

**Eastbourne Borough Council**

**Planning Committee**

**17 April 2012**

**Report of the Head of Planning**

**List of Planning Applications for Consideration**

**1) SOVEREIGN HARBOUR RETAIL PARK, EASTBOURNE**

Demolition of existing health and fitness building, formation of a new pedestrian link and the erection of commercial units (Class A1, A2, A3, D1 and/or D2) facing towards the new pedestrian link, with a replacement cinema above. Change of use of the existing cinema to Class A1 Retail Use, and an extension of existing unit 6 for retail purposes, along with new/ replacement Mezzanine Floors in the retail units. External works to refurbish the retail units, improvements to the related pedestrian walkway and formation of additional car parking. Provision of new vehicular accesses from Atlantic Drive and Harbour Quay (limited to use only by buses) to facilitate public transport connections between Sovereign Harbour North and Sovereign Harbour South.

(Amended proposal:-

1. Application site boundary redrafted
  2. Excluding all but the frontages of Units 4b, 5 and 6 from the scheme,
  3. Omit rear extension from Unit 6,
  4. Units 4C 7 8 12 & 13 to be retail and controlled via a range of goods condition,
  5. Contribution towards off site pedestrian footway works.)
- EB/2011/0633(FP), SOVEREIGN Page 5

**RECOMMEND:**

**Recommendation (A)**

- i) Subject to the satisfactory completion of a S106 agreement

**Recommendation (B)**

In the event that a satisfactory Legal Agreement can not delivered within an satisfactory timeframe then the application should be refused

**2) TOP FLOOR FLAT, 13 LUSHINGTON ROAD, EASTBOURNE**

Second floor side extension.

EB/2011/0757(HH), MEADS

Page 83

**RECOMMEND: APPROVE CONDITIONALLY**

**3) BURLINGTON HOTEL CAR PARK, BURLINGTON ROAD, EASTBOURNE**

Proposed residential development of a four storey block of 12 No. apartments with associated parking and landscaping, including continued parking provision for the Burlington Hotel.

EB/2012/0059(FP), DEVONSHIRE

Page 87

**RECOMMEND: APPROVE SUBJECT TO S106 AGREEMENT**

- 4) **THE CEDARS, 26 UPPERTON ROAD, EASTBOURNE**  
Redevelopment of site with four storey building, including accommodation in the roof space, comprising 12 flats and two detached houses to the rear together with access from Upperton Road and Selwyn Road, car parking spaces, bin and cycles stores.  
EB/2012/0082(OL), UPPERTON Page 97  
**RECOMMEND: APPROVE CONDITIONALLY**
- 5) **13 OLD MANSION CLOSE, EASTBOURNE**  
Erection of three storey extension to the side.  
EB/2012/0090(HH), RATTON Page 109  
**RECOMMEND: APPROVE CONDITIONALLY**
- 6) **LAND TO THE REAR OF, 129-131 QUEENS CRESCENT, EASTBOURNE**  
Erection of a detached dwelling and associated parking (PLEASE NOTE THE AMENDED SITE ADDRESS).  
EB/2012/0113(OL), SOVEREIGN Page 111  
**RECOMMEND: APPROVE CONDITIONALLY**
- 7) **84-86 WISH HILL, EASTBOURNE**  
Change of use from single private dwelling and hairdressers shop to two single private dwellings, together with the provision of an enlarged front entrance porch..  
EB/2012/0124(FP), RATTON Page 117  
**RECOMMEND: APPROVE CONDITIONALLY**
- 8) **36 PEPPERCOMBE ROAD, EASTBOURNE**  
Erection of a part two storey extension and part single storey extension with roof terrace to the rear including a bridge to raised garden level.  
EB/2012/0129(HH), OLD TOWN Page 121  
**RECOMMEND: APPROVE CONDITIONALLY**
- 9) **LAND TO THE NORTH WEST OF OAK TREE LANE, EASTBOURNE**  
Use of the land for the siting of three caravans, as an extension to the existing caravan park  
EB/2012/0158(FP), LANGNEY Page 125  
**RECOMMEND: APPROVE CONDITIONALLY**
- 10) **98 SEASIDE ROAD, EASTBOURNE**  
Change of use of first floor from offices (Class B1) to part office (Class B1) and part residential (bedsittingroom)..  
EB/2012/0219(FP), DEVONSHIRE Page 131  
**RECOMMEND: APPROVE CONDITIONALLY**

J. F. Collard  
Head of Planning

05 April 2012

## **Planning Committee**

**5 April 2012**

### **Report of the Planning Manager**

#### Background Papers

1. Town and Country Planning Act 1990
2. Planning (Listed Buildings and Conservation Areas) Act 1990
3. The Planning and Compensation Act 1991
4. The Town and Country Planning General Regulations 1992
5. The Town and Country Planning (General Permitted Development) Order 1995
6. The Town and Country Planning (General Permitted Development) Order 1995 (Amendment) (No. 2) (England) Order 2008
7. The Town and Country Planning (General Development Procedure) Order 1995
8. The Town and Country Planning (Use Classes) Order 1987 (as amended)
9. The Town and Country Planning (Control of Advertisements) Regulations 2007
10. DoE/ODPM Circulars
11. DoE/ODPM Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)
12. East Sussex and Brighton & Hove Structure Plan 1991-2011
13. Eastbourne Borough Plan 2001-2011
14. Eastbourne Townscape Guide 2004
15. East Sussex County Council Manual for Estate Roads 1995 (as amended)
16. Statutory Instruments
17. Human Rights Act 1998
18. The Planning and Compulsory Purchase Act 2004

Note: The documents listed above and the papers referred to in each application report as "background papers" are available for inspection at the offices of the Economy, Tourism and Environment Department at 68 Grove Road on Mondays, Tuesdays, Thursdays and Fridays from 9.00 a.m. to 5.00 p.m. and on Wednesdays from 9.30 a.m. to 5.00 p.m.



**Eastbourne Borough Council**

**Planning Committee**

**5 April 2012**

**Report of the Planning Manager**

**List of Planning Applications for Consideration**

**Committee Report 17 April 2012**

**Item 1**

App.No.: **EB/2011/0633**

Decision Due Date:  
**16/01/12**

Ward:  
**Sovereign**

Officer: **Leigh Palmer**

Site visit date: **numerous  
pre and post submission**

Type: **Major**

Site Notice(s) Expiry: **Three rounds of site notice have taken place with their expiry dates being 25/11/11, 2/01/12 & 28/02/12**

Neigh. Con Expiry: **25/11/11**

Press Notice(s):- **Three rounds of press notices have taken place with the final round requiring comments to be received by 28/02/12**

Over 8/13 week reason: **Application is reported to Committee outside of the 13 week target; this is due to significant and material being submitted during the life of the application that warranted further consultation and evaluation.**

Proposal: **Demolition of existing health and fitness building, formation of a new pedestrian link and the erection of commercial units (Class A1, A2, A3, D1 and/or D2) facing towards the new pedestrian link, with a replacement cinema above. Change of use of the existing cinema to Class A1 Retail Use, and an extension of existing unit 6 for retail purposes, along with new/ replacement Mezzanine Floors in the retail units. External works to refurbish the retail units, improvements to the related pedestrian walkway and formation of additional car parking. Provision of new vehicular accesses from Atlantic Drive and Harbour Quay (limited to use only by buses) to facilitate public transport connections between Sovereign Harbour North and Sovereign Harbour South.**

**(Amended proposal:-**

- 1. Application site boundary redrafted**
- 2. Excluding all but the frontages of Units 4b, 5 and 6 from the scheme,**
- 3. Omit rear extension from Unit 6,**
- 4. Units 4C 7 8 12 & 13 to be retail and controlled via a range of goods**

**condition,**

**5. Contribution towards off site pedestrian footway works.)**

Applicant: THE PRUDENTIAL ASSURANCE COMPANY LIMITED

**RECOMMENDATION A: Following referral to the Secretary of State under the Town and Country Planning (Consultation ) (England) Direction 2009 and that the application is not called in to be determined by the Secretary of State then the application be Granted Planning Permission subject to conditions (listed below) and a satisfactory Legal Agreement.**

**RECOMMENDATION B: If a satisfactory Legal Agreement can not be reached within 6 months from the date of the resolution that the Secretary of State does not call in the application then officers are delegated the authority to refuse permission for the following reason:-**

***It is considered that the terms of reference within the S106 agreement are considered essential components of this scheme and the failure to deliver all of the components of the S106 would result in a form of development that would potentially not comply with planning policy, have an adverse impact of the local highway network, have an adverse impact upon pedestrian safety, have an adverse impact on local job creation and also may have an adverse impact upon the retail hierarchy of Eastbourne.***

**Reason for referral to Committee:-**

The Application has been referred to committee given it is a major application with potentially a high borough wide profile and also to give those interested parties the opportunity to address Planning Committee with their respective views.

**Executive Summary**

The Prudential Assurance Company Ltd proposes to redevelop and enhance the Sovereign Harbour retail park with/by creation of a number of linked initiatives. These can be summarised as follows:-

- £14M investment in a brand new, cinema to enable the current tenant to not only remain in the locality but also to significantly enhance their offer. Sovereign Harbour is an area where the Council are looking to support inward investment
- Enhanced leisure and retail facility would help to support the sites attractiveness for the local tourist economy and the wider economic base of Eastbourne as whole
- A series of new, attractive units designed for café/restaurants and D2 users and other uses ancillary to the cinema and the locality that will enhance the offer available to cinema visitors as well as visitors to the retail and local residents.
- Would deliver bus link between north and south harbour which has been a long standing desire for all interested parties for a long time
- Would create 190FTE jobs.

- Enhanced retail frontages to bring the primary frontages up to date with clean, modern, attractive shop fronts.
- Increased efficiency in car parking, with improved pedestrian and cycling links/facilities

Applicant has undertaken a retail study to assess the proposed development in terms of PPS4 (now superseded by the National Planning Policy Framework). This assessment found that there are no existing sequentially preferable sites which are suitable, variable and available for the proposed development and the application scheme will not have a significant adverse impact on the town centre other centres.

The findings of the applicant's retail study has been challenged by the promoters of the Arndale West scheme who consider that the Arndale extension would be completed within 5 years (considered a reasonable timeframe in which to consider sites becoming available). They consider that the application puts the Arndale centre extension at risk which is an unacceptable impact, and that it will provide sequentially preferable units.

The Councils Independent Retail Consultant has advised that if the Council considers that the Arndale extension will open within 5 years (by 2017) then it would provide sequentially preferable retail units and the Sovereign Harbour Retail Park application should be refused. However the Independent Retail Consultant goes on to comment that the Sovereign Harbour Retail Park application could be granted permission if a suite of conditions can be recommended that controls the location of the new retail floorspace and also the nature of the goods to be sold thereby limiting the impacts of the scheme upon Eastbourne Town Centre.

Officers attach considerable importance to delivery of the Arndale extension which will enhance the vitality and viability of Eastbourne Town Centre as a whole. Notwithstanding this as outlined within/by this report the application proposals will be controlled via a suite of planning conditions and limitations within the draft S106 that seek to control the range of goods sold and the occupancy of the retail units and as such even if the Arndale west scheme is completed within the next 5 years then the application would not impact upon its long term viability of the town centre

The scheme, including the new cinema and bus links can only be delivered in the short to medium term through the implementation of these application proposals. Officers consider that these substantial benefits, which accord with the emerging core strategy and for which there is considerable public support in the Sovereign Harbour area are material considerations in the determination of this application.

Notwithstanding the other benefits highlighted in the previous paragraph, officers consider that the scheme remains acceptable in retail impact terms only by the imposition of the recommended conditions and limitations within the draft S106 agreement that seeks to control the location of the new retail floorspace and also the nature of the goods to be sold.

Accordingly it is concluded that on balance permission should be recommended for approval for this development on the basis that the conditions and draft S106 agreement as recommended within this report, specifically 15,16,42, are attached to any resolution to grant planning permission.

If Members support officers recommendation that the application should be granted and a resolution is moved to this effect then given the size (sqm) of the cinema scheme and following the advice within the Town and Country Planning (Consultation) (England) Direction 2009 the application has to be referred to the Secretary of State in order to establish whether they want to call the application in to be determined by them.

### **Relevant Planning Policies & Emerging Government Policy:-**

#### **Localism Act & Planning for Growth**

Both of these documents represent current National Government's position on the delivery of development. They outline that local planning policies and development schemes should engage with the local community and also support investment and job creation.

The implications of these documents have been outlined within the Planning Appraisal section of this report.

#### **National Planning Policy**

National Planning Policy Framework (NPPF) has recently been published and comes into immediate effect.

This document streamlines and replaces the National Planning Advice contained within the former Planning Policy Guidance Notes and Planning Policy Statements.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development and for the decision making this means (unless material considerations indicate otherwise)

-approving development proposals that accord with the development plan without delay; and

-where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

-specific policies in this Framework indicate development should be restricted

This new framework contains three distinct roles/themes all under the banner of Sustainable Development; the distinct roles/themes include economic, social and environmental.

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by

providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Within these three key roles/themes the Government see the pursuing of sustainable development should also involves seeking positive improvements in the quality of the built environment, as well as in the people's quality of life, including (but not limited to):-

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes.

In terms of this planning application the following are considered to be relevant to the determination of the application:-

### **Building a strong, competitive economy**

The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

### **Ensuring the vitality of town centres**

Under this section the following is considered to be important:-

...recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;

- define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.

Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;

- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;...

...Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale...

...When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
  - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.
- Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused...

### **Promoting sustainable transport**

...Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel...

...Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport...

### **Requiring good design**

...The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people...

...Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment...

...Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits)...

### **Meeting the challenge of climate change, flooding and coastal change**

...Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development...

...Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere...

The planning application was submitted prior to the NPPF being adopted and as such the submission was submitted with commentary outlining how the scheme compared against key National Policy Advice. As this advice has now been superseded by the NPPF it is considered not necessary to report the content this element of the applicant's scheme.

### **Regional Spatial Strategy (RSS): South East Plan**

The South East Plan is intended to be revoked by the Localism Act 2011 and the intended revocation is a material consideration to be attributed the appropriate weight in the decision making process. Notwithstanding this, the key objectives contained within the South East Plan closely follow that of PPS1, i.e. sustainable growth and continued investment. Core objectives include the need to reduce social exclusion, improve economic prosperity and enhance employment opportunities.

## **Local Planning Policy Eastbourne Borough Plan 2001 - 2011**

### **Shopping Policies:-**

**SH1 Retail Hierarchy** This policy acknowledges that existing retail hierarchy serves a range of different retail needs across the Borough and where possible the existing hierarchy should be supported. The policy also acknowledges that there is the desire for convenience shopping to be located in proximity to people's homes in district centres.

**SH2 Businesses outside the Retail Hierarchy** This policy identifies the parameters against which the loss of commercial (A Use Classes) should be assessed.

Policies within the Local Plan that sought to control the locational criteria for large out of centre retail development have not been saved as it is considered that there is more up to date and therefore more relevant National Policy Advice, notably in PPS4 (outlined above) against which any proposed development should be assessed.

### **Natural Environment Policies: -**

**Policy NE4 Sustainable Drainage Systems.** States those sustainable drainage systems will be required where appropriate.

**Policy US4 Flood protection and surface water disposal;** requires all development to make adequate provision for floodplain protection and surface water drainage in order to ensure there is no overall reduction in flood storage capacity and no flood waterway area occurs, and that measures are provided to manage increased surface water runoff to minimise the risk of flooding, whilst not increasing the risk of flooding elsewhere.

**Policy NE11 Energy efficiency;** relates to energy efficiency and states that designs for new development should incorporate energy saving measures. Where appropriate alternative and renewable sources of energy should be considered provided that they are compatible with the quality and character of the local area.

**Policy NE18 Noise;** is concerned with noise and states that attenuation measures will be sought where development is considered likely to generate inappropriate noise and/or vibration levels for residential and other noise sensitive areas.

### **Urban Heritage and Townscape Policies:-**

**Policy UHT1 Design of new Development;** is concerned with design and advocates good quality of design, which includes

- harmonising with the appearance and character of the local environment respective local distinctiveness;
- ensuring appropriate scale, form, materials, setting, layout;
- making the most effective use of the site; and
- ensuring car parking and highway access provision is designed well within the scheme.

**Policy UHT2 Height of Buildings;** requires new development to be of a similar height and to conform with that of the majority of surrounding buildings and take full account of its effect on the skyline and long distance views.

**Policy UHT7 Landscaping;** states that development proposals should seek to make improvements to the physical environment through site layout and effective landscaping.

### **Local Development Framework: Submission Version Core Strategy (January 2012)**

This document outlines the context and objectives that are intended to govern development within the Borough up to 2027

The Submission Version of the Core Strategy sets out the emerging policy framework and the Council's vision for Eastbourne up to 2027, due regard should be given to the key objectives and policies of the Submission Version of the Core Strategy which are relevant to the application proposals. However the weight to be attached to policies and proposals in the Submission Version Core Strategy currently at the 'Proposed Submission' stage is limited as the document has not undergone the formal examination process by an Inspector.

### **The Core Strategy Sustainable Development and Travel**

The Core Strategy endorses the policies contained within PPS1 and PPG13 in that it promotes sustainable development through the implementation of a development strategy that delivers sustainable communities and high standards of design and sustainable construction (Key Spatial Objective 1 & Policy D1), and sustainable travel by reducing reliance on the private car and promoting public transport and other alternative modes to the car (Key Spatial Objective 8 & Policy D8).

### **The Core Strategy Economy and Shopping**

Eastbourne is located in an area which is recognised as having structural economic weaknesses typical of many seaside towns in the UK (Para. 1.1.6). Therefore one of the key spatial objectives is to provide support to a strong and growing local economy (Key Objective 4).

The Core Strategy makes reference to the fact that the local economy is strongly influenced by tourism, with over 10% of jobs in the service industries. There are higher numbers of jobs in the service industries (distribution, hotels and restaurants) compared with other parts of the South East and the UK more generally (para. 4.2.1). Job diversification is therefore a key objective of the Council's policy on the economy. The development of a Business/Office Park in Sovereign Harbour is a key priority. It is envisaged that this will provide a regional hub of technology excellence occupied by businesses with internal markets.

Policy D2 (Economy) goes on to state that job growth and economic prosperity in Eastbourne will be supported. This will be achieved by encouraging development which creates additional jobs and employment diversification.

Policy D2 does not define employment uses as falling within the B use classes. As such, the emerging Local Development Framework is also grouping together employment generating uses, consistent with the more up-to-date PPS4 position.

In terms of shopping objectives, Policy D4 identifies the retail hierarchy for Eastbourne and supports new retail development which accords with the sequential test and does not have a harmful impact on existing centres, particularly development which helps to maintain and develop the range of shops to meet the needs of the local community within the centre.

### **Core Strategy Sovereign Harbour Neighbourhood 14**

The Draft Core Strategy adopts a localism approach and identifies visions for various neighbourhoods and for the Sovereign Harbour Neighbourhood the following main points are drawn out:-

- Increase the levels of sustainability through the delivery of community and employment development.
- Produce an SPD which will set out a clear strategy for the future of the neighbourhood and articulate ways in which the neighbourhood will become a sustainable centre.

### **2010 Eastbourne Retail Study (ERS):-**

The 2010 ERS has been prepared as part of the Council's LDF process and provides a strategic overview of both convenience and comparison shopping patterns.

Within this document it concludes that there is not a case for any existing out of centre locations being considered for designation as a centre. It goes on to comment that applications for new development in out-of-centre locations should be determined in accordance with prevailing national planning policy contained in PPS4, this has now been replaced by the National Policy within the NPPF. This includes involving either extension to existing parks (including the installation of trading mezzanines), the reconfiguration of any existing units and/or the relaxation of any occupier restrictions on existing consents.

Such proposals need to be assessed in accordance with the principles of the 'sequential approach' and its aim to accommodate, wherever possible, future floorspace need on suitable sites either in, or on the edge of, Eastbourne town centre or, dependent on the scale of the proposal, in, or on the edge of, existing the district, local or neighbourhood centres in the Borough, including the town centre.

In those situations where it can be conclusively demonstrated that suitable sites are not available in such locations then consideration can then be given to possible development but the onus remains on the applicant to demonstrate that the proposal would not, on its own - or cumulatively with other developments - cause harm to the vitality and viability of designated centres nearby and is accessible by a variety of modes of transport.

**Site Description:-**

Retail Park: - The existing park comprises two terraces of double height / two storey retail trading units that are formed in a rough 'horse shoe' shape.

The frontages of these trading units face the customer car parking area which is accessed off Pevensey Bay Road. This frontage of the trading units is the primary pedestrian route within the site, forming the foot-fall route between all the traders on the site. The site is serviced from a dedicated accesses service road to the rear of the units.

The uses are primarily A1 retail, with an existing 6-screen cinema at the eastern end and an existing D2 Gymnasium (previously occupied by Fitness First) within the triangular space between the two terraces; a large supermarket (ASDA) forms the western end of the pedestrian route.

Also within the site are a petrol filling station and car wash associated with the supermarket, a video rental business and restaurant which are part of the original retail park development.

