borough Plan 2001-2011:

- NE4: Sustainable Drainage Systems
- NE7: Waste Minimisation Measures in Residential Areas
- NE14: Source Protection Zone
- NE18: Noise
- NE23: Nature Conservation of Other Sites
- NE28: Environmental Amenity
- UHT1: Design of New Development
- UHT2: Height of Buildings

UHT4: Visual Amenity  
UHT5: Protecting Walls/Landscape Features  
UHT7: Landscaping  
US3: Infrastructure Services for Foul Sewage and Surface Water Disposal  
US4: Flood Protection and Surface Water Disposal  
US5 Tidal Risk  
HO3: Retaining Residential Use  
Policy HO11: Residential Densities  
HO12: Residential Mix  
HO20: Residential Amenity  
TR2: Travel Demands  
TR4 Quality Bus Corridors  
TR5: Contributions to the Cycle Network  
TR8: Contributions to the Pedestrian Network  
TR6: Facilities for Cyclists  
TR11: Car Parking  
LCF18: Extension of Educational Establishments  
LCF21: Retention of Community Facilities.

2.4 Eastbourne Town Centre Local Plan 2013

2.5 Supplementary Planning Documents and other relevant documents

Sustainable Building Design SPD  
Trees and Development SPG  
Eastbourne Townscape Guide SPG  
Meads Conservation Area Appraisal  
Local Employment and Training SPD  
EBC Sustainability in Development TAN  
EBC Biodiversity Net Gain TAN  
EBC Electric Vehicle Charging Points TAN.

3. **Site Description**

- 3.1 The application site is located prominently within the heart of Eastbourne Town Centre. It is bounded on its south western side by Terminus Road, which provided one of its main street frontages and is a significant thoroughfare through the town centre from Eastbourne Train Station to the seafront. The building also fronts Seaside, which leads from Trinity Trees further to the west and forms a Quality Bus Corridor as defined by Policy D8 (Sustainable Travel) of the Eastbourne Core Strategy 2013.
- 3.2 The site area is 0.18 hectares and this is occupied entirely by a single existing building, known locally as the former TJ Hughes department store. The site was last in use as the department store in 2019. The building comprises a basement, ground and three upper storeys, providing ground floor shopfronts and large open-plan floor plates. The building was last in use by TJ Hughes in 2019, but currently provides a meanwhile use occupied by a local charity.
- 3.3 The building dates from the early twentieth century, when it replaced the original 1850s buildings that formerly occupied the site. The building was

subject to bombing in World War II and this has resulted in extension and alterations throughout the 1950s to 1980s, including on the flanks of the building frontages on Terminus Road and Seaside and built form to the rear, including North Street.

- 3.4 On its north eastern side, the site also provides a street frontage on North Street; a side road that provides the site with service and access points.
- 3.5 North Street comprises commercial and residential uses. The nearest residential occupiers are at Compass Court, which is separated from the northern boundary of the site by a services road, opposite the site on North Street and on the upper floors of Terminus Road buildings.
- 3.6 On its north western point, the site is contiguous with 175 Terminus Road and together provides an uninterrupted street frontage on Terminus Road.
- 3.7 The site does not comprise any soft landscaping features, nor are there any sustainable drainage features on-site.
- 3.8 The site accommodates a significant degree of built form, being entirely covered by the building and hard surfaces.
- 3.9 In terms of heritage assets, the site does not comprise any statutorily or locally listed buildings. However, the site falls within the Town Centre and Seafront Conservation Area, with the Terminus Road and northern boundaries falling on the conservation area boundary. The site is not located within an Archaeological Notification Area.
- 3.10 The site forms part of the Town Centre Secondary Shopping Area.
- 3.11 The site falls within a Ground Water Source Protection Zone.

#### **4. Relevant Planning History**

- 4.1 There has been a number of historic applications for minor alterations to the existing building relating to its former commercial use, but none are relevant to the consideration of this application and are therefore not listed.