The retail units have mainly metal cladding (profiled metal cladding and flat panels) in various forms with glazed shop front entrances and metal roofs (standing seam or composite cladding). The rear areas of the units are mainly profiled metal cladding with various extents of brickwork walls with metal access and loading bay doors.

The front of the retail units are covered by a metal canopy supported on a substantial metal and timber frame. The canopy structural level is above pavement surface level and so forms a trip hazard to members of the public visiting the retail units with large concrete bases, with remedial measures such as railings and painted warning markings to warn against the ground level obstructions.

Application Site: - The proposed new buildings focus upon the triangle of land at the apex of the 'horse shoe' and currently contains the vacant former fitness first unit, no other buildings are located within this part of the site. This part of the site also provides a pedestrian link to/from the residential properties that lie adjacent to the site.

Existing Scale: - The buildings within the parade are formed by a commercial two storey height but are not the tallest buildings in the vicinity. The chandlery and yacht club immediately adjacent to the site are taller buildings; with the apartment blocks at the end of Pacific Drive & Atlantic Drive are multi storey development

**Relevant Planning History**

Within the retail park itself and in the wider Harbour area there have been a number of planning applications over the years. These applications have promoted a number of different schemes ranging from commercial uses and advertisements on and within the retail park to the various phases of marina and residential development in and around the wider Sovereign Harbour sites.

### **Proposed Development:-**

As described in the summary section above the application has a number of distinct elements to it, these can be summarised as follows:-

- £14M investment in a brand new, cinema to enable the current tenant to not only remain in the locality but also to significantly enhance their offer. Sovereign Harbour is an area where the Council are looking to support inward investment
- Enhanced leisure and retail facility would help to support the sites attractiveness for the local tourist economy and the wider economic base of Eastbourne as whole
- A series of new, attractive units designed for café/restaurants and D2 users and other uses ancillary to the cinema and the locality that will enhance the offer available to cinema visitors as well as visitors to the retail and local residents.
- Would deliver bus link between north and south harbour which has been a long standing desire for all interested parties for a long time
- Would create 200FTE jobs.
- Enhanced retail frontages to bring the primary frontages up to date with clean, modern, attractive shop fronts.
- Increased efficiency in car parking, with improved pedestrian and cycling links/facilities

Each element of the development proposal is described in more detail in the following paragraphs.

The scheme has been amended since the original application was received with the main changes being summarised and outlined below:-

### **Amended proposal:**

#### **1. Application site boundary redrafted**

The application site boundary has been modified to exclude from the application all of the existing retail park units save for unit 4c (adjacent to the proposed cinema entrance) and units 7 & 8 (created from the existing Cinema building).

#### **2. Excluding all but the frontages of Units 4b, 5 and 6 from the scheme,**

Following the recent fire within the Boots unit the Council granted planning permission for new commercial frontages for this unit and those that lay adjacent.

This application proposes to carry this approved frontage design to all other units including 4B, 5 and 6 so that a modern, fresh, unified and coherent visual appearance can be delivered

#### **3. Omit rear extension from Unit 6,**

The applicant is now no longer proposing an extension to the rear of unit 6; originally it was proposed that the rear walls of this part of the scheme were to be lined up.

#### **4. Units 4C 7 8 12 & 13 to be retail and controlled via a range of goods condition,**

Further explanation on this issue will follow in the report but in summary with a view to controlling the impact upon Eastbourne Town Centre the applicant is proposing that on those units that are creating new retail floorspace, namely the units adjacent the entrance to the cinema (4C), units 12 & 13 within the entrance to the cinema and units 7 & 8 created from the vacant cinema will be controlled via a planning condition limiting the range of goods that could be sold.

#### **5. Contribution towards off site pedestrian footway works.**

The applicants have acknowledged that the success of this scheme will depend on its integration with the rest of Sovereign Harbour and to this end they are proposing that a financial contribution be made to enhancements of the local pedestrian highway network. Although not yet specified it is likely that this contribution will secure improvements to hard and soft landscaping and also directional signage.

#### **Fitness First**

Save for the changes outlined above the scheme proposes the demolition of the existing health and fitness building (fitness First), which is located alongside staff car parking in a large underused triangular shaped area between the two principal buildings of the Park.

#### **New Cinema**

Nine new commercial units comprising approximately 3,356 sqm of new floor space on the ground floor for uses within Classes A1 A2, A3, D1 and/or D2 will be constructed in this area facing towards the new pedestrian street. The Cineworld multiplex cinema will be relocated within the site into a purpose built cinema building above the new commercial units. The applicants are proposing that two units to the front of the site facing the main customer car parking area units 12 & 13 would be for retail purposes (subject to an excluded range of goods condition) use the remaining 7 units would be for non A1 uses like restaurants, cafes and financial uses and possibly a children's play centre.

#### **West Parade**

The buildings comprising the existing retail terrace to the west of the new cinema/ commercial uses (Units 1-4B) have been omitted from this application.

#### **Unit 4C**

This unit is being modified in terms of alterations necessary to facilitate the proposed new cinema at the rear and also it will incorporate the modified frontage treatment as referred to above.

This unit currently possesses an A1 retail use without any restrictions on what could be sold. However given the extent of proposed changes it is considered that a new retail unit would be created and as such needs to be assessed in terms of its impact upon Eastbourne Town Centre. The applicants have acknowledged this and are proposing that a condition could be imposed limiting the range of goods that can be sold from this unit.

### East Parade

The main existing building to the east of the new cinema/ commercial uses comprise Units 5-8.

**Units 5 & 6** have been omitted from the application save for the frontage modifications as outlined above. The improvements add a new single storey shopfront to each unit

**Units 7 & 8** are created primarily from the vacated cinema and for the same reasons as outlined for Unit 4C above the applicants are proposing that a condition be imposed limiting the goods to be sold from these units

In addition the scheme proposes new glazing to the flank wall of Unit 8 and thereby creating an active frontage on this elevation.

### New Floorspace

In summary therefore the scheme proposes the following new non cinema floorspace:-

Location	New floorspace (GEA) sqm	Controlled by goods condition
Extent of floorspace proposed by the applicant		
Unit 4C	789	Yes A1 Limited goods to be sold
Unit 7	2400	Yes A1 Limited goods to be sold
Unit 8	2412	Yes A1 Limited goods to be sold
Unit 9	761	Yes No A1
Unit 10	441	Yes No A1
Unit 11	284	Yes No A1
Unit 12	330	Yes No A1
Unit 13	411	Yes No A1
Unit 14	303	Yes No A1
Unit 15	306	Yes No A1
Unit 16	534	Yes No A1
Potential new floor space if exiting traders relocate with the retail park		
Unit 6	1636	Yes A1 Limited goods to be sold controlled via a S106 agreement
Unit 5	2336	Yes A1 Limited goods to be sold controlled via a S106 agreement
Unit 4B	762	Yes A1 Limited goods to be sold controlled via a S106 agreement
Total new retail floorspace	5601	Yes A1 Limited goods to be sold
Total non retail floorspace	3370	Yes No A1
Total Floorspace including that controlled via S106	13705	

The applicant wishes to retain Harvey's and Brantano in the scheme; these are two current traders within the retail park.

As is evident from the table above all of the new floor space created by this application and that which will be facilitated by the relocation of existing stores within the retail park is controlled via suggested planning conditions and draft S106 agreement. Further exploration of this issue will be debated and outlined within the appraisal section of the report below.

### **Frontages**

The existing heavy canopy in front of the retail units will be removed to improve the appearance of the buildings and remove the clutter in front of them, enabling a better quality walkway to be provided as well as additional car parking. In addition the proposed frontage changes would seek to visually harmonise the external appearance of the retail park.

In addition new glazing is proposed to the flank of unit 8; this would help to deliver an element of an active frontage along this part of the building and as such would provide a less hostile environment for the users of the adjacent footpath.

### **Access & Parking**

The main vehicular access to the scheme will continue to be shared with Asda and The Waterfront, from Pevensey Bay Road, with 47 additional parking spaces provided within the main car park. These will be re-organised to better suit the needs of disabled motorists and parents with young children. Servicing will be based upon the existing, separate, service road also from Pevensey Bay Road. The scheme also includes the provision of significant additional cycle parking spaces.

### **Public transport and pedestrian linkages**

The application proposals seek to improve the quality on the linkages from the Retail Park to the surrounding area, especially to/from Sovereign Harbour North & South. Access to the Park by bus will be improved through a new bus only connection linking Atlantic Drive and Harbour Quay, which will facilitate direct bus services between Sovereign Harbour North and Sovereign Harbour South. The precise details of which routes would be enhanced by this link have yet to be formally established, although it is likely to be based upon extending route 51 into Sovereign Harbour North, and potentially running a new Loop service via the harbour link.

The scheme also recognises the important connections that this development will have with the existing areas of local infrastructure, namely nearby residential and businesses.

To this end the applicant has engaged with neighbouring land owners to begin discussions about the location and design of an integrated footpaths and signage and as outlined in earlier sections the scheme includes new glazing to the flank of Unit 8 and thereby helping to create an active frontage adjacent to the existing adjacent footpaths.

As outlined earlier the applicant has also offered financial contribution towards the implementation of these improvements.

The precise nature of the works required to upgrade the footpath links to and from the site are at this stage unknown and as such officer can not comment on whether the sum promoted by the applicant would be sufficient to meet the required works or whether it needs further funding.

Notwithstanding this the funding and delivery of the improvements to the local footpath network would be determined and controlled within the parameters of the S106 agreement and therefore it is recommended that the applicants offer should be noted. It is recommended that officers should use their best endeavours to secure a satisfactory conclusion to the is issue for all parties involved through the S106.

### **Supporting Documentation**

The application is accompanied by a number of independent reports covering a number of topic headings these are summarised in no particular order below. (All personalisation (I or we, my our etc) and any assumptions/conclusions drawn within the summaries below are those of the author and are not those of Planning Officer or the Council).

Members should note that the references to National Planning Advice below (PPG's & PPS's) have now been superseded by the National Planning Policy Framework.

***Tree Report:*** - *This proposal will result in the loss of several trees that are all low category because of their poor condition or small size. All the significant tree cover will remain intact and no high category trees will need to be removed. There is plenty of space for tree planting and a comprehensive new landscape scheme is feasible. The size of theses new trees and their future growth will significantly enhance the contribution of this site to local amenity and more than compensate for the loss of existing trees. The proposed changes may affect further trees if appropriate protective measures are not taken. However, if adequate precautions to protect the retained trees are specified and implemented through the aboricultural method statement included in this report, the development proposal will have no significant impact on the contribution of trees to local amenity or character.*

***Flood Risk Assessment:-*** *Based on our understanding of the site setting and the development proposals, it is considered that the proposed development can be constructed and operated safely in accordance with planning policy, and without significantly increasing flood risk elsewhere, providing several flood mitigation measures are included into the scheme.*

*Although flood issues have been identified, the assessment has shown that the risk from flooding can be mitigated with the inclusion of flood resilient/resistant design and through the inclusion of SUDs in the proposed drainage strategy and through operational management such as flood warning, preparedness and evacuation.*

### **Infrastructure Statement:-**

***Electrical;*** *it is proposed that 4No substations will be required to adequately serve the development, recabling/rerouting would be required to ensure continued supply to existing businesses during the construction phase.*

**Communications;** the existing development is served by BT Openreach and it is proposed that new underground plant will be installed to the rear of the existing units.

**Water;** It is proposed that new water main supplies will be installed to service the units that form part of the new development, a mains water supply will be required to serve the sprinkler tank located to the rear of unit No9. The sprinkler tank is required to provide fire protection facilities to all units located at ground floor level that are located beneath the footprint of the new proposed cinema

**Gas;** It is proposed that a new gas main supplies will be installed to service the units that form part of the development. These supplies will be connected to the existing gas main infrastructure located outside of the site boundary to the rear of the existing units.

**External Lighting;** The existing car park located to the north of the site is currently illuminated by column mounted luminaires at an approximate height of 6 metres. It is proposed that the existing luminaire heads will be replaced with new luminaire heads to provide an energy efficient solution and to prevent light pollution. The external lighting will be designed with current legislation including Secure by Design recommendations. It is proposed that new column mounted luminaires will be used to illuminate the service areas to the south and rear of the existing units.

**Waste Minimisation & Site Waste Management Strategy:-**

The following steps of the SWMP process will be followed throughout the development in order to achieve the objectives set out in this report:

- A competent person will be responsible for meeting the requirements of the SWMP;
- The types and quantities of waste generated during the construction phase will be identified;
- Options will be identified for managing the wastes generated e.g. re-use on site, re-use off site, recycling, composting on disposal;
- Identification of appropriate waste management facilities, taking the proximity principle and carbon footprint of the development into consideration;
- Good management and handling of on-site materials and waste e.g. by avoiding over-ordering of materials and storing construction materials so they do not get damaged;
- Communication and training of the SWMP to site staff and contractors to ensure that they are aware of their responsibilities for good waste management practice on site;
- Measure the volume, cost and weight of the waste generated by the site in order to set targets for improvement;
- Monitor the success of the SWMP;
- Review the SWMP and collate lessons learned for the future.

**Geotechnical Statement:-**

*This Geotechnical and Geo-Environmental Desktop Site Appraisal was prepared in order to highlight potential geotechnical and geo-environmental ground based risks associated with the development and to provide a strategy for addressing those risks that have been identified in this report.*

*A preliminary contamination risk assessment has been undertaken for the site using available information. This identified a number of potential pollutant linkages during both enabling/construction and during operational phases of the proposed development which could pose risks to environmental receptors including human health, property and Controlled Waters.*

*Based upon the available information the risks posed to human health have been estimated as LOW/MODERATE and the risk to Controlled Waters (groundwater) have been estimated as LOW/MODERATE.*

*The risk due to ground gas has been estimated as MODERATE.*

*It is therefore recommended that, an intrusive ground investigation including laboratory testing should be carried out in order to:*

- Characterise the ground contamination risks at the site;*
- Provide information necessary for the design of foundations for the scheme;*
- Determine the accurate location and nature of Made Ground and the superficial deposits underlying the site;*
- Characterise the ground gas regime on site; and*
- Characterise the hydrogeology of the site.*

**Ground Contamination Report:** *- In order to prevent the construction phase of the development giving rise to additional ground contaminative risks, it is recommended that the following be prepared and implemented throughout the construction works:*

- An Environmental Specification detailing the risk management measures to be implemented during construction works and for construction tender purposes;*

*An Environmental Management Plan (EMP) and Site Waste Management Plan (SWMP) be prepared by the appointed contractor in order to effectively manage the flow of materials and waste generated throughout the construction programme;*

- An Environmental Watching Brief during the installation of the ground gas protection measures;*
- An Environmental Completion Report, including the verification works for the ground gas protection measures is prepared at the end of the ground works.*

*Should all the risk mitigation measures outlined above be implemented, the risks associated with ground contamination at the site are likely to be low and the site would be suitable for the proposed development.*

**Statement of Community Involvement:-**

*This report details the community consultation process and community response to the application proposal.*

*The community consultation was carried out pre-application to allow feedback provided to be considered by the Design Team and other Consultants. This report also references the ways in which feedback has been used to shape final proposals.*

#### *Consultation preparation*

*We worked with local representatives, community groups and businesses to establish an effective consultation process and to identify local consultation networks. A list of direct consultees was drawn up in collaboration with Councillors, Residents' Associations, and other pre-consultation meeting attendees.*

#### *Consultation publicity*

*We publicised the consultation on the Sovereign Central website, via email updates, through local and community media, on local notice boards and via direct mail to the established list of direct consultees. In addition, local representatives, organisations and businesses were invited to a public exhibition private view.*

#### *The consultation*

*Proposals were published on the Sovereign Central website on 15 August 2011 and displayed at a public exhibition on 18 August 2011. Feedback forms were available on the website from 15 August to 30 August 2011 and at the public exhibition.*

#### *The public exhibition*

*A total of 428 visitors signed in at the public exhibition. Attendees included local representatives, organisations and businesses.*

*346 exhibition attendees (81%) were from the BN23 5 postcode. 32 of exhibition attendees (7.5%) were from the BN23 5BN postcode (Daytona Quay).*

*211 visitors (49%) heard about the exhibition from the Sovereign Harbour Residents Association (including the Waterlines newsletter).*

#### *Feedback analysis Respondents*

*A total of 240 feedback forms were received, including feedback forms from local representatives, organisations and businesses.*

*210 respondents (87%) were from the BN23 5 postcode. 22 respondents (9%) were from the BN23 5BN postcode (Daytona Quay).*

*185 feedback forms (77%) were received at the public exhibition.*

#### *Responses*

*Tick box responses (Q1 – Q4) indicated that the proposals were very positively received.*

*Across the first 4 questions, 382 responses (40%) indicated strong agreement and 344 responses (36%) indicated agreement – giving an overall agreement level of 76%.*

*The highest levels of disagreement related to Q4 (Do you like the name Sovereign Central?), which is not a planning consideration. With Q4 responses excluded from the analysis, 346 responses (48%) indicated strong agreement and 298 responses (41%) indicated agreement – giving an overall agreement level of 89%.*

*In terms of single question response, the overall agreement level was highest for Q1 (Do you think the proposals will benefit the area?) – 94% of respondents strongly agreed or agreed.*

*Across all questions, respondents made 474 comments (49%). Q4 attracted the highest number of comments overall (65% of respondents chose to comment). Q3 attracted the lowest (42% of respondents chose to comment).*

*Across the first 4 questions, a significantly higher proportion of people who ticked 'disagree' or 'strongly disagree' chose to make an additional comment (80% to 100%) as opposed to people who agreed or strongly agreed (17% to 44%).*

#### *Comments analysis*

*All comments were analysed to provide a broad picture of matters of interest to respondents, including comments on matters outside the scope of the current application and outside the remit of The Prudential Assurance Company, the applicant.*

*The full analysis was used to provide the team with a deeper understanding of the context in which the proposed development is to take place, and to form the basis for the review of specific matters.*

**Statement of Community Involvement Considerations arising:-***It is considered that Members should read this document as many issues raised by those that engaged in consultation process are answered by the applicants.*

*The document is appended to this document in Appendix 1*

### **Planning Statement**

#### *Background*

*The Sovereign Harbour Neighbourhood of Eastbourne is located between the A259 Pevensey Bay Road and the seafront. It comprises two relatively modern residential areas known as Sovereign Harbour North and South which combined have a population of c.7,600 people.*

*Sovereign Harbour Retail Park, along with Asda to the west of it and The Waterfront to the south east, provide a range of retail, leisure and related uses to the residents of Sovereign Harbour District, and to other visitors to the area. The Council's submitted Core Strategy recognises that these facilities collectively form a District Centre for this part of Eastbourne.*

*However, the form and function of the Retail Park is becoming dated. The Prudential proposes to invest c. £14 million in the regeneration of the Park to provide a new better quality replacement cinema above other related commercial uses, along with new retail units in the existing cinema building. The proposed development scheme will accommodate these uses in a more attractive and accessible form, to improve the services offered to visitors to the centre, whilst providing c.200 additional full time equivalent employment opportunities and improves public transport in the area. Public transport will be improved through enhanced bus connections.*

### **Conclusion of Planning Statement**

*The proposed development is a package that will provide a new replacement cinema above commercial uses, as well as new retail units, in a form that will enhance the provision of leisure and shopping provision with Sovereign Harbour District Centre, in accordance with the Council's Core Strategy for Eastbourne, and Policy D4 in particular. Notwithstanding the location of the site, within a proposed District Centre, the accompanying Retail & Leisure Assessment demonstrates that the site is acceptable in terms of the sequential approach and retail impact considerations set out in PPS4.*

*The high quality, sustainable development will regenerate c.200 new FTE jobs at a sustainable location. The accessibility of the development, by bus, on foot or by cycle, will be enhanced by the development. The Retail & Leisure Assessment explains how it will regenerate the area and deliver sustainable economic development in accordance with PPS4 Policy EC10, and the Ministerial Statement on Planning for Growth, as well as Core Strategy Policies D2 and D3.*

*The application scheme will meet the identified development needs in an attractive, high quality sustainable development, which will contribute to the vitality and accessibility of the area. The accompanying Design & Access Statement explains the rationale for the proposed form of development, and why the scheme will contribute towards the character of the area in a mixed and integrated form, in accordance with PPS1 and Policies D1 and D10A.*

*The application scheme makes better use of land and buildings within a district centre to meet mixed use development needs, without materially increasing the overall provision of car parking. The scheme provides for a new bus link which will enhance public transport connections to the Centre, and promote bus services between the two parts of Sovereign Harbour. Enhanced pedestrian connections will ensure that the Retail Park better integrates with the surrounding area and the provision of additional good quality cycle parking will allow the scheme to better take advantage of the existing cycle links. We therefore consider that the development accords with PPS13 and Policy D8.*

*The submitted ground conditions and flood risk reports explain how the proposed development is acceptable in terms of those respective considerations.*

### **Transport Assessment**

*The proposals will result in an increase in retail, leisure and restaurant floorspace with an associated increase in car and cycle parking provision.*

*The report demonstrates the following:*

*The site is accessible by a range of sustainable transport options;*

*\_ The proposed development will facilitate the introduction of a bus route linking the western and eastern harbour areas;*