#### **5. Proposed Development**

- 5.1 The application seeks permission for the demolition of the majority of the existing built form on the site and the redevelopment to provide a mixed use scheme comprising commercial floorspace and residential.
- 5.2 The scheme includes retention of the original (to this building) façade on Terminus and Seaside Roads and maintaining the shopfrontages, both of which would be renovated and improved. Each of these frontages would receive new frontages flanking the retained façade. The demolished roof would be replaced with a double height contemporary interpretation of a historic roof form.
- 5.3 In terms of bulk and massing, the scheme seeks to develop the remainder of the site with a replacement building set over a total of seven floors above ground level. The main Terminus Road and Seaside elevations would be 5 floors above ground level and the further two floors would be set back from the main street frontages to reduce the impact and dominance, and would be

built up on the northern corner of the site. The North Street elevation would be tiered on the upper two floors to set back from the street at the southern end.

- 5.4 The commercial element would provide 710sqm of high quality ground floor space suitable for uptake by a range of town centre uses falling with Use Class E. The commercial floorspace is arranged a single unit on plan, and could be taken up by a single occupier. Breaking down the floorspace into smaller units would be require further permission, but this flexibility is retained.
- 5.5 The commercial unit would be serviced via a purpose built entrance on Terminus Road frontage, which would provide access to commercial refuse/recycling and cycle storage facilities, together with access to the 'back-of-house' area relating to the commercial unit.
- 5.6 The ground floor would also provide refuse/recycling and cycle storage facilities for the residential element, accessed from North Street.
- 5.7 The residential element would create 65 self-contained dwellings and would be set over the all floors of the building and would comprise a housing mix of 1 and 2 beds.
- 5.8 The building would focus the built form on the perimeter of the site with a central void providing soft landscaping and amenity space for residents at first floor level.

## 6. **Consultations**

### 6.1 Specialist Advisor (Ecology and Biodiversity)

- 6.1.1 No principal objections to the proposal, subject to recommendations, which are outlined in later in this report.

### 6.2 Specialist Advisor (Conservation)

- 6.2.1 The Specialist Advisor (Conservation) has been involved in discussions preceding submission of this application and is wholly supportive of the redesigned proposals from a heritage perspective.

### 6.3 Specialist Advisor (Regeneration)

- 6.3.1 Regeneration supports the application and requests that any grant of planning permission be subject to a S106 local labour agreement in accordance with the Employment and Training SPD at both the construction and first operational stages of development.
- 6.3.2 It is also requested that consideration be given to including financial contributions towards the remaining part of Phase 2b of the Eastbourne Town Centre Movement & Access Package (ETCM&AP) via a S106 Agreement.

### 6.4 ESCC Local Highway Authority

- 6.4.1 The LHA do not propose any principal objection subject to conditions and securing a travel plan, car club provision, resident parking permit restrictions and financial contribution towards the Town Centre Accessibility Scheme, all to be secured by s106 agreement.

6.4.2 The LHA has raised some concerns with servicing of both the residential and commercial elements.

6.5 ESCC - Lead Local Flood Authority and Pevensy and Cuckmere Water Level Management Board

6.5.1 The LLFA and the Pevensy and Cuckmere Water Level Management Board do not have any principal objection on flood risk management, subject to the imposition of conditions requiring details of a SuDS scheme.

6.6 County Archaeologist

6.6.1 No objection to the proposals.

6.7 Conservation Area Advisory Group

6.7.1 The Conservation Area Advisory Group were strongly supportive of the application on heritage grounds, noting that the development would enhance the character and appearance of the conservation area through the retention of part of the façade and the redevelopment proposals.

6.8 Sussex Police Crime Prevention Design Advisor

6.8.1 No objection, but recommendations on security raised.

**7. Neighbour/Public Representations**

7.1 Statutory notification of this application has been undertaken in the form of neighbour notification letters, site notices displayed in roads neighbouring the site and a press advert in a locally distributed newspaper.

7.2 The applicant has liaised with Eastbourne Society as part of its community involvement commitments to understand concerns. This has informed the creation of the redevelopment, which has the support of the Eastbourne Society.

7.3 Eastbourne Chamber of Commerce supports the scheme.

7.4 26 letters of support have been recorded which focus on the benefits of the scheme, including the façade retention and the heritage benefits that would result. One general observation was received regarding the potential use of the ground floor as a drinking establishment (which falls within a different use class than proposed).

7.5 One letter of objection has been received, which raises the following concerns:

- Loss of light
- Loss of privacy
- Air Quality and flow
- Proposed materials
- Lack of planting
- Parking provision

- Quality of accommodation
- Façade should be reconstructed, not retained.