*\_ There is sufficient capacity within the existing highway network to accommodate any increase in traffic associated with the development; and,*

*\_ The proposals will improve pedestrian and cycle facilities on the site.*

*On the basis of the above, we conclude that the development will be in accordance with national, regional and local transport related policies and can be accommodated without detriment to traffic conditions on the local highway network. There is no evidence to suggest that the proposals will result in demonstrable harm and therefore no reason why the development should be resisted on traffic and transportation grounds.*

**Design and Access Statement:-** *This document outlines the design evolution of the proposed scheme and how it has responded to the comments of the Design Review Panel and also those comments received from interested third parties.*

*The statement concludes that the submitted documentation and application drawings is intended to enhance the leisure and retail provision at the existing Sovereign Harbour Retail Park. The application scheme will provide for the required development needs in an attractive, sustainable, well-designed improvement to buildings and landscape, in accordance with national and local planning policy and guidance.*

*The proposal will contribute towards the vitality and accessibility of the area, improve sustainable transport links and enhance Sovereign Harbour as a retail and leisure destination, creating jobs and boosting the local economy.*

*Extensive consultation was carried out and advice sought throughout the development process to ensure that the scheme is in line with local aspirations for the site and technical requirements.*

### **Retail & Leisure Statement (Validation stage)**

*This document looks at a number issues covering:-*

- Locational Criteria*
- Eastbourne's Retail Hierarchy*
- Eastbourne Comparison & Food Shopping Patterns*
- Catchment areas for Leisure Uses*
- Sovereign Harbour District Centre/Retail Park*
- National and Local Policy (In terms of retail impact)*
- Eastbourne Shopping Survey*
- Car Parking Provision*
- Disaggregation of elements of the proposal and availability of sites in other locations to accommodate*
- Town Centre Vitality and Viability*

*The above issues will be assessed and commented upon by the Councils' retained retail consultant. Notwithstanding this the report concludes:-*

*This Retail and Leisure Assessment has been prepared on behalf of The Prudential Assurance Company Limited in respect of its proposals for Sovereign Harbour Retail Park. The Eastbourne Core Strategy defines the Retail Park as forming part of Sovereign Harbour District Centre. The Prudential's proposals are for a replacement multiplex cinema above new commercial units (Class A1, A2, A3, D1 and/or D2 uses), the change of use of the existing cinema back to retail along with the refurbishment/ extension of the existing premises for retail purposes. This Assessment is made in terms of relevant national and local planning policy guidance.*

*Eastbourne comprises almost 100,000 residents living in 14 neighbourhoods.*

*Eastbourne's town centre is a Sub-Regional Shopping Centre, which Chase & Partners found to be reasonably healthy. The town generally, and the town centre specifically, has a large potential catchment area for shopping and leisure purposes, extending well beyond its urban area. Eastbourne has a major draw on shopping patterns within the catchment area - over half the comparison goods expenditure generated within this area (£407m) is spent in the town. Convenience retailing is more widely distributed throughout the urban area in the district, local and neighbourhood centres, as well as out of centre locations.*

*Eastbourne also has a considerable attraction to visitors, who provide additional expenditure to the shops, restaurants and other attractions within the town.*

*The ability of Eastbourne to attract additional retail trade, especially for comparison goods, from the substantial expenditure growth generated within this catchment area depends upon maintaining and improving its retail offer, relative to competing towns and centres.*

*The neighbourhood of Sovereign Harbour, c.4km to the north east of the Town Centre has been developed extensively over the last 20 years, so that the population now has an estimated population of 7,600 people. The Council's Core Strategy defines the Retail Park, Waterfront area and Asda as a District Centre. The Waterfront provides upmarket and generally independent shops, restaurant cafes and other facilities in an attractive waterside setting. Asda provides a neighbourhood Post Office, opticians, pharmacy, dry cleaners, and 24 hour cash facilities, whilst the Retail Park provides non-food retail, the Cineworld cinema and a restaurant, based upon larger national operators. Collectively, these facilities serve the resident's of Sovereign Harbour and adjoining areas a district centre, as well as a wider retail/ leisure and tourist role. There are some community facilities nearby, with others planned.*

*The existing retail buildings on the Park have a dated and unattractive appearance. Some connections to it, as well as local public transport connections, could be improved.*

*The proposed development seeks to provide a better quality replacement cinema of the same number of seats, above a new commercial street which will provide nine units of mixed commercial uses in 3,356sqm floorspace. The existing open A1 floorspace will be refurbished in new units, one of which will be occupied by Brantano.*

*The former cinema will be converted into retail (2 ½ units) of which one is likely to be occupied by Harvey's and other operators typically found in a retail park environment.*

*Substantial new employment will be provided through the development, which is estimated to extend to c.200 FTE jobs.*

*The scheme will be of a high quality, sustainable, design and will incorporate transport and access improvements including additional car and cycle parking, a new bus only link between North and South Harbour with conveniently located bus stops, as well as better connectivity to the surrounding area.*

*PPS4 promotes sustainable economic development. It requires planning applications to be considered in terms of their sustainability, design, accessibility, regenerative qualities and prospective employment provision. Development proposals which positively address such criteria should be treated favourably – an approach which is emphasised in the March 2011 Ministerial statement – Planning for Growth.*

*We consider that the proposed development is of a high quality and sustainable design. It will provide good quality retail and commercial units in location recognised by the Council to be sustainable, along with c.200 new FTE jobs which will be available to local people. This will create a more active and successful area, regenerating it in accordance with Policy EC10.2 of PPS4.*

*We therefore consider that the proposed development should be considered as a sustainable economic development, and in terms of Policy EC10.1 should be treated favourably, especially in light of the Ministerial guidance on Planning for Growth.*

*The Eastbourne Core Strategy September 2011 sets out a neighbourhood spatial development strategy for the Borough, in response to the historic development patterns of the town. The Core Strategy seeks to help each of the town's 14 Neighbourhoods to grow positively and sustainably over the course of the plan period. Sovereign Harbour Retail Park, along with Asda and The Waterfront, are one of seven designated District Centres.*

*Policy B1 promotes development at the two sustainable centres of Eastbourne, including Sovereign Harbour. The strategy includes giving priority to previously developed sites, and creating sustainable centres. The Sovereign Harbour "Neighbourhood Profile" promotes employment, along with additional services and facilities to address the deficiencies in the community. The importance of leisure and tourism, and public transport improvements, are noted.*

*The Council's Core Strategy defines Sovereign Harbour as a District Centre. The centre provides a group of shops including superstore along with a range of non-retail services including the Post Office, cafes and restaurants, as well as other services such as travel agents. Some local public facilities are available close by and the Council and Carillion are working on a "masterplan" to provide a community hall and other facilities at Sovereign Harbour.*

*PPS4 recognises that District Centres are "centres", and accordingly, there is no requirement to assess the proposed development in terms of the sequential approach or retail impact, to accord with the development plan strategy.*

*Indeed, Policy D4 promotes the enhancement of consumer choice and strengthening of the vitality, viability and accessibility of such district centres by supporting new retail development that is fully integrated and of an appropriate in scale and function to its location. The Council's Infrastructure Delivery Plan, identifies Sovereign Harbour Retail Park for an additional 2,500m<sup>2</sup> A1 Use.*

*However, reflecting the status of the Core Strategy, we have undertaken a sequential assessment in any case, which demonstrates that the proposed development has a flexible approach in terms of its scale, format and parking/servicing provision.*

*The only site that may come forward within a reasonable period of time is the Arndale West scheme. We consider that the times suggested by the promoters of that scheme are optimistic. Notwithstanding, the retail element of the Sovereign Harbour application is a fundamental element of the development as a whole, without which the proposed new cinema would not be viable and the other benefits of the scheme, such as improved accessibility (including the bus link) cannot be delivered.*

*There are no other existing units or development sites within or on the edge of Eastbourne Town Centre or other district centres in the town, which can accommodate the proposed development. Furthermore, we do not consider that the proposed development would lead to a significant unacceptable impact on other centres.*

*We therefore conclude that the proposed development will improve choice and competition at Sovereign Harbour, strengthening the role and function of the District Centre, without resulting in an unacceptable impact in accordance with PPS4, Policy EC16.1.*

*Accordingly, the proposed development will represent a significant and positive contribution towards economic development in the area, in accordance with the planning strategy, and without any unacceptable significant impacts. From a planning policy perspective, there is no reason to refuse planning permission for the application.*

## **Retail & Leisure Statement (Addendum Statement February)**

*Following the amendments and revisions to the scheme as detailed above the applicants have submitted an addendum to their retail impact assessment.*

*This document reaffirms that there are no superior sequentially preferable sites within the borough. If the Council were to take the view that the Arndale extension were to be developed with a reasonable timeframe (5 years) then with the appropriate conditions controlling what could be sold from the new retail floorspace there would not be any material harm to Eastbourne Town Centre.*

*This report highlights that given the reduction in retail floorspace as a result of the amended scheme there would be an associated reduction in turnover. Using the Councils own data in 2016 the turnover of Eastbourne Town Centre would be £386.30million. The reduced floorspace within the proposed scheme would divert £8.22million to Sovereign Harbour, this equates and represents an impact of 2.1%.*

*This level of impact is considered to be acceptable and is endorsed by the Councils independent retail consultant.*

*This statement further endorses that the design philosophy in that where possible a more unified and upgraded appearance to the buildings on the park should be adopted. This would go some way to making the retail park more attractive and or successful, this position would comply with PPS4 EC10.2(c).*

*In addition given the reduction in proposed retail floorspace this report identifies that there would be a reduction in the likely Full Time Equivalent jobs. There would be a reduction from 200FTE to 190FTE.*

*The applicant is accepting a condition on all new floorspace to prevent open A1 uses. In addition the applicant agrees to a condition limiting the minimum unit size of the new units.*

*The reduction in the floorspace is also likely to result in a reduction on trips to the site. This report identifies that there would be a reduction in 26 weekday peak trips and a reduction in 62 weekend peak trips. Given the reduction in the trips it is considered that in highway terms the scheme would have a lesser impact on the surrounding highway network.*

**Consultation Replies:- The content of the responses received are outlined below in no particular order**

### **Sovereign Harbour Residents Association:-**

A number of representations have been received from the SHRA with the main points being summarised as follows:-

PRUPIM have liaised with SHRA over the preparation of their plans for the Crumbles Retail Park and their open presentation to the public was welcome. The SHRA committee are very supportive of the finished plan which will enhance that portion of the retail park involved and lift the overall appearance. This will benefit local residents and visitors alike:-

- Crumbles Retail Park is actually in Eastbourne and rather than harming the town it contributes to its success.
- It was built to inject money into the construction of Sovereign Harbour, frequently referred to as 'the jewel in Eastbourne's crown' and a significant tourist attraction for the town.
- The Retail Park has been in operation since 1989 and consequently has co-existed with the town centre for over 20 years, without damaging the centre whilst providing an excellent facility for residents.
- The work being proposed is essentially a facelift not a major extension, so it doesn't represent a significant increase in competition.
- The facelift, which is a welcome investment by Prudential in the town, particularly in the current economic situation, will make the Retail Park more attractive as well as facilitating a long awaited cross-harbour bus link to improve the service through the Harbour.
- The bus link would provide a much needed improvement, linking both sides of the Harbour and minimising the need for car travel.
- The applicant has fully supported the proposed changes to the scheme as required by officers of the Council up until recent drafts.
- If these changes are considered to be insufficient then the scheme may be refused unless further restrictions are imposed.
- The fear is that if not controlled then the Arndale extension will not go ahead.
- There is also the risk that this fully funded scheme may not go ahead
- Is the Arndale scheme so fragile that it can not withstand some element of competition
- Recent changes to the Core Strategy have undermined the issues that the Public were consulted upon.
- Want to see all centre of the town succeed.

**DPP for and on behalf of Sovereign Harbour Limited** have submitted two letters commenting in the main points on the following points:-

- Fully support the bus link
- As originally submitted objections were raised as a development of this scale should deliver enhanced community value and a better design. A proposed schematic linkage plan with costs have been provided by SHL to PRUPIM to help move this element forward.
- Questions are raised over the highway capacity of the development site without impacting upon 3<sup>rd</sup> party car parks
- The scheme in its current form is too inward looking without integration into the wider geographical area, specifically The Waterfront.
- Infrastructure improvements should be delivered with improved connectivity, enhanced signage and the promotion of links between the Retail Park and The Waterfront
- Improvements should be sought to improve the elevation of the unit facing South Harbour, to reduce the dominance of this building and to introduce a more attractive frontage
- Council needs to control the retail mix of the development

- Council should negotiate an appropriate infrastructure and community package

**Eastbourne's Retained Independent Retail Consultant:- (IRC)**

A retail consultant has been appointed to give the Council an independent review of the retail implications of the application proposal. This assessment equates and values the relative impacts that the proposal will have both on site and off site. Particular attention has been given to the relative impacts that the scheme may have upon Eastbourne Town Centre. In making the response the consultant was cognisant of the imminent planning application for an extension to Arndale Shopping Centre within Eastbourne Town Centre.

The IRC has been kept informed of all the changes to the application and has made several comments during the consideration of this application. The main points are summarised below:-

1. The PPS4 impact test relates to the vitality & viability of Eastbourne Town Centre, **as a whole**, rather than a specific town centre development such as 'Arndale West'
2. My conclusion is that the level of impact on the Town Centre as a whole would be similar to that the Borough has already accepted in relation to the (now abandoned) Langney Centre extension. Consequently we cannot logically object to the Sovereign Retail Park scheme on impact grounds since we have already accepted this (2%) level of impact for a previous scheme which has now been abandoned.
3. With regard to the PPS4 sequential test, there is a vague possibility that sequentially preferable shop units will be available in the next 5 years in 'Arndale West'. As yet, however, there is no Arndale planning application/consent & thus no certainty that these new units would pass the sequential test of 'availability' (i.e. within 5 years). Notwithstanding this, it is understood that the promoters of the Arndale West scheme have been in pre application discussions with the Council for in excess of 12months with an anticipated submission date for their application to be in March 2012 with a completion by 2016. Accepting this ambition it is recommended that the scheme should be controlled (in terms of end users) as much as is possible in order to inhibit/prohibit the site being occupied by retailers who would normally seek a town centre location. If the development could be controlled in such a way then it should aid the delivery of the pending town centre redevelopment scheme as well as limiting the impacts upon other traders within the Town Centre
4. In this case there are important non-retail benefits supporting the overall retail scheme – in this case the provision of a major new cinema complex for Eastbourne.

## **Planning Policy** Department Response

The existing development plan relevant to the site includes the following key documents:

- The South East Plan
- Eastbourne Borough Plan 2001-2011 (saved policies)

The following Borough Plan policies are particularly relevant to the determination of this application:

SH1: Retail Hierarchy

The application site is identified on the Borough Plan Proposals Map as being located within an Out-of-Centre Shopping Centre (Policy SH1: Retail Hierarchy). The retail hierarchy serves a range of different retail needs and sets out the position of each in a way that seeks to ensure a sustainable hierarchy that meets everybody's needs. Out-of-Centre Shopping Centres are positioned at the bottom of the retail hierarchy.

Whilst the Borough Plan's retail hierarchy remains in force, the policies on new retail development were not 'saved' from 27<sup>th</sup> September, 2007.

In the absence of any specific policies, proposals for retail development should be assessed against any relevant policies and guidance contained in Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth. The application should also be consistent with the following three policy objectives set out on page 100 of the Borough Plan.

1. To support a vital, viable and sustainable hierarchy of shopping centres which meets the needs of all the population;
2. To support and promote the Town Centre as the primary location for retail development;
3. To discourage further out-of-centre retail development where this would compromise the vitality and viability of existing shopping centres.

The proposed scheme should be assessed against the sequential approach and impact assessment set out in PPS4. The application (which is for a main town centre use not in a centre and therefore considered against Policy E16 of PPS4) should be assessed against: the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area; the impact of the proposal on town centre vitality and viability; the impact on allocated sites outside the town centre.

The proposal is consistent with Policy EC10 of PPS4 states that "Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development".

Policy EC14.3 states that "A sequential assessment (under EC15) is required for planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date development plan.

This requirement applies to extensions to retail or leisure uses only where the gross floor space of the proposed extension exceeds 200 square metres".

The Borough Plan designates Sovereign Harbour Retail Park as an Out-of-Centre shopping centre and it should therefore be subject to a sequential assessment and the retail impact assessment. It is also clear that the proposed scheme would result in an increase in over 200 square metres of retail or leisure uses and is therefore required to undergo the sequential assessment.

#### Core Strategy

The Core Strategy is at the Submission Version (Jan 2012) and is scheduled for an Examination In Public later in the year. Whilst the emerging policies set out in the Submission Version of the Core Strategy should be considered as a material consideration in the determination of this application, limited weight should be attributed to them until they have been independently examined.

The relevant Submission Core Strategy policies are set out below:

- B1: Spatial Development and Distribution
- B2: Creating Sustainable Neighbourhoods
- C14: Sovereign Harbour Neighbourhood Policy
- D4: Shopping

Policy B1: Spatial Development Strategy and Distribution of the emerging Core Strategy states that two identified sustainable centres of the Town Centre and Sovereign Harbour should be "The priority locations for balanced housing growth alongside delivering significant improvements to the provision of community facilities and services and improving linkages". Notably this does not explicitly make reference to retail uses but the accompanying public realm improvements, cinema enhancements and other elements of the application will provide direct benefits to local residents living in the vicinity.

The Core Strategy proposes to create a 'Sustainable Centre' at Sovereign Harbour. The spatial approach has been underpinned by a comprehensive evidence base comprising extensive consultation stages and a thorough sustainability assessment. The approach of creating two sustainable centres at the Town Centre and Sovereign Harbour was one of the more favoured by local residents and the sustainability assessment considered this approach to be sustainable.

Policy C14: Sovereign Harbour neighbourhood policy sets out a number of ways in which the Council will seek to deliver the vision for the neighbourhood. Whilst Policy C14 does not make specific reference to retail uses, the proposed scheme would not adversely impact the neighbourhood's ability to achieve the vision and could help to increase its attraction as a leisure and tourism destination by providing an enhanced offer.

The proposals should still be assessed in accordance with the current development plan, which allocates the retail park as an out-of-centre shopping centre, the applicant is required to undergo a sequential approach to site selection to demonstrate that it would not compromise the vitality and viability of existing shopping centres, including the Town Centre.

This approach has been taken to ensure the primacy of the Town Centre as the key shopping centre within the Borough.

Policy D4 would require any proposal for the “enhancement of consumer choice and strengthening of the vitality, viability and accessibility of the district centre..” to comply with the sequential approach to site selection, be appropriate in scale and function to its location and “not have an unacceptable adverse impact, including cumulative impact, on the vitality and viability of the Town Centre and surrounding district, local and neighbourhood shopping centres”. In any event, the applicants have undertaken an assessment of the proposed development in terms of both the sequential approach and site selection and retail impact considerations

A judgement needs to be made about whether the proposed increase in retail floor space (a) could be located in the town or other centres, based upon the suitability, viability and availability of other sequentially preferable locations; and (b) would have an unacceptably detrimental impact on other shopping centres in the Borough and most notably Eastbourne Town Centre. The Council has appointed an independent retail consultant (IRC) to assess the application in terms of those considerations. In summary on the basis that the owners of the Arndale centre has confirmed that the development will be completed within the next 5 years, then the IRC recommends the scheme is refused or suitable conditions put in place to protect the town centre.

A financial contribution will need to be made that considers the advice contained within the Council’s Infrastructure Delivery Plan. Most notably, it will be essential that the application is supported with financial contributions towards the enhancement and improvements to existing bus services to help in the transformation of Sovereign Harbour to a ‘sustainable centre’.

Having assessed the planning application and the accompanying supporting information, it is clear that the proposal would help to provide enhancements to the Sovereign Harbour retail park. Whilst the design represents an improvement to the existing situation it will be important to fully assess its scheme’s impact on the Town Centre and the district centre at Langney. It will also be important to demonstrate that the scheme is acceptable and would not undermine other shopping centres’ vitality and viability, particularly in light of the proposed Arndale Centre extension scheme.

Planning Policy has no in principle objection to the proposed scheme subject to the comments of the Council’s appointed retail consultant and on the basis that the scheme is deemed not to detrimentally impact on other centres in the retail hierarchy.

**Sussex Police Crime Prevention Officer:-** The level of crime and anti social behaviour in this area is average when compared to the rest of Sussex and I do not identify any major concerns with the proposals. In addition, I have been engaged in pre application discussions and consultation with the project architects, resulting in appropriate crime prevention measures being incorporated within the Design and Access Statement/ In view of the above I have no further comments to make.

**Turley Associates (acting for freeholder of the Arndale Shopping Centre):-** there have been several numerous responses received from this correspondent on the two different schemes submitted by the applicant

commenting in the main on the suitability of the scheme and how it may impact upon their client aspirations for regeneration development within Eastbourne Town Centre.