## 8. Appraisal

### 8.1 Land use considerations

- 8.1.1 At the heart of the NPPF is the presumption in favour of sustainable development which flows through both plan-making and decision-making.
- 8.1.2 The Revised National Planning Policy Framework (NPPF) directs Local Planning Authorities to adopt a presumption in favour of sustainable development. One of the three overarching objectives that form the components of sustainable development is a social objective (para. 8 b). The social objective requires the support of ‘strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.’
- 8.1.3 Section 5 of the NPPF seeks to boost the supply of homes. The benefit of 52 new homes weighs positively in the schemes favour when considered against all other material considerations.
- 8.1.4 The National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years’ worth of housing. As of October 2019, Eastbourne is only able to demonstrate a 1.8 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. National policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications. It also states that where relevant policies are out-of-date, permission should be granted “unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole”, (NPPF, paragraph 11).
- 8.1.5 Para. 120 of the NPPF maintains that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Development of under-utilised land and buildings should be promoted and supported, especially where this would help to meet identified needs for housing.
- 8.1.6 This national policy position is mirrored by the Eastbourne Core Strategy 2013, which states that ‘in accordance with principles for sustainable development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land’. Although parts of the application site



are heavily populated by trees, this site is defined as a brownfield site.

- 8.1.7 The 'Town Centre Vision', as defined by Eastbourne's Core Strategy states that 'The Town Centre will maintain its status as a sustainable centre by maximising its economic potential and attract more shoppers, workers, residents and visitors through schemes and proposals for redevelopment detailed in the Town Centre Local Plan'. The proposal is wholly in line with this vision.
- 8.1.8 The site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). The Council relies on windfall sites as part of its Spatial Development Strategy according to Core Strategy Policy B1. The development would contribute a net gain of 65 residential dwellings towards the Council's housing targets and this would be delivered in a highly sustainable location through development of a previously developed site. Taking account of the above considerations, the principle of the proposed residential use of the site is considered to be acceptable.
- 8.1.9 In terms of the proposed commercial use, the proposed ground floor unit would provide opportunity for a range of uses falling within Class E, which would be wholly suited to this town centre location. This could include retail, food or other town centre amenities. Drinking establishments are excluded from Class E and would require the separate grant of permission.
- 8.1.10 The commercial floorspace is arranged as a single unit on plan and could be taken up by a single occupier. The drawings show and indicative breaking down of the space, should the uptake by commercial occupiers require this, but this would require further permission. However, this flexibility would be retained depending on market interest.
- 8.1.11 It is considered necessary to restrict the use of the ground floor unit within Class E to prevent a non-active frontage, such as from office use. This would be controlled by condition.

## 8.2 Density

- 8.2.1 Para. 125 of the Revised NPPF encourages the efficient and sustainable use of sites for housing development, stating 'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 8.2.2 Given the constraints of Eastbourne, there is very limited land available for development. This adds weight to the consideration of density for the purposes of housing delivery. It is vital that every sustainable site that becomes available is maximised.

- 8.2.3 Paragraph 124 of the National Planning Policy Framework 2021 states planning decisions should support development that makes efficient use of land, taking into account certain criteria including, the identified need for different types of housing and other forms of development and the availability of land suitable for accommodating it; and the desirability of maintaining an area's prevailing character and setting.
- 8.2.4 Policy B1 of the Core Strategy states that The Town Centre is one of six sustainable neighbourhoods where higher residential densities will be accepted than the existing density range, which is defined as 107-180 dwellings per hectare.
- 8.2.5 The proposal would comprise a density of 361 dwellings per hectare and would exceed the existing range and is acceptable in principle.

### 8.3 Housing Mix

- 8.3.1 Policy TC6 of the Town Centre Local Plan seeks a mix of housing in the town centre, comprising 1, 2 and 3 bed units. However, given the constraints of the application site, 3 bed units are not considered to be appropriate and are not proposed within this development.
- 8.3.2 The proposal would create a total of 65 dwellings, comprising a mix of 1 bed (43No.) and 2 bed (18No.) flats, which would comprise a variety of sizes and occupancy levels ranging from 1 person to 4 person flats.
- 8.3.3 The Eastbourne Strategic Housing Market Assessment 2017 states that the key dwelling types particularly required across Eastbourne are 1 and 2 bed flats and 3 and 4 bedroom houses, although there is an identified need for other dwelling types. Given the town centre location and the high density of the location and the constraints of the site, the provision of 1 and 2 bed flats in this location is considered to contribute to identified housing need and is acceptable.