In summary the main points of their most recent response is listed below

□- Question the motivations for amending the scheme

- In amending the scheme as they have the scheme is likely to have a materially greater impact upon the town centre redevelopment schemes
- The demonstrable harm in this instance will be that the Arndale extension will not come forward.
- It should also be noted that that any emerging policy support for Sovereign Harbour as a District Centre location has now been removed
- This application should be refused
- If the scheme is to be supported then the application should be subject to conditions &S106 that seek to control what could be controlled via certain units
- Poor design of the proposed new development
- They have suggested a number of conditions which have been reported below:-
  - 1. Notwithstanding the provisions of the Town and Country Planning Use Classes Order Units 9,10,11,12,13,14,15,16 and 17 shall not be used for Class A1 purposes
  - 2. Notwithstanding the provisions of the Town and Country Planning Use Classes Order, Units 4B, 4C, , 7 ,8 hereby approved shall not be used for the sale of clothing, footwear, childrenswear, toys, sportswear or food
  - 3. Notwithstanding the provisions of the Town and Country Planning Use Classes Order retail units 4C, 7 and 8 shall not be subdivided or amalgamated
  - 4. The changes to the elevations hereby proposed on the Proposed Front and End Elevations (Drawing Nosy PL(00) 132 Rev A) shall not facilitate the subdivision of Units 1, 2, 3, 4, 5 and 6 from that shown on the Proposed Overall Ground Floor Plan (Drawing No PL(00) 100 Rev A)
  - 5. The development hereby approved shall be built out in accordance with drawing number PL(00) 100 (attached)

### **CBRE On behalf of Premier Marinas**

An objection has been submitted highlighting a number of issues; these issues can be summarised as such:-

- Marina is a large tourist attraction and this should be given significant weight in the development of Sovereign Harbour
- Lack of evidence in the transport statement commenting on the linkages between the boat hoist and the boatyard and the boat storage yard
- Lack of parking given the likely increase in car borne traffic, this may impact on parking for the users of the boat facilities
- Boat lift moves 14 times per day, the scheme would be likely to affect pedestrian safety issues.

In conclusion our client supports the proposed re-development in principle, however wider issues and operational constraints do not appear to have been suitable assessed or addressed. We therefore object to the application on the grounds that it prejudices the marina operation and is therefore contrary to emerging Eastbourne planning policies, namely draft Policy C14. Until the items listed above have been considered and it has been demonstrated that the long term future of the marina is not damaged by the proposed development coming forward before the wider area has been properly planned through the aforementioned SPD, our client will maintain an objection.

### **EBC Environmental Health (Food Hygiene)**

The applicant(s) should be advised through a suitable Informative to contact this department to discuss any additional legal requirements on the internal layouts of the proposed unit with particular respect to the detailed layout of the kitchen areas to ensure it complies with the food Hygiene Regulation (EC) No 852/2004

A lobby must be provided between the staff WC and the food room. Toilets must not open directly into a food room, including store room

Adequate facilities must be provided for the storage and disposal of food waste.

### **EBC Tree Officer:-**

The trees indicated for removal are categorised as having limited landscape or conservational value and can be replaced within any future landscaping scheme. BS 5837 'Trees in relation to Construction 2005' states this category of tree will usually not be retained where they would impose significant constraint of development. Given the soil conditions on this site replacement planting has to be planned with a suitable establishment maintenance programme to succeed and we would require full details to pass further comment.

If development is undertaken taking into consideration the Arboricultural protection and Method statements outlined in the report the remaining trees can be retained.

### **EBC Economic Development:-**

From an Economic Development perspective there are numerous areas presented in this proposal, and in terms of response I propose listing them under headings as follows:

- Investment
- Employment
- Transport
- Sustainability
- Section 106

#### **Investment:-**

£16m investment from a pension fund is a clear message of how Eastbourne is identified as possessing the economic potential, and deliverable proposals, in spite of the economic climate. District Centres are essential to the economy of the Borough, and this proposal helps to build a sustainable and prosperous future for Eastbourne.

#### **Employment:-**

With expansion, and improvement of existing retail and leisure facilities, the employment opportunities are considerable. Occupiers should be encouraged to employ local people, providing career opportunities, working in partnership with local colleges to maximise the opportunities. Section 106 below will cover this area in more detail.

#### **Transport:-**

The bus travel plan is of considerable interest to the retail park, but equally important, the residents, who have long campaigned for such a service. The hours of bus operation should be confirmed as dawn till nightfall to ensure maximum gain. This will also encourage use by foreign students who previously missed out on the Sovereign Harbour area due to poor local transport facilities. Improved public transport should also reduce the reliance on cars and be more environmentally effective.

#### **Sustainability:-**

The promotion of this District Centre in the Core Strategy will enable the local community to in effect serve itself. Ideally the improved and expanding retail will link with the Sovereign Village, rather than encouraging trader movement between the sites. While it is noticed that several retail units will be available under the new cinema, it is suggested that the number be reduced, and size of units increased, with a mix including internet facilities.

Encouragement should also be considered for a new food hall, ( possibly in the retail space generated by the move of the cinema,) to allow greater choice.

#### **Section 106:-**

The precedent for good practice has now been set with the Morrison's Section 106, which ensured 50% local people and 50% local companies are given maximum opportunity by way of this legal agreement. The expectation extends to cover building works in addition to staffing of the completed premises.

A fee of £3k (three thousand pounds) is requested to enable the Council's Economic Development Team to monitor this activity, and the payment of this sum should be made prior to the commencement of work.

Summary:-To summarise, the application is to be welcomed for the economic benefits, vitality and competitiveness, coupled with an opportunity for new and improved quality and diversity.

**East Sussex County Council Archaeological Department:-**

Although this application is a major development, I do not believe that any archaeological remains are likely to be affected by these proposals, due to the sites former use as a quarry and landfill. For this reason I have no further recommendations to make in this instance.

**Design Review Panel:-**

The main points raised by the DRP are as follows with the applicants' response in italics:

1. The proposal to encapsulate the complex upper-level forms within one parapet height with a simplified roofscape to simplify the massing, appearance and construction was deemed to present too large a mass towards the neighbouring residential properties : *The upper level plan of the cinema was fundamentally re-planned to ensure that the mass of the auditoria screens was as far from the neighbouring properties as possible, considering that the location of the cinema in the central position between the two retail terraces is the optimum strategic location*
2. The principle of encapsulation/rationalisation of form was deemed to be appropriate in terms of the scale relationship to the northern elevation at the car park, and is appropriate to assume a landmark form to assist in the identification and form of the approach: *The fundamental concept of encapsulation was rethought along the southern boundary and south-eastern and south-western corners (retained at the northern car park elevation and north east and west corners) to reduce the visual impact on the neighbouring properties. The single vertical wall was broken into a series of elements to refine the visual language. As part of this re-design, the cladding was subdivided into varying forms and colour, and various elements of the plan including the second floor escape/access routes were terraced back as far as possible from the southern edge.*
3. To achieve the reduction in apparent mass towards the neighbouring residential properties, the composition of the blocks required further design thought to ensure that the development did not act as a 'wall' of mass : *The height of the foyer section within the proposal (the central element above the pedestrian arcade, between the east and west cinema wings) was reduced in height to minimise the effect of a mass wall to the southern boundary, and instead form a series of blocks that could be read fairly independently*

4. The fabric tensile roof was deemed to be overly large for its function, and the relationship of scale with the adjacent properties: *Within the context of the above points, the fabric tensile roof was re-designed to a more compact solution appropriate to the revised massing of the building.*

5. Introduction of more glazing and active frontage to the southern elevation: *The foyer area has been glazed at the southern elevation to allow views in and out of this primary entrance area. Staircase and access points have been glazed as much as possible, within the context of a 'closed box' environment of cinema typology. The main areas at ground level facing the southern boundary (units 9 and 16) are glazed to double height level, and present the main human-scale interface to people approaching and entering the site.*

**East Sussex County Highways Department:-**

This proposal increases the retail/restaurant floor space available in an existing Retail Complex situated on the eastern side of Eastbourne. The site is accessed by road from the A259, Pevensey Bay Road.

As well as the section of Retail Complex which is owned by the applicant, there is also a large Food store and the 'Waterfront' which comprises a number of smaller shops and restaurants, adjacent to the site.

Car Parking: Currently the Retail Park provides 591 spaces, inc 48 Disabled spaces plus 100 Staff parking spaces. In addition the Food store car park provides 575 spaces and the Waterfront car park provides 386 spaces.

As part of the submitted Transport Assessment a parking survey was carried out on Saturday, 10<sup>th</sup> September 2011 which covered both the Retail Park and Food store car parks. It was found that of the 1166 parking spaces (excluding staff parking) available there were always several hundred spaces free and even at the busiest time (2pm) there were 371 free spaces.

It is worth noting that although each section of the retail complex has a relatively separate car park, due to their close proximity and the lack of parking controls, linked trips will take place, as all parts of the complex can easily be reached from each car park.

The proposal is to provide 638 spaces, inc 30 Disabled and 18 Parent & Child spaces plus 54 Staff parking spaces, which is an overall increase of 49 spaces.

Although there is a reduction in the number of Disabled spaces on site under this proposal it is still within the guidelines set out in the East Sussex County Council, Parking Standards at Developments, Supplementary Planning Guidance.

The requirements under this guidance for a car park of over 200 spaces, for shops and leisure is 4 spaces plus 4% of capacity. In this case this equates to 30 spaces.

On the basis of the above the level of car parking is deemed acceptable.

Cycle Parking: There are currently 12 cycle parking spaces to serve the site. This is to be increased to 139 spaces under this proposal. Of these 139 spaces, 72 will be covered, Sheffield cycle stands for customers and will be spread out at three locations within the site, close to the main pedestrian areas so they will be accessible and as secure as possible due to natural surveillance. The remaining 31 spaces will be long term (secure & covered) for staff. This level of cycle parking is acceptable.

Traffic Movements & Trip Generation: As part of the Transport Assessment process a 7 day traffic count was carried out on the private access road to the site from the A259. In addition turning count surveys were carried out at the Langney Roundabout, Crumbles Roundabout and the Roundabout within the site, over a Friday & Saturday. The TRICS database was then interrogated in order to establish the increase in trips to the site that would result for the proposed changes.

This data was then used along with the expected traffic growth figures to obtain the likely traffic flows to the site in 2016. Traffic models were then created to ascertain the impact the development would have on the three surveyed roundabouts at peak times.

It was found that all three roundabouts will still operate within capacity in 2016 with the development traffic added. The proposal will slightly increase the queue lengths experienced during peak times, but as the maximum queue will be 9 cars on the Sovereign Harbour arm of the private roundabout within the site, it is not considered to create a significant impact. The Traffic increase as a result of the development is still going to allow the highway network within the vicinity of the site to operate within capacity and therefore is acceptable.

Site Servicing: The site service arrangements will remain broadly similar to the current situation. The units are reached from a private service road that runs at the rear of the units which is accessed from a separate junction with Pevensy Bay Road, A259. Service/Staff vehicles are therefore kept separate from visitor's vehicles.

Bus Accessibility & Bus Link: As part of this application, the route of the proposed Bus Link that will allow buses to travel unimpeded from Atlantic Drive to Pacific Drive and visa versa, has been included within the red line. The application also makes reference to facilitating this route. This is welcomed as it will help improve public transport accessibility within Sovereign Harbour and provide a direct link to the site from large parts of Eastbourne, including the Town Centre. It also helps the development meet a number of national and local polices to ensure that the site is accessible by sustainable modes of transport.

East Sussex County Council would therefore want to see this bus link designed and built by the developer (including operating, maintaining, monitoring and enforcing the link, in accordance with recognised best practise and subject to agreement) as their contribution towards improving sustainable travel to the site. ESCC are willing to contribute towards the cost of building the bus link with the exact level of contribution agreed when a fully costed, achievable scheme has been developed. This would need to be secured by legal agreement between the developer and ESCC.

Conclusion: As the proposal is acceptable on parking, traffic movement and site servicing grounds, and subject to the agreement of the developer to design and build the bus link, the Highway Authority does not wish to restrict grant of consent to this application, subject to the conditions below:

1. Traffic Management Scheme
2. Suitable vehicle wheel washing equipment
3. The development shall not be occupied until parking areas have been provided in accordance with the approved plans
4. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans
5. A Travel Plan is required
6. The development shall not be occupied until a fully designed and costed 'Bus Link' scheme has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. The design shall include an implementation timetable as well as details of the operation, maintenance, monitoring and enforcing the link in accordance with best practise. The 'Bus link' should be secured by legal agreement between the applicant and East Sussex County Council as Highway Authority.

**Wealden District Council:-**

The site lies close to the boundary with Wealden, and is a considerable draw at present for the local population of South Wealden, for employment and retail facilities.

The additional employment opportunities, retail and leisure facilities are to be welcomed as they support a wider area including south Wealden and increase the range of employment opportunities and facilities available to the communities of both Eastbourne and Wealden.

It is acknowledged that a dedicated bus route/service is proposed between the north and south Harbour, and that although this would benefit residents of Sovereign Park, this is only localised impact. It is also acknowledged that extra parking spaces, cycle racks and better pedestrian facilities with better surveillance are proposed, along with a travel plan to encourage change of travel mode by employees.

However, the major concern raised by Wealden District Council is the impact upon the strategic highways network and local transport improvements.

**Environment Agency:-**

No objections to the proposals subject to the imposition of conditions relating to; site investigation, unsuspected contamination, Piling operations, flood risk assessment, surface water drainage

The Eastbourne Town Centre Management Initiative:- Object given the likely impact upon the proposed Arndale Extension. Their objection explores and tests the proposals against current planning policies and concludes that for them there are a number of conflicts with the existing Local Planning Policy documents.

## **Neighbour Representations**

**A petition of objection** has been received signed by 38 Eastbourne Town Centre shop keepers has been received. The petition has a covering letter from which the following points have been drawn:-

- We are in recession this is evident by the number of vacancies within the centre
- If shoppers are drawn to Sovereign the town will become even quieter with even more shops shutting down
- Arndale extension should be focus of new retail development
- The Arndale extension will help Eastbourne compete with other local centres
- Arndale would increase footfall within the town

**The Enterprise Centre** have objected to the application on the following grounds:-

- Eastbourne Town Centre needs the Arndale Extension
- Sovereign Harbour development could prejudice or cause the town centre scheme to fail
- Potential for a cinema scheme within the Town Centre
- If cinema scheme could come to the town then it would enliven the town centre with bars and restaurants
- The Mary Portas Document 2011 identifies those initiatives that support town centres should be supported and promoted.

**66 letters of support/comment and objection have been received the content of these letters have been summarized below:-**

- This development is very welcome as the retail park is beginning look tired and outdated
- The developers have very keenly listened to the views of the community and this plan reflects the growth of Sovereign Harbour as a community.
- Statement of Community Involvement highlights the extent of public involvement and also the level of support from the Sovereign Community.
- Desperate need a north/south bus route
- New shops and restaurants will bring many much need jobs to Eastbourne.
- The scheme should improve the sustainability of the centre
- New cinema would improve the towns tourist the leisure offerings whilst enhancing the and adding to the amenities of the waterfront development
- Would benefit the towns economy
- It should complimentary to town centre shopping
- This development has some certainty of delivery as it appears to be fully funded and not speculative
- The numbers that currently support the Retail Park surely speaks for the development
- Not only visited locals but also visitors
- Surprised to see a campaign against the scheme and seems to resurrect the same problems we had in getting the Medical Practice approved.

- a plea for A BIGGER VISION. Eastbourne needs a lot more shops of various types in order to draw people into our town - people who presently prefer Tunbridge Wells or Brighton shops for example. A BIGGER VISION will see development in the town centre - for which there are plans - and at The Crumbles (where Prudential are apparently willing to invest - so don't turn them away).
- the opposition from the Town Centre petition is misguided and counter productive.
- full support for the above planning project and regeneration of the Harbour commercial area. I can undertake this support not only on a personal level but also representing the views of the 25 owners in 32-80 Barbuda Quay who are part of our Residents Management Company, East Block Martello Quay Residents Co Ltd. John Dickinson
- This must go ahead, no question about it! The area is dated and needs a facelift. It will encourage more visitors to Eastbourne. The harbour is a big attraction and any money spent will be recouped.
- given the size of the town. It is important to have both out of town and town centre shopping facilities.
- would certainly not deter us from visiting the town centre, which will also clearly benefit from regeneration. These projects would attract many visitors and we very much urge all concerned to proceed with both.
- strongly support this planning application as it is an application that Sovereign Harbour needs to rescue it from the original planning chaos that Eastbourne Council passed.
- The Harbour is a modern community but the retail park has started to look tired and dated. The area will fall into decline if this centre is not modernised and brought into the 21st century.
- Sovereign Harbour is also an important tourist destination for Eastbourne but its popularity is constrained by the limited number of retail and dining outlets. The new mall in particular, with the emphasis on more cafes and restaurants, will help to fill an important gap.
- If the proposed development does not go ahead, the harbour community will not get the much needed bus gate linking north and south harbours and public transport links to the harbour will continue to suffer.
- Objections from those in other parts of Eastbourne should not carry the same weight as those of people local to the development!
- There are many hundreds of residents (council tax payers) who live in and around Sovereign Harbour and they will benefit enormously from an improved experience. It will not suck shoppers away from Arndale any more than the existing Tesco, Waitrose and Sainsbury stores do. It is to the benefit of folk who already live and shop there.
- The content of this planning application has been carefully considered by over 500 residents of Eastbourne, The vast majority of those 500 plus all approved of the principles involved and the planning proposals.
- The expansion of the bus service would be a huge benefit, reducing the number of cars both visiting the area and the town centre. Isn't the traffic along Seaside bad enough?

- 1. It is for a new cinema and there is already a cinema on site. 2. There will be an increase in restaurants which are greatly needed in this area. 3. Improvement to cross harbour transport again much needed. 4. Conversion of existing cinema area into commercial units, since there are already many commercial units within Crumbles this small increase should not lead to any significant change in peoples shopping habits and not affect Arndale shopping. the Crumbles car park at weekends is already full to capacity. The town centre shopping experience and decline is attributed to other factors, i.e. introduction of parking charges etc. The regeneration of the Arndale should help to combat this decline and I will continue to shop in the town centre even though I live only 15 minutes walk from The Crumbles. Many of the comments objecting to this application are misguided as to what the application is all about.
- There seems to be a concerted effort to say we shouldn't have a revitalised retail park because this would detract from the town centre offering. If the refurbishment is not approved what we will end up with is two retail centres in decline and further evidence of deterioration in Eastbourne's shopping offer. Yes the town centre needs work on it but surely the prospect of two excellent and competing retail sites (Sovereign and Town Centre) must be for everyone's benefit. Competition is essential to ensure we have the best. The retail park is in clear need of improvement both for residents and visitors and I urge the planners to approve the application. Harbour residents strongly support the development and their voices should be heard loud and clear.
- There is clear demand for increased dining, leisure and retail outlets at Sovereign Harbour and there is absolutely no evidence to support the accusation that this will cause failure of any Town Centre regeneration. Being a waterfront site the facilities in Sovereign harbour are unique to the area and cannot be replicated in the town centre and as such the plan should be fully supported by the council
- I would like to submit my full support for the upgrade of this area. I cannot see how this will affect the town centre. As a pensioner living in the harbour I find the bus service inadequate. With a bus link it would open up the harbour for the residents to get to the town centre (bring the loop through the harbour with its frequency)
- this will only slightly increase the shopping facilities, and I understand will be done quickly. I don't think it will conflict with the Eastbourne Town project which in any case will take several years to get going if the past is anything to go by.
- Yes the town centre needs work on it but surely the prospect of two excellent and competing retail sites (Sovereign and Town Centre) must be for everyone's benefit. Competition is essential to ensure we have the best. The retail park is in clear need of improvement both for residents and visitors and I urge the planners to approve the application. Harbour residents strongly support the development and their voices should be heard loud and clear.
- Vested interests in the Town Centre are misleading people by portraying this application as a major expansion of the retail park, when it is in fact a face-lift, accompanied by a modest expansion.

- If this application is refused, it will do nothing to enhance the attraction of the Town Centre and, by further delaying, or removing, the cross harbour bus link, residents of Sovereign Harbour will be less likely to go there.
- The retail park is not a competitor to the Town Centre; it is a competitor to larger and more modern facilities at Bexhill and Tunbridge Wells.
- Failure to allow this regeneration will inevitably result in a migration of shoppers to these retail parks, resulting in a loss of revenue to Eastbourne.

**39 letters of objection/comment have been received the content of these letters have been summarised below:-**

- New Bus route should include ASDA
- Lack of information about the restrictions to the access limiting it to public transport only
- Increase noise and pollution especially at weekends and evenings
- Increase in indiscriminate on street parking
- An increase in public transport would be a disturbance
- Lack of information over the long term maintenance of the proposed barriers to prevent general vehicle use
- Eastbourne Borough Council should first ensure that there are sufficient services in places for residents of Sovereign Harbour
- The development of Sovereign Harbour as a community ensuring adequate services and green spaces needs all party political support to find an appropriate solution
- Cinema needs to show non mainstream no blockbuster films
- Should have a more punchy name in order for the branding to take off
- WHY, the development needs a community centre, doctors clinic not more shops, the existing cinema is sufficient
- Why not finish of what has already been started, i.e. complete the ground works next to the locks so connecting the path way to the promenade so the not so able bodied can walk or use their electric buggies.
- Loss of a current all-weather facility. In wet weather it does allow movement between shops without getting wet. The proposed plans show only small and rather high porticos over the shop entrances which will give very little protection from wind and rain. In a downpour this will probably lead to overcrowding at the shop entrances by people unwilling to venture out, and this could be an evacuation hazard.
- What is needed is a lighter, better designed covered walkway between the shops. To lose the protection of the covered walkway all together is a backward step, and one that I believe will be regretted, especially after the development of an enlarged and competing Arndale Centre in town.

- Noise pollution on residential Atlantic Drive. Noise issues for residents living on Atlantic Drive and Daytona Quay opposite the cinema entrance, especially when people leave late at night. The design of the covered eatery mall will probably amplify the sounds like a megaphone pointing right towards Atlantic Drive. Would it be possible to have the cinema entrance sited the other end of the eatery mall, closer to the main car park? Or to have the cinema entry stairs or escalator reversed so they point away from Atlantic Drive and towards the car park? If not, then the tree screening between the development and Atlantic Drive will need to be made as dense as possible.
- Concern over the construction times causing disturbance along with heavy plant and machinery
- Proposed vehicular access (for buses only) from Atlantic Drive be policed? We already have problem with "boy racers" in this area if Atlantic Drive was a through road this will likely increase.
- More focus should be given to sustainable transport options rather than car parking
- More covered parking spaces should be provided
- Better linkages and signposting to facilities within the waterfront part of the Harbour
- Scheme should produce better connectivity to the facilities adjacent to the site
- Would intensify out of town retail activity which would be detrimental to the vitality of the town centre
- Town centre can not compete with the free parking in out of centre locations
- May lead to the Arndale extension being abandoned
- Town centre should be the priority for new development
- By developing at Sovereign Harbour it will drag investment away from Eastbourne Town Centre which may affect the Arndale extension
- Eastbourne will only survive if the sovereign harbour scheme does not draw away investment.
- If Eastbourne falls into decline then it may have an adverse impact upon it as a tourist destination
- There is no need for further shops and development at the harbour
- Eastbourne has a number of vacant and empty shops and there is the potential that if the Sovereign Harbour scheme is supported then these units will stay vacant and more will become vacant.
- Eastbourne will only survive the recession if the Arndale extension goes ahead
- This scheme can not go ahead as it may prejudice the expansion of the Arndale which would prohibit Eastbourne from competing with nearby retail centres like Brighton and Tunbridge Wells

### **Planning Appraisal:-**

The key issues in the consideration of this application are:

- National Planning Policy Framework
- Localism
- Tourism

- Planning for Growth
- Retail Planning Policy Issues
- Retail Impacts
- Employment issues
- Design-character and streetscape issues
- Effect on highway network and traffic conditions
- Effect on highway and Traffic Conditions
- Effect on amenities of neighbouring/nearby occupiers
- Existing retail uses within the Sovereign Retail Park
- The Subdivision of the existing A1 retail units, proposed mezzanine floor space
- Restrictive conditions
- Referral to the Secretary Of State
- Judicial Review
- Flooding
- Other issues

### **National Planning Policy Framework:-**

As outlined above this recent consolidation document has summarised the Governments key messages over issues that guide and give parameters to supporting sustainable development.

In determining applications for leisure/retail uses it emphasises the primacy of the town centre as being the governments preferred location for such development.

Any scheme promoting out of centre development would need to be accompanied by a sequential assessment that identifies why an out of centre scheme should be supported.

The following paragraphs outline that the scheme was submitted with a retail sequential and impact assessment; the conclusion of which is that the impacts of the proposal are acceptable in the officers opinion only if supplemented with planning conditions and limitations through the draft S106 agreement controlling the uses of the units within the scheme.

These conditions and S106 limitations are considered appropriate in terms of reducing the likely impacts of the proposal upon the town centre and thereby considered to be entirely consistent with the policy position established by the NPPF.

The failure to deliver the scheme with the conditions and limitations as recommended would result in the application proposal failing the policy test and commentary as set out within the NPPF and as such the NPPF makes it very clear that in such circumstances the scheme should be refused.

As commented elsewhere in this report the Council are very keen to secure an approval on this development as it would help in meeting an number of the aspirations of the NPPF as well as the Core Strategy in that it promotes sustainable development, that promotes economic growth by incorporating a high number of new jobs, with a well designed building with enhancement to local and public transport links.

**Localism:-**

Whilst the application and the Core Strategy have been formulated prior to the Localism Act receiving Royal Assent the spirit of the legislation has informed both documents/submissions.

The Core Strategy has set the proposed policy direction within the Borough up until 2027. This policy position has been set across 14 individual neighbourhoods; each neighbourhood having its own vision and its own suite of policies designed to meet the needs and aspirations of the local neighbourhood.

One such neighbourhood is Sovereign Harbour. In arriving at this submission version of the core strategy a significant amount of consultation with local residents and interested 3<sup>rd</sup> parties had been concluded. It is considered therefore that the direction that has been modelled for the Sovereign Harbour Neighbourhood has the support of all those interested in shaping the neighbourhood for the forthcoming years.

This consultation involved a Member led steering group, road-shows, events and web-site consultations. This range of consultation techniques resulted in various alterations to the document prior to the proposed submission stage.

It is considered therefore that in the spirit of localism a spatial planning ethos founded on local neighbourhoods where all interested parties have had the opportunity to engage with the process is an indication that the spirit of localism is well founded in the aims and objectives of the Core Strategy.

The high degree of public engagement in the formulation of the Core Strategy up to the proposed submission stage will increase the status of the document.

Any application following the broad principles of the neighbourhood vision and local neighbourhood policies should therefore accord with the emerging Planning Policy position of the Council.

Moreover it is clear from the application and the details contained therein that the proposal in providing community infrastructure, employment uses, and enhanced public transport links that it does fall squarely within the Sovereign Harbour Neighbourhood vision and also the local neighbourhood policies. Notwithstanding this the applicants at pre application stage fully engaged with all sectors of the local community as is evident in their statement of community involvement which has been appended to their application.

The statement of community involvement (Appendix 1) clearly identifies the high level of local support for the scheme and through the Design and Access Statement it articulates how the scheme has been adapted and remodelled following the consultation process.

It is clear therefore that the applicants are not promoting a speculative development but one which its genesis and modelling have been influenced by local opinion and have the spirit of localism at the heart of the application.

It should also be noted that this application will deliver the bus link bringing a connection between the North and South elements of the Harbour. The bus link has been a long sought after facility which would be a major benefit for the neighbourhood.

### **Tourism:-**

As outlined elsewhere in this report Eastbourne relies heavily on the tourist economy and whilst there may be an ambition to influence the nature of the local economy over time Sovereign Harbour itself remains an important destination for residents, tourist and leisure visitors alike.

One of the major draws and assets for Eastbourne is Sovereign Harbour itself. It is considered that the provision of a new leisure (Multi-screen Cinema) and retail facility within the harbour would benefit Sovereign Harbour community in particular and the Eastbourne in general and should further help to bolster the local tourist economy.

### **Planning For Growth:-**

This is a national statement requiring local planning authorities and other bodies involved in the granting of development consents that they should prioritise growth and jobs. In addition in the draft National Planning Policy Framework there is a new presumption in favour of sustainable development and would seek to localise these decisions.

Against this background the application proposes an inward investment of £14M, the creation of 190FTE jobs (as amended) and would also assist in the delivery of the bus link, linking the north and south parts of the Harbour, which has been a long standing ambition of the Council and residents of this neighbourhood.

It is clear therefore that all of the above factors are material considerations in the determination of this application, and should be given some weight in the final assessment.

### **Retail Planning Policy Issues:-**

In accordance with the advice with the NPPF the application has been submitted with a sequential and impact assessment of the proposal.

Similarly as advised within the text of the Eastbourne Retail Study 2010 any development in out of centre locations should be determined in accordance with the prevailing national policies at the time. This document outlines that new development does not only include new buildings but also includes the introduction of trading mezzanines, the reconfiguration of any existing units and/or the relaxation of any occupier restrictions on existing consents.

Set against this policy background it is clear that the application needs to be accompanied by and tested against a robust assessment of the likely resultant impacts of the proposal. These will include a search for sequentially available preferable sites and also a retail impact assessment of the proposal upon the other centre of the town.

This can be interpreted as a two stage approach. First applicants must show compliance with the sequential test. Secondly, in assessing proposals, local planning authorities are required to assess if there is "clear evidence" that proposal would result in "significant harm" to established shopping centres.

There is evidence that a scheme is proposed for the town centre and that this is to be completed within the next 5years. Therefore it is important to protect this future floorspace so that retailers who would normally choose the town centre to locate their business are not lost to this out of centre location.

The most effective outcome of the proposals at Sovereign Harbour is if they cause no greater impact than they currently do, thereby not affecting the future viability of the town centre.

Therefore it is appropriate for the inclusion of a restricted retail use condition and limitations through the draft S106 agreement and also a prohibition on existing traders moving within the retail park so that it would not cause any significant harm to exiting shopping centres in the Borough.

### **Retail Impacts:-**

In terms of retail hierarchy the Council are keen to ensure that Eastbourne Town Centre remains the primary shopping destination within the Borough. This policy position has been very firmly endorsed by the NPPF.

It is therefore important that any scheme promoting retail floorspace outside of Eastbourne Town Centre would have to demonstrate that it has followed a sequential appraisal of other available sites and also a retail impact assessment of the proposed new floorspace. Such proposed new floorspace should not compromise the health and vitality of other existing shopping centres of the Borough either.

The applicant has undertaken both a sequential assessment and retail impact appraisal of the application proposal.

These assessments have acknowledged the proposed town centre expansion. The proposed plans also showed the suggested retail unit size of the proposal. This scheme would indicate that there are suitable, viable and soon to be available sequentially preferable sites within the Borough, with delivery within a realistic timeframe. It is anticipated that the Arndale extension would be delivered within 5 years.

During the pre application discussions and the publicity around the proposed Arndale West extension it is clear that the scheme has been very much promoted as a 'fashion led' regeneration scheme.

The applicants are cognisant of the pending Arndale extension and if delivered with 5 years they accept that there would be a sequentially preferable site and would in principle be objectionable. However to mitigate the retail impacts of the scheme upon other centres of the borough the applicants are proposing restrictive use planning conditions. These suggested planning conditions alone are not considered sufficient to protect the town centre and have been supplemented with further recommended restrictions by the Council.

These further restrictions have been evaluated by Council's Legal Department and have been considered to be sound and legally appropriate to attached to any resolution to grant planning permission.

These conditions and limitations via the draft S106 agreement would apply to all of the new floorspace created by this application and also that floorspace facilitated by relocated traders and would prohibit retailers who occupy these units from selling a range of goods and products that may have an adverse impact upon Eastbourne Town Centre..

If such conditions and limitations were to be attached to any consent then it would allow for the Arndale extension to be commenced and also tenanted, based upon the timescales set out by the promoters of the Arndale centre scheme.

It is accepted that in the future the applicant could apply to the Council to lift and or vary this restrictive condition but this is the case with any condition imposed on any planning permissions. The merits or impacts of any such application would be assessed at the time of its submission and the fear of the condition being contested is no reason for permission not being granted in the first place.

The imposition of the conditions would demonstrate that the Council have exercised their best endeavours to ensure that the Arndale extension has the best possible chance of success and thereby maintaining the primacy of Eastbourne Town Centre as the main focus for retail led development. This would accord with the advice and parameters of the of the National advice within the NPPF .

Members will also note as reported in previous sections of this report that there has been an objection received for and on behalf of the Eastbourne Arndale Centre. In summary this objection claims that in planning policy terms this scheme fails as it is contrary to the advice within PPS4 (now NPPF) (more preferable sites located within town centre or edge of centre). However with the imposition of the recommended conditions and S106 limitations, it is considered that Sovereign Harbour Scheme will not adversely impact the Town Centre.

Further exploration of the retail impacts are discussed under the 'Planning Conditions' section below.

### **Employment Issues**

As with any new business enterprise it is very difficult to be certain over the number of new jobs to be created by this proposal, save it to say that whilst there will be some job losses from the local market place (people leaving existing employment to take a new position with the new development) the overall nett job position once the development is fully operational is likely to be in the region of 190FTE (as amended)

The jobs created by the development would offer a range of employment opportunities.

These may include career grade management positions, trade – skilled positions (within the commercial units, catering staff, banking staff etc), part time and those looking for shift patterns to suit personal circumstances. All of these new jobs would go some way to meeting the unemployment needs and aspirations of the local community (Sovereign Harbour) in particular and also the Borough as a whole.

The applicants are supportive of their role in the community and are happy to offer through/via a legal agreement a 'Local Labour Agreement'. This would ensure all of the jobs would be advertised locally with a significant proportion of the new jobs would be drawn from the local community. Whilst the development will have some specialist contractors (Cinema fit out for example) the applicant has committed to use their best endeavours to ensure that the available jobs secured using local labour.

The applicant is also willing through the local labour agreement to look at career grade positions along with apprenticeships and closer working relationships with existing local FE and HE establishments.

The Local Labour Agreement and also the development of apprenticeships and the development of career type jobs can be controlled via a planning conditions and S106 agreement. The Local Labour Agreement would cover the construction phase of the development and also the post construction phase when the development is opened and fully operational.

In addition through/via a legal agreement local construction firms (Eastbourne, Sussex and Kent) will be able to tender for elements of the construction work.

### **Design - Character and Streetscape Issues:-**

The scheme as reported has been amended and revised following the comments received from the Design Review Panel and also those raised by the public during the consultation events organised to publicise this development.

The revised and amended scheme proposes a significant element of new development and utilises a much underused part of the site at the same time as encouraging the greater links to and through the site with the new commercial street at ground floor level.

To enable the most efficient use of the site area available, the cinema is proposed at first floor level above the existing double height units, allowing the creation of a pedestrian arcade at ground level with a series of double-height units that allow future flexibility for occupiers

The double-height space assists the concept of the pedestrian arcade forming a pleasant, bright and airy environment, and this is enhanced by two light-wells from roof level positioned along the arcade. This arcade will be accessible by either end and as such the scheme proposes two distinct elevational treatments, one facing the car park and the other facing the nearby residential developments.

It is considered that this dual elevational treatment is appropriate as the elevation facing the car park is respectful of the existing retail units in the parade. Greater articulation, modulation and detailing are proposed on the residential elevation as this would be entrance to the Cinema.

The appearance of each elevation is markedly different from each other however each is considered to be entirely respectful to the townscape character to which they face. Given this it is considered that the external appearance of the new development is entirely acceptable as the integrity of the design is considered to be robust and well reasoned. Moreover in broad terms the design solution to this scheme whilst being different from those buildings that border the site is not objectionable and moreover is considered to be a significant enhancement to the townscape of this prominent corner location.

The main pedestrian thoroughfare under the proposed Cinema would provide for a new commercial arcade and whilst being an internal walkway it will be open to the elements at either end and would also be lit by a couple of skylights to this end it is considered that the 'new street' would create a light and airy environment and would go some way to encouraging pedestrians to walk through from the car park through the scheme and out into the Waterfront developments and the residential area beyond.

This increase in permeability is considered to be an enhancement over the existing situation where the existing pedestrian environment is somewhat hostile and the lack of demarcation between commercial - private space and public space is not clearly defined, this scheme would overcome this.

As commented above there are no Secure by Design Issues as raised by Sussex Police. Notwithstanding this the modifications to the car park, the servicing of the new units, location of any ATM and also external illumination will be controlled via planning conditions.

The modifications to the car park layout are welcomed and should assist in making the use of the car park more legible and also safer for all users.

Whilst there are numerous changes to the scheme following the Design Review Panel (DRP) comments the largest and most significant alteration relates to revisions to the element of the building incorporating reductions in the scale and appearance of the cinema building.

The changes to the external appearance of the scheme are considered to have resulted in a form of development that enhances the site and the surrounding area.

The existing buildings on the site have been developed over time and as such their appearance has become somewhat disjointed and 'tired'. The new scheme would result in a degree of uniformity in design across the whole of the site as seen from the existing car park and Pevensy Bay Road and as such is considered to result in a development that would enhance this important site.

The revised design proposes a new building that is considered to be sympathetic to its site and surroundings and moreover it is considered would become a visual focal point to both long and short range views.

The application proposes a soft landscape scheme across the development; the precise nature of this would be controlled via a planning condition. Notwithstanding this the main elements of the planting scheme include soft landscaping to break up and provide a buffer to the external parking area and a comprehensive landscape scheme for the bus drop off area/entrance to the store.

It is considered that a development of this scale would falter if it failed to integrate into the existing built fabric and interact with the local community; to this end the applicant has accepted a condition that would control the location and detailed design of footpaths, landscaping and signage that would link the site with other businesses (The Waterfront) and community assets nearby to the site. As reported elsewhere in this report the applicant is offering a financial contribution towards the provision of these enhancement works, the delivery of this issue will be through the S106 agreement

Given the potential for improved linkages to and from the site it is considered that the flank of unit 8 is a large blank façade in its current form does not contribute much to the townscape character of the local area.

Given this blank façade and that it does command both long and short range views from vantage points outside of the site that it should be an aim of this application to increase the active frontage of this part of the site.

It is evident from the submission that the scheme proposes new glazing along the front flank of Unit 8 and this new glazing will function as a new shopfront. This will enable views into and out of the Unit 8 and thereby creating a more pleasant architectural feature on this visually prominent part of the site.

### **Effect on highway network and traffic conditions**

It is evident from the response received from the County Highways Officer that the development does not give rise to any substantive highway objections.

This scheme would assist in the delivery of a new bus route; this bus route would provide a direct link between the north and south parts of the Harbour.

This has been a long standing ambition and would assist in making the development more sustainable and increasing the linkages with other parts of the Harbour in particular as well as other parts of the Borough. The precise location, design and delivery of this bus link would be controlled via planning condition/S106. The bus link requires the applicant to work with an adjacent owner to secure the land. Therefore if it granted this development and 3<sup>rd</sup> party involvement prohibits the delivery of the bus link then the Council, subject to Member approval would look to secure the necessary land via the Compulsory Purchase Order process.

There has been some concerns raised relating to the new bus link encouraging and facilitating 'boy racers & rat runs'. This concern has been acknowledged and it is proposed that at the detailed design stage the precise location and design of barriers to enable bus only access would be explored and controlled via planning condition

Through the provision of new pedestrian desire lines and real time bus time information there is the potential for the new development to integrate successfully within the local community providing the potential for access by a range of modes of transport and thereby reducing the reliance on the private motor vehicle.

As requested outlined by the County Highways Officer a number of highway issues can be controlled via planning conditions; all of the conditions required by the County Highways Officer have been appended to this report.

As highlighted in the addendum traffic impact report the reduction in floor space has reduced the peak time trips and thereby the amended proposal would have a lesser impact on the surrounding highway network than the scheme as originally submitted.

#### **Effect on amenities of neighbouring/nearby occupiers**

It is accepted that given the height, scale, and massing of the development it will be visible from a number of vantage points however given the location of the existing nearby residential properties it is considered that issues of loss of residential amenity based on loss of outlook or overbearing relationship to residential properties could not be substantiated.

Issues of noise and disturbance have been raised by some correspondence; it is accepted that the new development post construction would be likely to operational into the evening and operational when the majority of the units are currently closed. Subject to a planning condition controlling the operational times it is not considered that the proposed development would not have any material impact upon the amenities of the occupiers of the residential properties.

In addition the development including the new street will be closed when not in operational use; whilst closed the site would be controlled via night time security and as such antisocial behavior would be controlled. Similarly if the development becomes a centre for people to loiter and congregate then the development management would move them on if they are perceived to be damaging to trade and the image of the development.

Notwithstanding this any anti-social issues would be a matter for the Local Police to control if they persist and as a refusal based on the perceived negative impacts of anti-social behavior could not be substantiated.

Another issue that has arisen from correspondence is the likely increase in indiscriminate on-street parking as a result of this proposal.

Whilst there may be indiscriminate parking in surrounding residential streets, the applicants have tried to mitigate this by re-planning the existing customer car parking area to the front of the development in order to improve the parking situation for disabled and mothers and child. Notwithstanding this the new development would be operational primarily when the remainder of the parade is closed and as such the pressure on the existing car parking court would be much reduced. It is anticipated therefore that the availability of parking within the car parking court would not be an issue. Given this assessment a refusal based on indiscriminate parking on the surrounding residential streets could not be substantiated.

### **Existing retail uses within the Sovereign Retail Park**

The retail park contains a number of units that provide accommodation for a range of retail uses, including amongst other things fashion goods, sporting goods, furniture etc. The existing traders include Next, Boots, Sports Direct, Matalan, JJB sports (potentially leaving the scheme), Harvey's, Brantano

These existing retail uses are not restricted or controlled via planning condition and as such any new retail user including high and low value fashion could occupy any of the existing retail units without the need for a new planning permission and hence beyond the control of the Council.

Notwithstanding the applicants legal right to move existing tenants around the retail park and or to welcome new retailers to the park it is considered that to allow existing traders unfettered movement around the retail park as a direct result and consequence of this proposal has the potential to result in the creation of significant amounts of A1 retail floor space which would be likely to have an adverse impact upon the aspirations both long and short term for Eastbourne Town Centre and would thereby be contrary to the aims and aspirations of the NPPF.