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

- 8.4.1 The most significant of considerations regarding the impact on neighbour amenity is that of loss of light and outlook and the feeling of dominance that might be brought about through the bulk, massing and height of the proposed buildings.
- 8.4.2 In relation to light impacts, the applicant has submitted a detailed Daylight and Sunlight Assessment, which assesses light loss by way of a variety of calculations according to the established methods enshrined by the Building Research Establishment guidelines (BRE).
- 8.4.3 The report details the assessment of light loss upon 23 neighbouring buildings and over 200 windows serving habitable rooms have been analysed. The windows of the Public House at 12 Seaside Road have also been included, although it is considered that these serve rooms which have an ancillary use associated with the commercial aspect of the building.

- 8.4.4 The results of the assessment show that 91% of the assessed windows are fully compliant with the BRE assessment criteria. There would be a degree of light loss for some neighbouring windows below BRE Guidelines, a large portion of which would be marginal. A portion of these windows are poorly served by light due to their current arrangement. For a small number of windows, the reduction in annual sunlight hours is marginally greater than the BRE's aspirational criteria.
- 8.4.5 The NPPF (at para.125) states that 'in considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 8.4.6 On balance of the consideration of the impacts upon light loss against the constraints of the site and the built-up urban context, the overall daylight/sunlight impacts of the scheme are considered to be within acceptable limits.
- 8.4.7 Turning to privacy, the proposal would generate a number of new elevated vantage points from the building towards neighbouring residential occupiers. The windows on the North Street elevation would provide a view that is commensurate with that of the existing building and of other street facing buildings in the road. It is also noted that the northern elevation of the existing building provides a degree of outlook towards neighbouring occupants.
- 8.4.8 The proposal would create a number of views towards neighbouring buildings, including those at Compass Court and Terminus Road. Views that are set back from the northern site boundary (on the internal elevations) would be a sufficient distance from neighbouring windows that no overlooking would occur.
- 8.4.9 There is the potential for other vantage points to be created from the upper floors of the proposed building subject to their detailed design, also dependent on finished floor levels. For that reason, a condition is recommended to ensure that no units would come into use until details of screening to open areas and obscure glazing of windows are agreed and installed to protect residents from potential intrusive views.
- 8.4.10 In terms of the impact upon outlook for neighbouring occupants, it is recognised that the building will have a degree of dominance from some neighbouring windows. However, the existing building already has an impact upon the nearest neighbouring occupants and the proposed building design, with its voided central area, does provide some improvements on the bulk and massing of the existing. On balance, it is considered that the proposal is acceptable based upon the constraints of the site and the existing urban context.
- 8.4.11 Air quality has been considered as part of the proposal, both from a demolition and construction perspective, together with the ongoing air quality impacts from the development. The application is

supplemented by an Air Quality Assessment which assessed the potential for air quality impacts in line with the Institute of Air Quality Management (IAQM) methodology. It concludes that demolition and construction related impacts could be adequately managed with the imposition of mitigation measures during the construction period. This would be controlled via the submission of a Demolition Construction and Environmental Management Plan, secured by condition.

- 8.4.12 In terms of ongoing air quality issues, a condition is recommended to ensure that details of any plant extraction, vents or other mechanical ventilation equipment is agreed prior to first use, which would assess and control the impacts of any emissions or air pollution from the building in the interests of neighbouring residents. It should also be noted that the proposed soft landscaped areas within the site would provide a positive contribution to local air quality through cleaning and re-oxygenising air at and around the site.