It is recommended therefore that if any existing users on the retail park wishes to relocate to any of the new retail units 4B, 4C, 5, 6, 7, 8, then a restrictive condition and limitations under a S106 would prohibit the range of goods to be sold.

### **The Sub-division of the existing A1 retail units, proposed mezzanine floor space**

Members are advised that the internal subdivision of the existing units on the site without any operational development (external works) would not require planning permission and therefore the applicant could undertake subdivision without any recourse to the Planning System.

A common theme running through the assessment of this application is that any support for the scheme should not result in any adverse impact upon Eastbourne Town Centre, as recommended by the NPPF.

On this point officers are keen to ensure that the proposed upgrading of the frontages (to give a unified – updated appearance) should not facilitate the subdivision of the units.

It should be noted that units 1-4B have an existing consent for the frontage enhancements following the burn out of the Boots unit some months ago, therefore frontages can no longer be controlled.

The proposed frontage scheme for the remainder of the units (4B, 4C , 5, 6, 7 and 8) have been assessed and are clearly single entrances to single units.

Notwithstanding this it is considered appropriate to control the potential subdivision and amalgamation of the units number 4B, 4C, 5, 6, 7 and 8 from being arranged in such a manner so as to become attractive to town centre type retailers. On this issue it is considered acceptable to subdivide/amalgamate the units so that they do not result in units with a floorspace of less than 750sqm. As this is considered to be the typical size of a modern town centre unit.

A condition is recommended to control this issue.

### **Restrictive Conditions & S106 limitations**

As commented elsewhere in this report it is considered that there may be the potential for the applicant to remodel the size of the existing units (internally) to a size that be very attractive to retailers who would normally seek a town centre location and as such their use if left uncontrolled for open A1 purposes, would be likely to have a negative impact upon the other retail centre's of the borough.

This position is supported by the Councils retained Independent Retail Consultant where he states that if the Arndale west extension could be implemented within a reasonable period (5 years) then unless the retail element of the scheme is controlled the development would adversely impact upon the town centre.

It is recommended that a suite of conditions and limitations via a S106 agreement be imposed upon units (4B, 4c, 5, 6, 7, 8,) limiting the goods to be sold whilst allowing the existing retailers who have chosen to stay within the development to continue to trade from their existing units, and not be permitted to move unless they comply with the use restrictions.

It is considered that as the Arndale west extension has been heralded as a 'fashion' led regeneration development then the goods to be restricted should include; no fashion, no sportswear, no footwear and no childrenswear and no toys (unless end user is stipulated).

The Council are not looking to prohibit existing retailers from moving within the estate, but are seeking to control the new users to uses that would not impact upon the town centre.

As outlined above where new A1 floor space is being created, this floor space is controlled.

The promoters of the Arndale scheme are requesting that the restrictive conditions are extended in their range of prohibited goods to include no food retailing and no toys. This is considered to be appropriate as without a specified tenant it is likely that a toy shop retailer taking a unit at this out of centre location would have the potential to materially impact upon the town centre. In addition in terms of seeking to control the food element of the scheme it is considered that the Town Centre Area Action Plan has positively identified the desire for more town centre food retailing. Set against this background if the units were to be configured so as to be attractive to a food retailer it would potentially detract from future inward investment into the town centre.

It is accepted that in recent times planning permission has been granted for Morrison's to be located in an out of centre location, this was justified as there were no preferable sequential sites available of the size to accommodate their store and servicing.

Given the size of the units proposed under this submission it is unlikely that a typical town centre type toy retailer would want to take up an option. It is very likely to be an out of centre brand; something akin to Toys R Us and or Smyth's Toys and these occupiers would be acceptable. Subject to a condition restricting the toy operator to a known out of centre brand then there are unlikely to be any substantive impacts upon the retail centre's of the Borough. The recommended conditions and limitations support this view.

From the proceeding paragraphs it is clear that there needs to be a solution found that would allow this development to proceed but given the necessary controls over the short and long term occupancy of the new retail units so that the primacy of Eastbourne Town Centre is maintained and that the Arndale west extension has the best possible chance of success. It is considered that a suite of conditions and S106 limitations around the issues discussed above would provide sufficient controls and limitations over the development.

Given the primacy of Eastbourne town centre in the short and longer term then the conditions over the occupancy and the nature of the goods that should be sold from should be controlled. It is recommended that the all of the new units created by this proposal (units 4C,7 and 8) should be controlled via a 'permitted goods to be sold' condition and that the floorspace that may be created by existing uses vacating their current premises namely units 5 and 6 should be controlled within the S106.

A S106 agreement is a stronger control and case law shows that this would ensure that for 5 years post decision there is unlikely to be any submissions that sought to change its content.

This 5 year status quo in terms of the restrictive conditions would ensure that the Arndale West extension has the best possible chance of success, as the promoters of this scheme have suggested that their scheme would be open and operational by this time.

### **The Six Tests for the imposition of planning conditions**

The applicant is proposing a scheme that would not have any material harm to the Eastbourne Town Centre. This position is supported by the use of planning conditions over the nature of goods to be sold and also floorspace limitations.

On a number of occasions the courts have laid down the general criteria for the validity of planning conditions. The Secretaries of State take the view that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. As a matter of policy, conditions should only be imposed where they satisfy all of the following six tests. In brief, these explain that conditions should be:-

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects;

Officer have evaluated the suggested conditions by all interested parties and the ones that pass the above tests, in the opinion of the Council have been appended to this report.

### **Referral to the Secretary Of State**

Given the size (sqm) of the cinema scheme and following the advice within the Town and Country Planning (Consultation ) (England) Direction 2009 the application has to be referred to the Secretary of State in order to establish whether they want to call the application in to be determined by them.

An application may be called in for a whole host of different reasons; the main ones in this case in the officer's opinion would be relating to the need to test the veracity of the supporting evidence and also the evidence of those objecting to the scheme. In addition there may be the need to examine whether the application proposal would have anything other than local significance.

### **Judicial Review**

Any decision made within the within the planning system is subject to a legal challenge.

These challenges can focus on a number of issues but normally follow where insufficient weight or too much weight has been given to a material consideration in the assessment of the proposal and or the Council have erred in law and have not followed prescribed practices and procedures.

It is considered that the arguments for the applicant and also those 3<sup>rd</sup> parties that have engaged in the application have been fully reported and explored within the text of this report; hence it is considered that Members in making their decision are available of all of the salient facts in this case.

In addition it is considered that with the pre application events hosted by the applicant including:

- an exhibition
- paper-web based surveys
- three individual rounds of press and public site notices by the Council
- added to a significant round of individual letters to the occupiers of nearby properties again by the Council

that every effort has been undertaken to engage with 3<sup>rd</sup> parties about the application.

It is considered therefore that any challenge under the Judicial Review Procedure would be unlikely to succeed.

### **Flooding:-**

The Environment Agency does not wish to raise any objections to the scheme subject to the imposition of conditions as reported above. All these conditions will be attached to any approval issued

### **Other issues:-**

**a) Detailed design issues** Detailed matters to do with the car park layout, soft landscaping, the provision of electric charging points can be controlled and administered by the imposition of planning conditions.

**b) Renewables** Similarly the provision of alternative sources of energy supply (renewables) can be controlled adequately by planning condition. The applicants have stated that the scheme would be constructed to BREAM 'very good'.

Notwithstanding the applicants desire to meet Bream Very good standard. It is considered that given the nature and size of this development it is anticipated that there is significant potential for the development to propose an enhancement over current building regulations which would reduce the developments carbon footprint.

Members will be aware of the Councils Sustainable Buildings Policy and that the nature of this policy is to try to reduce the consumption of the earth resources. Whilst accepting that this policy is at its formative stage it does highlight the direction of travel on this policy issue and as such it is important that this development should not shy away from aiming to reduce its carbon footprint.

The applicants have acknowledged this as an aspiration all through this planning process and are committed via continued dialogue with the Council to deliver a scheme that would be exemplar for its type and should set the benchmark for other similar development that are developed in the near future.

As commented above whilst the applicants aim to achieve the BREAM very good officers will continue to press for further enhancements, this may include solar panels, heat recovery, grey water harvesting, surface water attenuation, and heat recovery.

**c) Archaeology** As outlined above there are no archaeological issues on this site.

**d) Crime Prevention** As commented above there are no concerns raised by the Crime Prevention Officer

**Conclusion:-** Scheme is considered to be acceptable and is recommended for approval subject to conditions and subject to the completion of a satisfactory Legal Agreement.

The application proposals relate to leisure-led regeneration and redevelopment of an underutilised brownfield site, the majority of which is vacant and failing to fulfil its potential benefit to both Sovereign Harbour and the wider Eastbourne area.

In addition to facilitating inward investment of some £14m the proposals will create some Circa 190 FTE local jobs.

The applicants are fully supportive of the requirements of the S106 that will facilitate the delivery of the new bus link, travel plan as well as 'Local Labour Agreement.

It is considered that the application in its full extent will be a significant benefit to the local economy.

The evidence supporting this application has been tested and analysed and in the opinion of the Council has satisfactorily demonstrated that there are no material breaches of planning policy and as such it is considered that the application proposal is in accordance with the Eastbourne Plan 2001 2011 and also the Submission version of the Core Strategy.

There are no material planning considerations or adverse highway implications that would warrant a refusal of this application.

**Human Rights Implications:-**

There are no human rights implications as a result of this application.

**Recommendation:-**

**Recommendation (A)**

i) Subject to the satisfactory completion of a S106 agreement covering in broad terms the following issues:-

- Travel Plan
- Local Labour Agreement,
- Delivery of The Bus Link
- Restriction on the goods to be sold from units 4B 5 & 6

Notwithstanding the provisions of the Town and Country Planning Use Classes Order the retail stores (Save for Brantano for the duration of their occupation) within Units 5 & 6, shall not be permitted to retail to any extent (other than ancillary) any items from the following list unless end user has been named and agreed in writing by the Local Planning Authority:-

- Fashion (clothing)
- Footwear
- Sportswear
- Children's wear
- Toys
- Food (falling within Use Class A1)

Reason: To accord with the terms and content of the application and to promote a scheme that would not materially impact upon the retail hierarchy of the Borough and will ensure that the primacy of the Eastbourne Town Centre is maintained.

- Delivery of a fully funded scheme that promotes improved linkages with and to surrounding infrastructure

Then the application be granted subject to the heads of conditions as outlined below.

### **Recommendation (B)**

In the event that a satisfactory Legal Agreement can not be delivered within an satisfactory timeframe (six months from the date of the committee resolution, unless agreed otherwise) then the application should be refused for the following reasons:-

It is considered that the terms of reference within the S106 agreement are considered essential components of this scheme and the failure to deliver all of the components of the S106 would result in a form of development that would potentially not comply with planning policy, have an adverse impact on the local highway network, have an adverse impact upon pedestrian safety, have an adverse impact on local job creation and also may have an adverse impact upon the retail hierarchy of Eastbourne.

### **Conditions relevant to Recommendation A above:-**

The full text of the proposed conditions are outlined below, this is considered necessary in this instance so that Members are fully aware of the proposed controls and limitations as proposed by officers and thus mitigate the potential for a legal challenge over the decision.

#### **(1) Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

#### **(2) Samples**

Samples or precise manufacturers details of the materials to be used in the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

The development shall be carried out in accordance with the approved details.

Reason: To secure that the development is in harmony with the site and the surrounding area ++

### **(3) Hard and Soft Landscaping**

Prior to the commencement of the development

- a) full details of both hard and soft landscape proposals shall be submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:
- (i) proposed finished levels or contours;
  - (ii) means of enclosure;
  - (iii) car parking layouts;
  - (iv) other vehicle and pedestrian access and circulation areas;
  - (v) hard surfacing materials;
  - (vi) minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting);
  - (vii) proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc);
  - (viii) retained historic landscape features and proposals for restoration, where relevant;
  - (ix) planting plans;
  - (x) written specifications (including cultivation and other operations associated with plant and grass establishment);
  - (xi) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
  - (xii) implementation timetables.
- b) All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.++

### **(4) Timetable for landscaping**

All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the development hereby approved opening to the public or in accordance with the programme agreed with the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

**Cont/d...**

**(5) Cycle storage**

The development shall not be occupied until a scheme for the provision of conveniently located and secure cycle racks and cycle lockers for customers and staff, and shower facilities for staff has been submitted to and approved in writing by the Local Planning Authority. Upon first occupation of the scheme these facilities shall be provided to the satisfaction of the Local Planning Authority and shall be maintained in operation thereafter.

Reason: The provision of adequate cycling facilities would support and encourage alternative modes of transport for staff and customers. ++

**(6) Location of refuse and recycling facilities**

The development shall not be occupied until details of facilities for the storage of refuse and waste materials and also facilities for the handling and processing of recyclable materials for both the store and customers use have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved and no occupation of the retail store building hereby approved shall occur until those works have been completed.

Reason: To accord with the terms of the application and to ensure adequate waste storage and recycling facilities are provided at the site.

**(7) Exterior lighting**

The development shall not be occupied until details of the technical specification of all exterior lighting, including illuminated signs and lights to be attached to the buildings or sited in the car park and along access roads, have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of times of illumination of all lights and illuminated signs and any variations in brightness. Thereafter the lighting shall continue to be operated only in accordance with the approved details, and no additional lighting shall be installed unless first approved in writing by the Local Planning Authority.

Reason: In the interests the amenity of the area and also in the interest of crime prevention. ++

**(8) Loading or unloading**

Loading or unloading of goods or materials shall not take place on the land between the hours of 23:00 and 06:00. Details of the method of preventing the use of this service yard between the hours specified shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the service yard and thereafter shall be maintained in operation to the satisfaction of the Local Planning Authority.

Reason: To accord with the terms of the application and to ensure that the service yard and access is retained solely for that purpose at all times. ++

**Cont/d...**

**(9) Demolition and construction method statement Part 1**

No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:

(i) the proposed methods of demolition, piling, recycling activities and dust suppression and all other construction methods associated with the development;

(ii) noise and vibration monitoring arrangements – to be self monitoring by the applicants – for the key demolition and construction phases; and

(iii) measures, methods of working and the means of screening the site that will be employed to minimise disturbance to neighbouring properties during all demolition and construction work. No construction or demolition works shall take place outside the following operating hours:

8.00 -18.00 Monday to Friday.

8.00 - 13.00 Saturdays.

No work shall take place at any time on Sundays and Bank Holidays.

Reason: In the interest of the amenities of the site and surrounding area. ++

**(10) Demolition and construction method statement Part 2**

Before any work, including demolition, commences on site a Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

This will detail:

(i) the estimated volume of spoil to be removed from the site;

(ii) a designated route or routes that vehicles may use when removing spoil from the site and all the routes of vehicles delivering construction materials

(iii) vehicle wheel cleaning provisions;

(iv) road cleaning provisions.

Upon approval the Method Statement shall be implemented to the satisfaction of the Local Planning Authority.

Reason: In the interest of the amenities of the site and surrounding area, including in the interest of capacity of the local highway network to carry large vehicles.++

**(11) Location of trolley parks/bays & prevention of removing trolleys from the site**

Prior to any commercial operator having the desire to use trolleys as part of their commercial operation then details of means to be employed to prevent shopping trolleys from being removed from the application site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Upon opening of the store the agreed measures shall be implemented and maintained in use to the satisfaction of the Local Planning Authority

Reason: In order to prevent shopping trolleys being removed from the site and indiscriminately deposited around the local environment++

**Cont/d...**

**(12) Foul and surface water details**

(i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.

(ii) Development shall be carried out in accordance with the details approved under ((i) above) and the new commercial development hereby approved shall not open to the public until those works have been completed.

(iii) The new commercial development hereby approved shall not open to the public until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

Reason: In the interest of the amenities of the site and surrounding area and to ensure that there is sufficient capacity within the development prior to the connection to the local sewage network.++

**(13) Details of the flank of Unit 8**

Prior to the Commencement of Development details of the elevational treatment of unit 8 facing the South Harbour shall be submitted to and approved in writing by the Local Planning Authority. The details shall show improved articulation and active shopfront details. The details as approved shall be implemented at the site prior to the main commercial development coming operational.

Reason: To accord with the terms of the application and also to ensure that the development integrates well with the local environment.++

**(14) Opening times**

The new commercial development (including the Cinema) hereby approved shall not be open to the public except between the following hours:-

06:00 – 24:00 (Monday to Saturday) and 09:00 – 23:00 (Sundays and Bank Holidays)

Reason: In the interest of the amenities of the site and the surrounding area

**(15) Restrictive retail (1)**

Notwithstanding the provisions of the Town and Country Planning Use Classes Order the retail stores hereby approved within Units 4C, 7, 8, shall not be permitted to retail to any extent (other than ancillary) any items from the following list unless end user has been named and agreed in writing by the Local Planning Authority:-

- Fashion (clothing)
- Footwear
- Sportswear
- Children’s wear
- Toys
- Food (falling within Use Class A1)

Reason: To accord with the terms and content of the application and to promote a scheme that would not materially impact upon the retail hierarchy of the Borough and will ensure that the primacy of the Eastbourne Town Centre is maintained.

**Cont/d...**

### **(16) Restrictive Retail (2)**

Notwithstanding the provisions of the Town and Country Planning use Classes Order the units 9,10,11,12, 13, 14,15 and 16 shall not be used for Use Class A1 purposes

Reason:- To accord with the terms and content of the application and to promote a scheme that would not materially impact upon the retail heighrachy of the Borough and will ensure that the primacy of the Eastbourne Town Centre is maintained

### **(17) Contamination risks**

Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

(i) A preliminary risk assessment which identified:

- All previous uses
- Potential contaminants associated with those new uses
- A conceptual model of the site indicating sources , pathways and receptors
- Potentially unacceptable risks arising from the contamination of the site.

(ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the prior written consent of the local planning authority. The scheme shall be implemented as approved. This condition is sequential and may be discharged at any stage (i)-(iv), provided that the Local Planning Authority is satisfied and advises so in writing.

Reason: In the interest of the character and amenity of the site and surrounding area.++

### **(18) Remedial measures for contamination**

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 the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemetned as approved.

Reason: To protect groundwater quality. This site overlies ground which is potentially affected by historic contamination.

**Cont/d...**

**(19) Piling & Foundation details**

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Reason: To protect water quality. The underlying made ground may contain contamination and inappropriate piling methods may exacerbate conditions underlying the site.

**(20) Clean material**

Nothing other than clean uncontaminated fill materials shall be deposited on the site.

Reason: In order to mitigate the impacts of the development upon the site and surrounding area

**(21) Compliance with FRA**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Document Reference: 8341.E.FRA.1A, dated September 2011) and the following mitigation measures detailed within the FRA:

- The scheme shall be based on the proposed flood risk mitigation measures/strategy (Ref: FRA, paragraph 5.2, pages 11/12, and Table 5.2, page 14).

Reason: To reduce the risk of flooding to the proposed development/future occupants.

**(22) Sewer protection**

The developer shall advise the Local Authority in writing of the measures which will be undertaken to protect the public sewers, together with any diversion of the sewers as may be necessary, prior to the commencement of the development. The approved measures and works shall thereafter be implemented for the duration of the construction of the development, and any diversion should be carried out in accordance with timescales which shall first have been agreed by the Local Planning Authority.

Reason: In order to mitigate the impacts of the development upon the site and surrounding area.++

**(23) Temporary Structures**

(i) No development shall commence (including demolition of existing buildings) until construction access details, and details of the size and location of any temporary structures required during the construction process, together with areas for the storage of materials, and temporary site hoardings, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved details and the approved details shall remain in place for the duration of the construction period. Construction and delivery vehicles shall only use the approved access during the construction period.

**Cont/d...**

(ii) During the construction process all materials, plant and machinery required in connection with the development shall be stored within the confines of the site, and shall be kept clear of all public highways and rights of way.  
Reason:-In the interest of the site and surrounding area.++

**(24) Gates to Cinema Complex**

Prior to the commercial development hereby approved coming into beneficial use details of all gates and or other mechanisms to be used in order to secure the site when not open and trading to the public shall be submitted to and approved in writing by the LPA.

Reason: In the interest of the site and the surrounding area.++

**(25) Structural Planting**

Notwithstanding the submitted site plans PL(00) 111 REV A, PL(00) 100 REV A , PL(00)110 REV additional areas of structural planting, with trees and shrubs, together with tree pit design for all trees to be planted, shall be included as part of the overall soft landscaping scheme required by condition 3 above.

Reason: To accord with the terms of the application and in the interest of the character and appearance of the site and surrounding area.

**(26) Directional Signage**

Details of directional signage for both customers and deliveries and to The Waterfront and other local attractions to be provided in the wider area, in locations to be agreed by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority and installed before the commercial development hereby approved opens to the public, and thereafter retained.

Reason: In the interest of highways and pedestrian safety and the intergration of the development into the wider area++

**(27) Customer Lift**

Prior to the opening of the Cinema hereby approved, a customer lift shall be installed between the ground floor and the Cinema entrance floor level, and shall be retained in working order and made available for customers thereafter at all times when the Cinema is open (except for necessary cleaning and other maintenance).