## 8.5 Affordable Housing

- 8.5.1 As the development would result in a net increase of over 10 dwellings, policy D5 of the Core Strategy 2013 and accompanying Affordable Housing SPD (2017), requires the provision of affordable housing. The Town Centre neighbourhood is identified as a 'low-value' market neighbourhood and, as such, the ratio of affordable housing required would be 30% of the overall development. Policy requires a tenure mix of 70% rented, 30% Shared Ownership.
- 8.5.2 In relation to the submitted scheme for 65 units, the affordable element would amount to 19.5 units; 19 units provided on-site, with the remaining provision forming an off-site financial contribution, in accordance with Affordable Housing SPD and this would be secured by a Section 106.
- 8.5.3 Supporting paragraph 4.5.5 of policy D5 takes into consideration development viability, stating that "affordable housing requirement will be in a flexible way on a site-by-site basis taking into consideration other planning considerations that may affect delivery."
- 8.5.4 The applicant has submitted a Financial Viability Assessment (FVA) in line with the requirements of Core Strategy Policy D5 and the Affordable Housing SPD. The FVA concludes that the scheme would not result in a residual land value that would be able to provide affordable housing, taking account of a combination of factors, including the cost of retaining the façade, build costs, likely sales values and professional fees.
- 8.5.5 The submitted FVA has been independently reviewed by the Council's elected viability consultants, which confirms that the scheme is unable to provide affordable housing.
- 8.5.6 The review includes sensitivity testing having regard to increases and decreases in construction costs, given the current volatility in the market. The sensitivity analysis demonstrates that the scheme is affected in terms of viability with small increases and or decreases in

cost and revenue but that only the best of market improvements in both sales values and build costs could deliver a positive land value.

- 8.5.7 Taking account of the review, an Affordable Housing contribution would not be sought to deliver the proposed development.
- 8.5.8 However, it is recommended that early and late-stage viability review mechanisms are put in place to firstly ensure the deliverability of the scheme and secondly to capture any potential S106 contributions that may be due from improvements in the scheme's financial viability.
- 8.5.9 In addition, planning conditions would ensure that the scheme is built in accordance with the current scheme design to avoid any "value engineering" being carried out which is not subject to further viability testing through a planning application to vary the scheme.

## 8.6 Quality of Proposed Accommodation

- 8.6.1 The proposed dwellings would generally provide a good standard of accommodation, being spacious, well arranged on plan and with good outlook for future occupants.
- 8.6.2 The 'Technical housing standards - nationally described space standards', adopted by central Government in March 2015 defines the requirements for internal space standard for new residential units, including both the Gross Internal Area (GIA) of each unit and the internal floor area of individual rooms and storage space. Each of the proposed dwellings would meet the minimum internal space standards in terms of the total Gross Internal Area and individual bedroom sizes required by the standards.
- 8.6.3 All bedrooms and primary amenity areas within the proposed building have access to clear glazed windows with a good level of outlook and exposure to natural light and effective natural ventilation.
- 8.6.4 The units are well arranged on plan, providing clear useable space for the intended use of each room, avoiding awkwardly shaped rooms where possible within the constraints of the site. Floors within the building would be served by lifts within two vertical circulation cores and would provide step free access.
- 8.6.5 It is not considered that there would be any privacy issues for future residents. Units would retain sufficient separation distances to provide suitable levels of privacy for future residents.
- 8.6.6 The application is supported by a Noise Assessment for the development. The assessment proposes mitigation in the form of high-performance glazing for occupants to mitigate the potential disturbance from the town centre location and the arrangement of buildings. The assessment demonstrates that, provided the mitigation measures considered in the report are implemented, noise levels within the proposed dwellings is acceptable in the interest of future occupants' amenity.

8.6.7 In terms of amenity space, units would benefit from communal outdoor amenity space provided by a central landscaped garden space, which would provide planting features and seated areas. Private outdoor amenity space would be provided for some units, where this is made possible through set backs on the upper floors of the North Street elevation.

## 8.7 Design and Heritage

8.7.1 Section 12 of the NPPF is concerned about development 'achieving well-designed places' and under paragraph 127 it states, amongst other requirements, that 'planning policies and decisions should ensure that developments:

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

8.7.2 The site is located within the Town Centre and Seafront Conservation Area. The Town Centre and Seafront Conservation Area Appraisal notes that the site is located within Character Area 2: Seaside Road, Sea Houses and The Pier. The Character Appraisal defines the building as a positive building.

8.7.3 These designations provide a formal statement of the architectural and/or historical interest of the site and its local value. The significance of the property is derived from the external appearance of the corner façade, which has a distinctive decorative, white render appearance. It is also derived from the connection to the Eastbourne architect P D Stoneham, who was responsible for the design of several listed Eastbourne buildings.