Reason: To accord with the terms of the application and to ensure that the Cinema store remains accessible to all users of the facility.

**(28) Carbon reduction infrastrucure**

The development shall not be occupied until details of all infrastructure to be installed at the site/development which would be used to reduce the developments carbon footprint. The details as approved shall be implemented at the site prior to the development becoming operational and be retained as such thereafter unless previously agreed in writing by the Local Planning Authority

Reason: The use of renewable energy production would assist in the Councils aims of reducing the development's carbon footprint by upto 15%++

**Cont/d...**

### **(29) Provision of parking**

The commercial development hereby approved shall not be operational and trading until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

In addition the layout of the car park hereby approved shall include access for disabled people, in the form of dropped kerbs (or ramps where appropriate) both to buildings and the communal car parking areas, in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the commencement of development.

Reason: To ensure the safety of persons and vehicles entering and leaving the site, and all users of the facility should have accessible parking spaces within close to desired destination.

### **(30) Trolley bays**

Prior to their installation at the site the development shall not be occupied until details of the location, number and design of all trolley bays have been submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site and be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure sufficient trolley bays are provided in positions that are useable and do not conflict with other uses of the car park.++

### **(31) Electric vehicle charging points**

The development shall not be occupied until details of electric vehicle charging points (number, location and design) have been submitted to and approved in writing by the Local Planning Authority. The details as approved shall be installed at the site and maintained in working order thereafter for use of customer and staff .

Reason: In order to assist in the carbon reduction of the development and also to encourage renewable energy usage within the wider community++

### **(32) Bus link**

Prior to the commencement of the development detailed drawings (on and of application site) of the proposed bus link roads including levels, sections and constructional details, specification costing, surface water drainage, outfall disposal, timetable for delivery, maintenance programme street lighting and measures to be provided that will enable only bus vehicles to access the bus link to be provided, shall be submitted to the Local Planning Authority and be subject to its approval, in consultation with the County Highways Authority. The bus link hereby approved shall be operational prior to the commercial development becoming operational and be retained as such thereafter

Reason: In the interest of highway safety and for the benefit and convenience of the public at large ++

**Cont/d...**

### **(33) Parking spaces**

All 638 spaces, inc 30 Disabled and 18 Parent & Child spaces plus 54 Staff parking spaces, hereby approved shall be made available prior to the commercial development becoming operational and trading to the public and all shall be retained and available for parking thereafter unless previously agreed in writing by the Local Planning Authority.

Reason: In the interest of highways capacity and safety

### **(34) Location and design of ATM's**

Prior to their instalation at the site details of location and design of any ATM's shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site and remain as such thereafter.

Reason: The position of the ATM machine are often a source of antisocial-criminal activity and as such their specific location is considered important in order to aid their use, sevicng and also to reduce the liklihood of crime and anti social behaviour.++

### **(35) Approved plans**

The development hereby approved shall be implemented in accordance with the plans listed below unless agreed in writing by the local planning authority:

Plan Reference	Plan Title
PL(00)001B	Site Location Plan
PL(00)002	Overall Ground Floor Plan - Existing
PL(00)003	Overall Mezzanine Floor Plan - Existing
PL(00)004	Overall Roof Plan - Existing
PL(00)005	Demolition Plan
PL(00)006	Trees to be Removed
PL(00)100 REV B	Overall Ground Floor Plan - Proposed
PL(00)101 REV A	Overall Mezzanine Floor Plan - Proposed
PL(00)102 REV B	Overall First Floor Plan - Proposed
PL(00)103 REV B	Overall Second Floor Plan - Proposed
PL(00)104 REV B	Roof Plan (Proposed)
PL(00)105 REV A	Cinema and Units 9-17 Ground Floor Plan
PL(00)106 REV A	Cinema and Units 9-17 Mezzanine Floor Plan
PL(00)107 REV B	Cinema and Units 9-17 First Floor Plan
PL(00)108 REV B	Cinema and Units 9-17 Second Floor Plan
PL(00)109 REV B	Cinema and Units 9-17 Roof Plan
PL(00)110 REV A	Landscape Strategy
PL(00)111 REV A	Proposed Bus Route
PL(00)120 REV A	Units 1-8 Sections (Existing and Proposed)
PL(00)121 REV A	Proposed Sections D E F (Cinema and Units 9-17)
PL(00)122	Proposed Sections A B C (Cinema and Units 9-17)
PL(00)123 REVA	Proposed Sections G H (Cinema and Units 9-17)
PL(00)130	Existing Retail Units - Front and End Elevations
PL(00)131	Existing Retail Units - Rear and Side Elevations

**Cont/d...**

PL(00)132 REV B	Existing Retail Units - Front and End Elevations (Proposed)
PL(00)133 REV A	Rear and Side Elevations (Proposed)
PL(00)134 REV A	Cinema and Units 9-17 Elevations (Proposed)
PL(00)135	Proposed Screen Fence and Service Yard Enclosures
PL(00)140	Site Sections (Existing and Proposed)

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out in accordance with the amended plans to which the permission relates.

### **(39) Plant and machinery**

Prior to the commercial development hereby approved becoming operational details of all plant and machinery (e.g. air conditioning, refrigeration units) including predicted noise levels shall be submitted to and approved in writing by the Local Planning Department. The details as approved shall be implemented at the site and retained as such thereafter.

Reason: - In the interest of noise and disturbance and a desire to maintain the character and amenity of the site and surrounding area and the occupiers of the nearby residential and commercial properties.

### **(40) Surface water drainage**

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the proposed drainage strategy (Ref: FRA, paragraph 4.2, page 9 and Table 4.1 "SUDS Options", page 10). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To reduce the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system. ++

### **(41) Site Waste**

The development hereby approved shall be implemented in accordance with the content of the Outline Waste Minimisation and Site Waste Management Strategy submitted by Ramboll dated September 2011.

Reason: To accord with the terms of this application and to ensure that all waste generated by the development is identified and managed into recognised waste streams

**Cont/d...**

**(42) Sub Division (1)**

Notwithstanding the provisions of the Town and Country Planning Use Classes Order the retail units hereby approved (4B, 4C 7 & 8) shall not be subdivided or amalgamated unless previously agreed in writing by the Local Planning Authority. The subdivision and amalgamation of the units shall demonstrate that it would have a have a minimum floor area no smaller than 750 sqm as measured over one floor.

Reason: To ensure that any amalgamation does not promote a unit of a size and configuration that would materially impact upon the retail heighrachy of the Borough and will ensure that the primacy of the Eastbourne Town Centre is maintained.

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

## APPENDIX 1

As commented earlier in this report the following pages include a summary of the issues and questions raised at the Public Consultation events held and hosted by the applicant and the applicant's direct responses in italics.

Members are encouraged to read this as some of their queries and questions may have been answered.

### Connectivity

The need for 'joined-up' thinking across existing and proposed Harbour developments was raised, including:

- Unit size mix: *The desire to see smaller, independent and niche retailers on the Harbour is acknowledged. However it is considered that The Waterfront is the more suitable location for such occupiers with the Retail Park generally providing larger units for national retailers, with some smaller units below the cinema.*
- Working collaboratively with Harbour / Waterfront Managers and Eastbourne Borough Council to promote the whole area, particularly at the opening of the new development: *The Prudential Assurance Company will continue to hold regular meetings with all key players and will assist in promoting the area in all appropriate ways.*
- Greater integration with more attractive (possibly covered) walkways joining the retail park and The Waterfront. *The walkways across the site will be improved. However, the walkways between the site and The Waterfront are not on The Prudential Assurance Company land and improvements are not under Prudential control.*
- Improved directions to The Waterfront and to the Dotto Train stop. *This is noted and signage at appropriate locations will be provided on The Prudential Assurance Company land.*
- Closer cooperation between The Prudential Assurance Company and Carillion to achieve the best linking of facilities (particularly in terms of facilitating pedestrian flows and transport connections such as the bus link): *There is an ongoing dialogue between The Prudential Assurance Company and Carillion regarding the bus link and Prudential will continue to work with Carillion to promote pedestrian and transport links across the Harbour.*

### Viability

- Concern was expressed that the development would not be able to go ahead, that it would go ahead in a reduced form, or that units would remain empty. *The Prudential Assurance Company are progressing proposals based on evidence that there is sufficient demand to deliver a viable scheme and they remain committed to achieving a successful outcome for Sovereign Harbour. However, they must always act in their policy holders' best interests.*

## Facilities

- In addition to those proposed, a wide range of additional facilities was suggested. Many of these related to the wider area of the Harbour rather than the retail park site. *Planning permission is specifically being sought for new commercial units including café / restaurants, as well as a replacement cinema and new and refurbished retail units.*

## Tenants

- It was felt that quality, more 'up-market' retailers, cafés and restaurants were important to the success of the new development. Respondents named a number of tenants that were considered desirable. *It is in The Prudential Assurance Company's interest to enter into leases with the most appropriate tenants. One of the purposes of the refurbishment is to attract high quality tenants, and feedback received will be taken into account during the selection process.*

## Employment

- It was seen as crucial to use as many local contractors and companies as possible during construction. *This view is shared by The Prudential Assurance Company and a contractor's area is currently being set up on the Sovereign Central website. This will enable local contractors to register an interest, so that they will be kept informed at appropriate stages of the process and do not miss out on potential opportunities.*

## Cost

- Questions were asked about whether there would be any additional costs to residents as a result of the development. *There will be no additional costs to residents.*

## Design

- Appearance A variety of views were expressed. Further clarification was sought on a number of specifics:
  1. Further illustration of scale, colour and form
  2. Rear views
  3. Location of cinema entrance
  4. Natural light for the covered walkway
  5. Quality finishes (including the possibility of self-cleaning panels)*Additional information covering these and other points has been developed since the consultation. Please see the Design and Access Statement accompanying the Planning Application.*

## Accessibility

- The need for seating, care to ensure pathways join up and accessible WCs was raised. *Some seating will be provided, including seating in the covered area. The pathways will be continuous and level throughout the pedestrian arcade and across the front of the retail units, removing the need for the existing wheelchair ramps at each retail entrance. Existing footpath routes to the southern entrance and along the eastern service road will be enhanced. Accessible toilets will be provided in the cinema and in café / restaurants.*

## Canopies

- A continuous canopy, without the visual and physical restrictions of the current canopy, was seen as desirable. *The existing canopy consists of a cluttered and complicated series of structural supports, kerbs and columns allowing only restrictive movement between the car parking and the main retail entrances. Providing individual canopies (2.8 x 8.7m) as part of the upgraded shop fronts to each unit allows a significantly enhanced pedestrian environment at ground level. In addition, the removal of the existing continuous canopy between units allows shop front glazing to be much taller. This enhances the environment within the retail units, provides a vastly improved relationship between interior and exterior, and provides a better-quality frontage to the retail park – which is a key driver in attracting new and better-quality tenants.*

## Screening

- Tree screening between the development and South Harbour was considered important. It was felt that existing trees should be retained and as many additional trees planted as possible, preferably with increased foliage for maximum screening. *An Arboricultural specialist has been appointed to look at the tree screening in detail and identify the best approach to deliver the desired outcome.*

## Entrance from South Harbour

- The improvements to the pedestrian route were both welcomed and a cause for concern. Formalising and strengthening the route taken by tourists from the bus and Dotto Train stops in South Harbour was seen as positive. However, an increase in people using the route was seen as potentially problematic for South Harbour residents, particularly if it encouraged drivers to arrive via Atlantic Drive and park in South Harbour. Increases in congestion, noise and pollution were also causes for concern. One suggestion was that access to the cinema / restaurant complex should be from the car park side only. *The current scheme is inward facing. In line with planning policy, proposals seek to improve connectivity and to integrate the scheme more effectively with the whole Harbour. The concerns of some of the residents who live in properties adjoining the site are acknowledged and have been carefully considered. However, the current 'back' route – which is already being used by many people – is unattractive, run down and lacks natural surveillance. The proposals aim to create a vibrant, good quality, well managed access point that will improve linkages and pedestrian flows throughout the area.*
- It was suggested that closing the route at night was a worsening of access from South Harbour to the 24 hour Asda. *For the majority of the day, the access route will be significantly improved. Closure at night is to prevent security problems arising.*

- It was felt that the covered walkway could create an unpleasant wind tunnel (as with the existing covered entrance to the Waterfront restaurants). *The pedestrian arcade has been designed to mitigate any effects from the wind. Features that will help to decrease wind movement include the double-height of the arcade – which reduces any wind-tunnel effect, and the full height wall at the southern end of the arcade – which will act as a barrier to the prevailing wind.*
- The potential for the covered area to encourage young people to hang around and cause problems was raised. *The covered area will be subject to natural surveillance and it will be in the interests of all businesses in the covered walkway to maintain a safe environment for all pedestrians. The walkway will be closed at night.*

#### Noise

- Noise from the cinema / restaurant complex was a particular cause for concern, including noise from the air conditioning plant at the rear of the cinema and noise caused by people leaving via the South Harbour exit late at night. *Existing plant will be replaced by new, better quality plant, which will be screened and subject to current acoustic standards. The number of seats in the cinema will be the same as in the current facility and the pedestrian route to South Harbour will be subject to active management controls, unlike the present arrangement.*

#### Light pollution

- The potential for light pollution was raised as a consideration. It was felt that light pollution from the current car park is quite bad. *Existing light fittings in the car park will be replaced with more modern alternatives. These, and all new fittings, will have been designed to minimise light pollution.*

#### Landscaping

- More greenery was seen as desirable, including the possibility of medium height trees in front of the shops, shrubs, flower troughs and hanging baskets. *Retaining existing trees was also considered important. Good quality hard landscaping is considered to be more appropriate in this location. Existing trees will be retained wherever possible.*

#### Maintenance

- It was felt that improvements in site maintenance were needed. Specific areas for consideration included more litter bins, managing rubbish from the restaurants (particularly any takeaways), and the possibility of an overall body or estate manager to oversee the whole development and deal with problems. *As plans progress, a maintenance and management strategy appropriate for a District Centre will be produced and implemented.*

## Security

- It was suggested that the increased level of outside visitors associated with retail and cinema parks could potentially increase the crime rate. Other security concerns included local youths hanging around and causing trouble (particularly in the walkway under the cinema) and further incidents such as the store fire. *There will be more natural surveillance through overlooking and the walkway will be closed at night. CCTV cameras will be installed in the service yards at strategic locations. The local Crime Prevention Design Advisor has been consulted on proposals. He was happy that proposals, which are designed to create a well-managed, family orientated facility, would not exacerbate any existing problems or create new problems.*

## Theme

- The possibility of a nautical theme for the development was suggested. A local landmark representing something to do with sailing / the sea was also proposed. *A local landmark was considered to be an interesting idea and it will be reviewed in due course.*

## Transport Traffic

- It was suggested that existing levels of traffic were problematic and there was concern that the situation would be significantly worsened. Suggestions included additional dual carriageway from the Tesco roundabout and into the site and opening up the direct route from North Harbour (to relieve the traffic jams caused by traffic trying to get back into the retail park after having being diverted from North Harbour onto the A22). The difficulties of exiting Pacific Drive and the need to prevent additional traffic generation in the Atlantic Drive / Daytona Quay area were raised. *It is not anticipated that there will be significant additional traffic generated on any routes in the surrounding area. Any additional traffic would be confined to main roads and would not be expected to affect local routes. The opening up of a direct route from North Harbour would potentially increase rat-running and is not considered to be desirable.*

## Car parking

- With the loss of the spaces by Fitness First and with spaces at the rear of commercial premises no longer useable, it was suggested that proposed parking levels were inadequate to compensate for the losses and the increased demand – particularly at peak ‘crossover’ times between day and evening uses. It was emphasised that other local car parks could not be relied on to provide overflow capacity. *Car parking occupancy surveys have been undertaken which reveal significant spare capacity within the retail car park. It is recognised that this is in part due to drivers preferring to park in spaces adjacent to building entrances. However, it is considered that the increase in parking coupled with better use of the existing car park spaces should be adequate to cater for the additional demand.*

- Inadequate car parking provision in the main car park was seen as likely to increase parking pressures in the residential streets in South Harbour, particularly on the roundabout, in Daytona Quay, and on Atlantic Drive. Additional parking in South Harbour, site parking accessible only from South Harbour, and double yellow lines were identified as potential solutions. *The introduction of double yellow lines would be subject to consultation with the local council, the highway authority and local residents. This could be considered at a later date if overspill parking were found to be occurring.*

#### Car parking charges

- Confirmation was sought that car parking would remain free. *There is no intention to introduce car parking charges.*

#### Car park design

- It was considered that new car parking spaces should be a similar size or larger than current spaces. *Car parking spaces will be designed to current standards.*
- The removal of the sharp bend outside the existing cinema was seen as desirable, as this is currently too tight for two cars to pass and causes bottlenecks. *Proposals for the car park have been designed to improve circulation in key areas.*
- It was hoped that 'plenty' of disabled parking would be provided. *Disabled designated parking will be provided to current standards. Oversize spaces for parent and child use will also be provided.*

#### Bus link

- Questions were asked about the services that would be re-routed and frequency of service. It was pointed out that the route does not cover North Harbour / Pacific Drive. *The Prudential Assurance Company is providing a route for Stagecoach to use and, in collaboration with Carillion and other parties, will actively promote all matters within their remit. However, these questions are matters for Stagecoach.*
- There was concern that the barriers would be sufficiently secure and would not easily be vandalised (electronic bollards were seen as preferable to a lift up barrier) and that designated use could change in the future, allowing all traffic to use it as a through route. It was asked whether taxis would be allowed to use the bus route. *The route will be for buses only. Other traffic will be prevented from entering, probably by means of electronically operated rise-up bollards that will provide a robust barrier.*
- It was considered that a solution would need to be found to prevent pedestrians being endangered when buses crossed the pedestrian walkway. *This crossing is not on The Prudential Assurance Company land. It will be considered by the appropriate parties as matters progress.*

- It was suggested that the route behind The Waterfront was preferable to the current proposed option. *The Prudential Assurance Company is committed to facilitating the proposed route, which is the route preferred by County and Borough Councils.*
- Bus stops were considered desirable outside the new medical centre and outside the Yacht Club. Other suggestions included a drop off point in the centre, a hub in a more central position with easier access to the shops and a better waiting area, and a spur road into the main car park. It was felt that the proposed bus stop in South Harbour should be sited further away from residential properties, behind the trees. Real time bus information screens were also suggested. *These comments will be fed through to Stagecoach, to be taken into consideration in the design process.*

#### Cycling

- Covered cycle parking was seen as essential. *72 cycle parking spaces will be provided. These will be covered on 3 sides and will meet BREEAM standards.*
- The need for a cycle path across the area was raised. It was suggested that the hatching at the rear of the car parking spaces nearest to the retail units should be moved to the front of the car parking spaces (near to the bollards by the retail units) to provide a 'safe' cycle route. *Proposals aim to promote cycling to, rather than through, the centre. Moving the hatching is not possible for reasons of public health and safety.*
- The desirability of extending the cycle path to the Town Centre and Hollywell was raised. *While acknowledged as desirable, this is not within the remit of The Prudential Assurance Company.*

#### Delivery

- *All operational matters will be addressed in detail with the contractor, when one is appointed, and the considerations raised will be taken into full account. Key priorities will include:*
  - Managing the site to ensure that operations are kept separate from the general public and all retailing activity.*
  - Minimising any disruption to existing tenants, local traders, shoppers and the general public.*
  - Maintaining safe and suitable access.*
  - Keeping local residents informed throughout the process.*

#### Construction traffic

The need for construction traffic to be kept to a minimum and controlled was identified. *It was emphasised that construction traffic should use Pevensey Bay Road and the service road, not access the site via South Harbour. The proximity of Kings Park bungalows to the service road was pointed out, in particular in relation to the need for traffic levels and noise to be restricted.*

#### Environmental considerations

It was pointed out that there should be the usual minimum disturbance at night and weekends – and no pile driving at night. *The need to control excessive noise and vibration and to reduce air pollution, dust and particle fall out was raised, with tight monitoring of agreements regarding noise levels, etc.*

#### Scheme name

- A variety of views were expressed regarding the name 'Sovereign Central' and a number of suggestions for alternatives were received. A competition was also proposed. *The Prudential Assurance Company have noted the mixed, but predominantly negative reaction to the name 'Sovereign Central' and have decided that this matter requires separate consideration. As the scheme name is not a planning consideration, the Planning Application is being submitted under the current name 'Sovereign Harbour Retail Park' and any change of name will be addressed post-planning.*

## Committee Report 17 April 2012

### Item 2

App.No.:  
**EB/2011/0757**

Decision Due Date:  
**28/01/12**

Ward: **Meads**

Officer: **Chris Cave**

Site visit date: **15/12/11**

Type: **Householder**

Site Notice(s) Expiry date: **12/01/12**

Neigh. Con Expiry: **13/01/12**

Weekly list Expiry: **15/01/12**

Press Notice(s)- : **08/02/12**

Over 8/13 week reason: **Application went past the target date as the press notice consultation date was late**

Location: **13 Lushington Road**

Proposal: **Erection of a second floor side extension**

Applicant: **Mr Derek Holdrup**

Recommendation: **Approve**

#### **Reason For Referral:**

The Chair requested the application to go to Committee as he was unsure as whether or not render was a suitable finish for the extension and in addition CAAG objected.