8.7.4 The building is recognised as a building of townscape merit and landmark quality positively contributing to the character and special interest of the Town Centre and Seafront Conservation Area.

8.7.5 However, the building's significance extends beyond consideration of the architectural design and historical context. The building is considered a heritage asset due to its localised heritage interest, including its cultural and social contribution, and this was emphasised by the community's response to the proposed loss of the building outlined in the preceding application. As such, the

building also derives its significance from having been built for Dale and Kerley's, one of Eastbourne's four exclusive stores that served the town during the 1920-30s. The site contributed to the war effort through its use for the production of parachutes and after which it became Barkers and subsequently The Army and Navy Store, both part of famous department store chains

- 8.7.6 Whilst the building's significance is primarily derived from the distinctive architectural treatment of the original Dale and Kerley corner façade, it is noted that the building underwent extensive rebuilding following the bomb damage sustained in 1943. Later alterations have not been sympathetic and are not regarded a positive contributor to the conservation area.
- 8.7.7 The assessment of significance has led the design proposals for this building, seeking to retain the distinctive central section of the façade and provide sensitive architectural design to compliment the retained façade. The new built form would concentrate its bulk to the rear of the site, to ensure that the retained frontage maintains its significance, including in short and long ranging views.
- 8.7.8 The flanking extensions to the Terminus Road and Seaside frontages seek to contrast, yet be sympathetic to the retained façade through the use of brick face elevations. The proposed roof adopts a contemporary interpretation of a historic mansard roof form, which retaining the quality in the materials that is required for this sensitive application.
- 8.7.9 The North Street elevation continues the treatment of the flanking elevations, being brick faced and 'secondary' to the prominence of the retained render façade.
- 8.7.10 Windows within the façade would be replaced to provide the requisite thermal and sound insulation properties for their intended use, whilst retaining a sympathetic heritage aesthetic.
- 8.7.11 The shop frontages on Terminus and Seaside would be retained for use by the commercial unit, with newly detailed glazing and facing treatment.
- 8.7.12 All facing materials and window, door, shopfront treatment would be agreed by condition to ensure their detailed realisation.
- 8.7.13 The proposed scheme is successful in protecting the significance of this heritage asset, whilst replacing negative features and enhancing its architectural presence. It meets the overarching objectives of the Development Plan in terms of design and heritage related considerations and is acceptable subject to the careful consideration of more detailed design elements controlled by condition.

## 8.8 Highways and Parking

- 8.8.1 The applicant has submitted a Transport Statement, which addressed the transport demands and impacts of the proposed development.

- 8.8.2 The site is located within the heart of the Town Centre, a highly sustainable location and conveniently located for access to a number of local amenities, but also different modes of public transport.
- 8.8.3 The site is on a main route from Eastbourne Train Station, which is served by the Southern rail service, is easily accessible and located approximately 700m to the north-west of the proposed development site. The station provides access between London Victoria, Brighton, Ore, Ashford International and Hastings stations, with at least two trains operating per hour to London Victoria, Brighton and Ore throughout the day, and at least two trains per hour to Ashford International and Hastings.
- 8.8.4 The nearest bus stop is located on Seaside Road, approximately 50m from the site. This stop is served by 17 bus services, which provide access to a range of destinations, including Shinewater, Willingdon Trees, Hellingly, Highfield and Sovereign Harbour South. The more frequent services accessed via this bus stop provide up to 13 buses an hour.
- 8.8.5 Walking and cycling facilities within the area surrounding the proposed development site are very good due to the site's location within a town centre. There is an excellent provision of pedestrian facilities, including signalised crossings and wide pedestrian footways, within the immediate surroundings, providing connections to the wider town centre area.
- 8.8.6 Taking the location and features of the site into account, the site is appropriate for car-free development. As such, no on-site parking provision is proposed, other than two disable spaces, which would be accessed from North Street and would comprise electric charging facilities. The spaces would be unallocated and would be for use by disabled occupants and/or visitors to the site.
- 8.8.7 The scheme also seeks to provide a significant cycle storage provision (80 spaces), which exceeds the 33 space requirement of ESCC cycle parking standards. A further 13 secure cycle spaces are also proposed for staff of the commercial unit. The application also confirms that E-bike charging facilities would be provided, which would be secured by condition of any permission.
- 8.8.8 ESCC as Local Highway Authority has confirmed their agreement to the car-free position and has also suggested their support for a head of term to S106 agreement to restrict the uptake of car parking permits for future residents of the development. The legal implications of this restriction are yet to be concluded, but this approach is reasoned and measurable in principle, given the location of the site and the availability of alternative means of transport to the private motor vehicle, including extensive cycle parking provision.
- 8.8.9 Parking for the commercial element is available within the publicly available town centre car parks. TJ Hughes, when operational was without dedicated customer car parking



- 8.8.10 ESCC has raised some concern with the servicing arrangements, particularly for the commercial element, and this discussion is ongoing. However, taking account of the existing arrangements and that this would be the fall-back position should permission not be granted, there is no principal objection to the proposed servicing arrangements, subject to further clarification and any required revisions.
- 8.8.11 In liaison with the Economic Regeneration Team, ESCC has requested that the development provides a financial contribution towards the Eastbourne Town Centre Movement and Access Package scheme, seeking to deliver a high-quality public realm scheme which will support the place making of this proposed development (and which it ultimately will benefit from). The contribution sought is £2,000 per unit; a total contribution of £130,000 towards this scheme. The contribution would help enable the delivery of proposed phase 2b of the town centre improvement works, which provides a continuous spinal route through the town centre from the railway station to the seafront.
- 8.8.12 The applicant has agreed to provision of a car club space, which would be secured by S106. This will require agreement of a suitable on-street space to be secured by Traffic Regulation Order (£5,000) and an electric vehicle and charging facility. The applicant would be responsible for setting up the car club contract.
- 8.8.13 The application proposes a travel plan, to provide a residents' travel information pack. This would include green travel incentives such as car club membership for each household with £25 drivetime, and £100 flexible travel voucher redeemable via the travel plan coordinator for either bus tickets, rail tickets, cycle equipment and car club drivetime, or combination of these. Travel information would be provided for staff at the commercial unit on a staff notice board. The travel plan would require the monitoring of incentive take up and annual surveys for a 5-year period to provide data for sustainable travel use and changes in travel habits over the travel plan period and this would be secure by S106 agreement.
- 8.8.14 Taking account of the above considerations the transport impacts of the development are acceptable subject to the imposition of conditions.

## 8.9 Landscaping

- 8.9.1 The site is currently entirely occupied by a single building without any soft landscaping features.
- 8.9.2 The landscaping proposals involve creation of an elevated landscaped gardens on the first floor within the central void of the building, which would be used by residents for amenity space, but would also contribute to biodiversity net gain.
- 8.9.3 There are also opportunities for landscaping features on the upper floors on the open internal elevations, to ensure that opportunities are maximised.

- 8.9.4 The exact planting would be agreed post-decision by condition, to ensure a native planting scheme that attracts a diversity of species.

## 8.10 Ecology and Biodiversity

- 8.10.1 The National Planning Policy Framework (NPPF) states that 'planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity...' and that 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity...'
- 8.10.2 Eastbourne Borough Council's Biodiversity Net Gain Technical Advice Note (September 2021) also advises that the Council 'expects that major planning applications will demonstrate a minimum 10% increase in Biodiversity Net Gain and would encourage applications to consider achieving higher net gains in proposals'.
- 8.10.3 No biodiversity metric calculations have been provided. However, it is noted that the site is currently devoid of vegetation and therefore proposed soft landscaping is likely to provide a net gain, relative to the current site conditions.
- 8.10.4 The application is supported by an Ecological Impact Assessment (dated July 2022). Some biodiversity enhancement recommendations are provided in Section 6.3 of assessment, including swift boxes / bricks and insect hotels.
- 8.10.5 The Council's Specialist Advisory (Ecology and Biodiversity) has recommended that the grant of permission should be subject to a condition requiring agreement of an Ecological Design Strategy (EDS), which provides more detailed design specification for the biodiversity improvements at the site, including habitat generation, native planting and a timescale for provision.

## 8.11 Sustainability

- 8.11.1 Sustainable design and development is at the heart of the Eastbourne Core Strategy Local Plan. Policy D1 sets out the high level strategic policy against which all proposals will be assessed. It requires that all new development is sustainable, well designed and constructed and demonstrate that it has taken account of the principles of sustainable development.
- 8.11.2 The applicant has submitted an Energy Strategy, which sets out the proposed 'Be Lean', 'Be Clean', 'Be Green' approach, which includes a fabric first approach to improve upon the Buildings Regulations Part L requirements, both in relation to retained and new build elements of the scheme. The scheme would employ Passive design building methods, including daylight, solar energy, shading and stack or wind driven ventilation to illuminate, heat, shade where necessary and ventilate/cool the building, thus requiring less (mechanical)

energy to achieve the performance standards for health and wellbeing of the residents.

- 8.11.3 In terms of clean energy provision, the feasibility of district heating has been considered. There are no existing or proposed district heating networks within close proximity to the development site. In addition, due to the relatively low density of the development, the phased nature of the wider scheme's delivery, and the cost of the infrastructure required to connect a rural location to a district heat network, it is not deemed cost effective to establish a district heat network on the site.
- 8.11.4 The proposed development has given consideration to renewable energy technologies that may be applicable to deliver the required level of carbon dioxide savings over the Building Regulations Part L baseline, and the likely local effects on the environment. In determining the appropriate renewable technology for the site, a number of factors including carbon dioxide savings, site constraints, and potential visual impacts have been considered.
- 8.11.5 Based on the site location, the lack of planned or existing heat networks within the local area, and the projected decarbonisation of the national electricity grid, it is proposed that an air source heat pump (ASHP) system will be employed to serve both the space and water heating demands of the residential and non-residential elements of the scheme. It is intended that this technology be employed as part of a communal ASHP system, with a minimum efficiency of 350%.
- 8.11.6 The applicant has identified that the roof of the building could house photovoltaic (PV) technology to generate zero carbon electricity on-site. Details and specification would be agreed by condition.
- 8.11.7 The use of window turbines for micro-generation has been rejected on the basis of its potential impact on visual amenity and relatively low efficiency from unpredictable, turbulent wind conditions associated with urban locations.
- 8.11.8 The package of measures would result in a significant reduction of carbon emissions when compared to dwellings built in compliance with Building Regulations Part L (2021).

## 8.12 Drainage and Flood Risk

- 8.12.1 The applicant has submitted a Flood Risk Assessment and SuDS Strategy, which confirms that the proposed development site falls within Flood Zone 1. This indicates that the site is at low risk of fluvial or tidal flooding, with a less than 1 in 1,000 annual probability of river or sea flooding. The site is also at very low risk of surface water flooding. The Flood Risk Assessment and SuDS Strategy confirms that the risk of flooding from sewer and artificial source is also very low, however it is noted that the risk of groundwater flooding at the site is medium. It is therefore intended that groundwater pumps be installed as part of the proposed development to mitigate the risk of groundwater flooding.

- 8.12.2 As detailed within the Flood Risk Assessment and SuDS Strategy, it is intended that surface water runoff generated on the site will be managed through the use of an extensive green roof area, which will provide attenuation opportunities, and water butts for the reuse of rainwater. It is intended that, through the implementation of the proposed SuDS Strategy, the rate at which surface water runoff is discharged from the site in the post-development context will be reduced when compared to the existing case. This will therefore aid in minimising the risk of surface water flooding both on the site itself, and within the surrounding area.
- 8.12.3 The LLFA has no objection to the strategy, subject to the imposition of conditions to ensure agreement of a detailed SuDS scheme.

## 9. **Human Rights Implications**

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

## 10. **Recommendation**

- 10.1 Delegate to the Head of Planning to; clarify the servicing arrangements and agree them with ESCC Highways; and finalise the schedule of conditions, taking account of any changes resulting from the above consultation.
- 10.2 Then to approve with conditions, subject to S106 Agreement to secure:
- 10.3 Local Labour Agreement
- 10.4 Eastbourne Town Centre Movement and Access Package scheme financial contribution of £130,000.
- 10.5 Restriction of resident parking permits
- 10.6 Travel Plan and audit fee of £4,500
- 10.7 Car club vehicle (including £5,000 TRO fee) with review after 3 years to monitor success of the car club and in the event that evidence does not support the use of the road space for this purpose, that the road space is reinstated as a flexible bay requiring a further TRO with associated costs.
- 10.8 To refuse the application if no progress is made on the S106 agreement.

## 11. **Appeal**

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

## 12. **Background Papers**

- 12.1 None.