#### **Planning Status:**

- Conservation Area

#### **Relevant Planning Policies:**

UHT1 – Design of New Development

UHT15 – Protection of Conservation Area

H020 – Residential Amenity

#### **Site Description:**

Application property is a three storey semi detached dwelling with a two storey element attached to the side. The property is built from brick with a tiled roof. The front garden is small and is enclosed by a 1m high brick wall. A small path runs to the side of the property allowing access to a small backyard to the rear.

#### **Relevant Planning History:**

No relevant planning history

**Proposed development:**

The application is for the erection of a second floor side extension. The extension is to measure 1.55m in height, 7.3m in depth and 3m in width.

**Consultations:**Conservation Officer

The proposal is to provide a 2<sup>nd</sup> floor extension that will sit below the roof level. This has occurred in other sections along the street and if kept below the roof line will be subservient to the main structure. The concern arises over the finish of the building. The choice of render is an alien finish to the structure. Other buildings in the area have used render but the block which No. 13 is included is finished with brick only. Its introduction on the extension would appear out of keeping with the property. CAAG did suggest that a yellow brick could be found to match in with the building, and if a string course was introduced along the current line of the parapet, this would help to break up any slight differences in colour, which is considered an acceptable alternative. It is advised that a condition be included to provide brick sample to ensure that the colour chosen is appropriate, due to the difficulty in finding matching yellow brick.

Window proposed for the front elevation is UPVC windows. CAAG agreed that a timber vertical sliding sash to match those on the projecting wing (on the floors below), would be more appropriate. There are UPVC windows on the 2<sup>nd</sup> floor, however they sit behind the projecting bay windows, and are only visible from oblique angles. The new window will be clearly visible and should be timber to match the other sliding sash window located on the lower stories.

After conducting a site visit, no suitable brick has been found, therefore a rendered finish to match the lower sections of the building has been agreed. The type of render is a Travis Perkins sand match.

**CAAG**

No objections subject to a sliding timber sash window being installed on the front elevation and the use of yellow brick for the extension.

**Neighbour Representations:**

None received

**Appraisal:**Residential Amenity

It is considered that the impact on residential amenity is acceptable. As the properties to the front and rear are located a satisfactory distance away and the property to the west will not be able to view the extension due to the position of the existing property, the only impact will be on the property to the east. However as the extension is set back from the eastern boundary and the nearest element of the eastern property is a secondary window, the impact on residential amenity is acceptable.

### Impact on Conservation Area

I agree with the Conservation Officer that as the extension is subservient to the main building, the proposal is acceptable in principle. As a render and colour has been agreed by the Conservation Officer due to the difficulty in finding a suitable yellow Brick, a condition will be placed on the application requesting the exact name of the colour of the render and as the use of UPVC for the front window is deemed to be unacceptable and the applicant has agreed to the installation of a timber window, a condition will be placed on the application stating that details of the front window must be submitted and approved by the planning department. Therefore there are no conservation concerns.

### **Human Rights Implications:**

None

### **Conclusion:**

This application is recommended for approval. Due to the location of the surrounding properties the only impact on residential amenity will be on the neighbouring property to the east. However, as the extension is set back from the neighbouring boundary and the nearest element of the neighbouring property is a secondary window, then the impact on residential amenity is deemed to be acceptable. As a condition will be placed on the application requesting details of the front window of the extension and a condition requesting details of the colour of the render as the planning department have agreed but not received the exact name of the colour, there is no justifiable reason to refuse this application.

### **Recommendation:**

**RECOMMEND:** Permission be granted subject to the following conditions:

- (1) Time
- (2) Submission of window details
- (3) Submission of colour details of render
- (4) Approved drawings

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



**Planning Committee 17 April 2012**

**Item 3**

<b>APPLICATION SITE:</b> Burlington Hotel Car Park		
<b>App.No.:</b> EB/2012/0059(FP)	<b>Decision Due Date:</b> 19/04/12	<b>Ward:</b> Devonshire
<b>Officer:</b> Suzanne West	<b>Site visit date:</b>	<b>Type:</b> Major
<b>Site Notice(s) Expiry date:</b> 23/02/12		
<b>Neigh. Con Expiry:</b> 23/02/12		
<b>Weekly list Expiry:</b> 22/02/12		
<b>Press Notice(s):</b> 07/03/12		
<b>Over 8/13 week reason:</b> N/A		
<b>Proposal:</b> Proposed residential development of a four storey block of 12 No. apartments with associated parking and landscaping, including continued parking provision for the Burlington Hotel		
<b>Applicant:</b> Trustees of the Jewel Hotels Unit Trust		
<b>RECOMMENDATION:</b> Approve subject to legal agreement		

**Reason for referral to Committee:**

- 10 objections including 2 requests to speak

**Planning Status:**

- Town Centre Housing Allocation
- Tourist Accommodation Area
- Archaeological Notification Area
- Source Protection Zone
- Adjacent to Town Centre and Seafront Conservation Area
- Adjacent to Grade II\* Listed Building

**Relevant Planning Policies:**

National Planning Policy

PPS1	Delivering Sustainable Development
PPG3	Housing
PPS5	Planning for the Historic Environment
PPG13	Transport
PPG24	Planning and Noise
PPS25	Development and Flood Risk

### Eastbourne Borough Plan 2001-2011

NE7	Waste Minimisation Measures in Residential Development
NE11	Energy Efficiency
NE14	Source Protection Zone
NE17	Contaminated Land
NE18	Noise
NE28	Environmental Amenity
UHT1	Design of New Development
UHT2	Height of Buildings
UHT4	Visual Amenity
UHT7	Landscaping
UHT15	Protection of Conservation Areas
UHT17	Protection of Listed Buildings and their settings
HO1	Residential Development within the Existing Built-up Area
HO7	Redevelopment
HO11	Residential densities
HO20	Residential Amenity
TR1	Locations for Major Development Proposals
TR2	Travel Demands
TR6	Facilities for Cyclists
TR7	Provision for Pedestrians
TR11	Car parking
TR12	Car parking for those with Mobility Problems
US3	Infrastructure Services for Foul Sewage and Surface Water Disposal
US4	Flood Protection and Surface Water Disposal
TO1	Tourist Accommodation Area
TO2	Retention of Tourist Accommodation
TO4	Improvements to Existing Accommodation
IR2	Infrastructure Requirements
TC13	Town Centre Housing Allocations

### Emerging Core Strategy

B1	Spatial Development Strategy and Distribution
B2	Creating Sustainable Neighbourhoods
C1	Town Centre Neighbourhood Policy
D1	Sustainable Development
D5	Housing
D10	Historic Environment

### **Site Description:**

This sub-triangular backland site, approximately 0.14 hectares, is located to the rear of the Grade II\* Listed Burlington Hotel enclosed on all sides by a high boundary wall. The site is bounded by commercial and residential properties fronting Terminus Road and backing onto Elms Road to the south-west, the Burlington Hotel to the south-east, Rosemount Cottage to the north-east and a predominantly residential terrace of Buildings of Local Interest fronting Elms Avenue, separated by a back alleyway, to the north. The plot, originally farmland, has historically been used as a stable block and residential garden, garages and coach park and is currently in use as a private car park for the Burlington Hotel.

Located within the Town Centre boundary adjacent to the Town Centre and Seafront Conservation Area, the site lies within the Tourist Accommodation Area and an Archaeological Notification Area. The land is flat at c11m OD, constrained on all sides by high level development and in a poor state of repair.

### **Relevant Planning History:**

- EB/2010/0770 Proposed residential development of a four storey block of 12 No. apartments with associated parking and landscaping, including continued parking provision for the Burlington Hotel.  
Withdrawn. 31/01/11
- EB/1994/0029 Use for the parking of six coaches.  
Refused. one reason. 25/04/1994  
Allowed at appeal. 26/05/1994
- EB/1993/0275 Use for the parking of 6 coaches.  
Refused, one reason. 14/09/1993
- EB/1993/0091 Amendment to Condition 4. of Planning Permission EB/1992/0145, to allow 8 coaches to be parked and movements to take place between 7.00am and 8.00pm.  
Refused, one reason. 27/04/1993
- EB/1992/0145 Formation of a car park, involving the removal of the existing garage building.  
Granted, subject to conditions. 21/05/1992

### **Proposed development:**

Permission is sought for a four-storey block of 12 apartments, comprising 5 No. one bed and 7 No. two bed units, with associated parking and landscaping including continued provision of parking for the Burlington Hotel. The proposed building will be triangular in shape to infill the southern corner of the site at the junction of Burlington Road and Elms Road with a high density of 89 dwellings per hectare. The apartments will be located at first, second and third floor level, accommodating 4 units per floor ranging from 41 sqm to 92 sqm, each with a private balcony and communal lift access. The building will be of a modern angular design with a flat roof and recessed elevations to break the facades. Windows and balconies are proposed on all three elevations with a minimum separation distance of 22m from the rear of properties in Elms Avenue, 9m from Elms Road and 10m from the Burlington Hotel. The palette of materials will include white render and feature timber cladding at ground floor, aluminium windows, timber doors and glazed balconies. All units will be private housing.

Undercroft parking together with a large car parking area to the north of the site will provide a total of 34 designated spaces with additional valet parking. The new parking provision will replace the existing 55 spaces to provide 4 undercroft bays for residents, 30 spaces for visitors of the Burlington Hotel, 2 of which will be disabled and additional valet parking for hotel use. The development also incorporates 12 secure cycle spaces.

The existing vehicular access will be replaced with a new entrance off Elms Road to the north-west of the site with a new pedestrian access proposed off Burlington Road and a new footpath to extend along Elms Road and Burlington Road. The existing boundary wall will be retained.

Soft landscaping including trees will screen the car parking area to the north of the site and a 'green wall' proposed along the rear of Elms Avenue properties to enhance the existing render wall. A good sized communal garden for residents will occupy the north-eastern corner of the site with refuse provision.

### **Consultations:**

#### Planning Policy

Planning Policy is supportive of the development in order to maintain the Councils' housing land supply and welcome such sites coming forward.

*(Memo, 14/02/12)*

#### Southern Water

No objection raised to the scheme subject to a condition requesting details of the proposed means of foul and surface water sewerage disposal prior to commencement of development.

*(Letter, 17/02/12)*

#### Environmental Health

In light of the previous commercial use of the site as a coach park, it is recommended that contaminated land conditions be attached to prevent any petro-chemicals contaminating the aquifer.

*(Email, 08/02/12)*

#### Highways

The application site is located within a sustainable location in close proximity to the town centre, good public transport links and access to local facilities.

Although the proposal would provide a lower level of parking for the hotel use than the guidance recommends, the site is located approximately 300m away from Zone 1 where a zero parking provision is acceptable. Furthermore, the parking provision proposed under the current scheme is unlikely to be significantly different from current levels given that the site cannot be guaranteed for hotel use only.

A Legal agreement with East Sussex County Council is under consideration to contribute money to implement a dropped crossing at the Elms Road/Burlington Road junction and relocate the existing illuminated 'One Way' sign at the junction of Burlington Road/Elms Road into the new footway. The agreement will include an easement to allow East Sussex County Council to maintain the crossing and sign in the future.

*(Memo, 09/03/12)*

#### Design Review Panel & Conservation Area Advisory Group (CAAG)

Supportive of the style of the scheme and the opportunity to enhance and improve the existing site. However, it was considered that the expanse of metal grillwork at ground floor level forming part of the original application created a 'hostile' appearance and should be broken up with cedar panels or railings to soften the appearance.

*(Meetings, 6 November 2009 & 11 January 2011)*

#### Conservation Officer

Following amendments to replace the expanse of metal grillwork at ground floor level with cedar panelling, the revised scheme raises no conservation concerns. The new development has taken cues from the surrounding built form and is considered to enhance the site which at present does not provide any positive contribution to its historic context.

*(Memo, 23/02/12)*

#### County Archaeologist

An archaeological evaluation excavation has revealed no archaeological material on site pre-dating the 19<sup>th</sup> century. No mitigation measures are therefore considered necessary.

*(Memo, 01/02/12)*

#### Sussex Police

The level of crime in this area is relatively high when compared to the rest of Sussex and, as such, every consideration should be given for the safety and security of future residents and hotel users. The design and layout of the original scheme EB/2010/0770 has been amended to include the formal delineation of the proposed car parking area. Following these amendments, the police are satisfied that the revised scheme will reduce the opportunity for crime using the principles of Secured by Design creating a safe and secure environment for future residents and hotel visitors.

*(Letter, 14/02/12)*

#### **Neighbour Representations:**

Following statutory notification, 10 letters of objection have been received including 2 requests to speak. The following concerns have been raised:

- Loss of light to rear of properties in Elms Avenue and 237 Terminus Road;
- Loss of privacy to rear of properties in Elms Avenue;
- Overdevelopment of site which is unduly high at four storeys affecting businesses within the immediate locality;
- Poor modern design that is out of keeping with surrounding properties and wider conservation area;
- Insufficient parking provision, particularly for weekend demand;
- Pollution from increased traffic;
- Noise and general disturbance from construction and use; and
- Potential light pollution.

## **Appraisal:**

The current scheme is a resubmission of application EB/2010/0770 which was withdrawn to enable an archaeological assessment to be carried out. Prior to the submission of the original application, extensive pre-application discussions took place over a period of 2 years to agree an acceptable design approach including a presentation to the Design Review Panel. With the exception of amendments to replace the expanse of metal grillwork serving the undercroft parking at ground floor level with cedar panels as recommended, the current scheme is identical to the original application. The key material considerations to assess in the determination of this application concern the principle of shared residential use and retention of parking provision for the Burlington Hotel, the archaeological value of the site, the associated impact on the visual amenities of the locality with particular regard to design and historic context, the effect on the living conditions of adjacent residents and future occupants and the associated impact on the highway network.

### Principle of Residential Use & Retention of Hotel Parking

The proposed scheme provides an important and valuable redevelopment of an under-used brownfield site with a minimum of 70% of the Borough's housing provision set to be provided on previously developed land. The site is allocated for housing development in the adopted Borough Plan and is considered within the SHLAA to be suitable to deliver 12 units. The scheme delivers a mix of dwelling sizes and is located in a sustainable location within the Town Centre neighbourhood with good public transport accessibility and a high density of dwelling/ha comparable with many residential developments in the town centre. In addition to delivering 12 new units, the site will provide continued parking provision for the Burlington Hotel in line tourism objectives.

### Archaeological Value

An archaeological assessment was carried out prior to the submission of the revised scheme revealing the site to contain the building remains of a stable block possibly built in the 1850's. Evidence of early 20<sup>th</sup> century development was also recorded, the construction of which may have destroyed any archaeological remains of significance including the presence of Eastbourne Roman villa. It is therefore concluded that the ground works for the proposed scheme can be undertaken without the need for any further archaeological intervention.

### Historic Context & Design

The application site represents an underused and untidy parcel of land which currently detracts from the character and appearance of the historic environment bounded by the Grade II\* Listed Burlington Hotel to the east, a terrace of Buildings of Local Interest fronting Elms Avenue to the north and the adjacent Town Centre and Seafront Conservation Area. The proposed scheme will provide a focal point at the junction of Burlington Road and Elms Road, creating a new and defined streetscape adding variety and texture to the historic setting. The proposed four-storey development is of a high quality contemporary design which has taken some cues from its back-land context and makes a positive contribution to the overall appearance of the area. The scale and mass of the building is in keeping with surrounding properties which range from three to five storeys in height.

The building is rendered in line with the Burlington Hotel and Victorian properties on Elms Road with cedar panels at ground floor level to add chromatic and textural variation and softening the impact of the building as seen from the street. The projection planes to the façade have taken their cues from the returns to the rear of the Burlington Hotel; these projections and the recessed fourth-storey go some way to break up the mass of the building and enliven the façade. The new design, in contrast to the existing use and layout of the site, ensures car parking and access is not visually dominant and, in turn, creates a more attractive environment. The scheme incorporates a simple building rhythm and palette of materials introducing a new and contemporary development without detracting from the historic environment. Large windows maximise natural light and good sized glazed balconies provide an interesting and modern façade whilst providing depth to the elevations.

The proposed scheme seeks to enhance the appearance of the site and provide natural screening through the use of landscaping including an alignment of trees within the car parking area and a new 'green wall' along the northern boundary to soften the appearance of the existing render wall. A communal amenity area is also proposed for residents which will further improve the outlook from surrounding properties; this area will be permanently maintained by a management company.

Careful consideration has been given to safety by incorporating crime prevention measures within the design to create a secure environment and improve the quality of the public realm. This has been achieved through the use of, inter alia, well-lit amenity areas to enable high level surveillance, a new footpath to increase pedestrian activity and the use of landscaping and boundary treatments to define spaces without creating a 'fortress' appearance.

The proposed development will meet Code Level 3 for Sustainable Homes through the provision of, inter alia, communal recycling facilities, secure cycle storage, private and communal amenity space and energy efficient building fabric and systems. The proposal also meets wider sustainability objectives by making more efficient use of land and maximising density.

#### Residential Amenity

The scheme has been carefully tailored to maximise and respect the constraints of the site with a triangular shaped building positioned at the junction of Burlington Road and Elms Road to achieve a minimum separation distance of 22m between the new building and Elms Avenue properties. This distance is considered more than adequate, particularly in light of the town centre location. The development also incorporates a large communal garden which, coupled with the provision of private balconies, will provide a high level of outdoor amenity space for all occupants. Furthermore, proposed room sizes will provide a good standard of accommodation and 3 out of 4 apartments on each floor will have dual aspect to maximise outlook and natural light. Although windows have been incorporated on all elevations, due to the distance from and relationship to neighbouring residential and commercial units, the proposed fenestration layout will have minimal impact on adjacent properties with respect to loss of privacy. With regard to surveillance, the three sided building and fenestration layout will ensure the parking area and surrounding streets are overlooked to facilitate self-policing of the site.

Pedestrian accessibility and approach to the site will also be improved through the provision of a new footpath.

The submission of a daylight and sunlight assessment has concluded that the development will not cause any noticeable loss of light to neighbouring residential properties, with particular regard to the rear of Nos. 227 and 247 Terminus Road, 8-10 Elms Avenue and Rosemount Cottage considered to be the worst affected. The proposed development will also achieve good levels of light, exceeding ADF levels for proposed habitable rooms and BRE Guidelines for proposed amenity areas. It is noted that BRE Guidelines do not require an assessment of deciduous trees due to the difficulty in measuring seasonal variations. The trees shown on the proposed plans are therefore for illustrative purposes only and details should be agreed with the Borough Council prior to commencement of development. Notwithstanding the above, the trees and other landscaping visually enhance and screen the site and therefore form an important part of the scheme. Commercial and hotel uses have not been assessed with respect to daylight and sunlight given that visitors are transitory and it is accepted that they should have a lower expectation of light than permanent residents. Notwithstanding the above, I am satisfied that the proposal falls within acceptable daylight/sunlight tolerances given the constraints of this town centre site.

Notwithstanding that a degree of noise is to be expected in town centre locations, an assessment has shown that ambient and background noise levels from nearby commercial premises and road traffic are only acceptable if double glazed windows remain closed; with windows partially open to provide ventilation a 'reasonable' standard of internal noise is likely to be exceeded. In light of the above, the applicant has outlined acoustically acceptable alternative forms of ventilation and a mitigating noise condition detailing active and passive forms of ventilation has been attached. Given the density of the scheme and distance from/relationship to adjacent residential properties, there is no evidence that the proposed residential use would give rise to any additional noise.

### Highways

The application site is located within a sustainable location in close proximity to the town centre, good public transport links and access to local facilities. Although the proposal would provide a lower level of parking for the hotel use than the guidance recommends, the site is located approximately 300m away from Zone 1 where a zero parking provision is acceptable. Furthermore, the parking provision proposed under the current scheme is unlikely to be significantly different from current levels as the existing car parking facilities cannot be guaranteed for hotel use only with an absence of any form of management system or barriers in place. The development will therefore enable the ongoing operation requirements of the adjacent hotel to be met and prevent unauthorised parking whilst improving existing facilities and making more efficient use of the site. The traffic levels associated with the development raise no concerns with respect to access, road safety or traffic flow given that there would be no increase in hotel related movements and very little traffic associated with the proposed flats with the provision for only 4 residential spaces.

The removal of the boundary wall will provide adequate visibility for the proposed vehicle access and its reposition away from the Burlington Road/Elms Road junction will be an improvement upon the existing location. The new footways around the site will also accessibility for pedestrian.

A Legal agreement with East Sussex County Council is under consideration to provide a contribution to implement a dropped crossing at the Elms Road/Burlington Road junction and relocate the existing illuminated 'One Way' sign at the junction of Burlington Road/Elms Road into the new footway. The agreement will include an easement to allow East Sussex County Council to maintain the crossing and sign in the future.

**Conclusion:**

In conclusion, the proposed scheme will provide an important and valuable redevelopment of an underused brownfield site to provide much needed residential accommodation within the town centre whilst retaining a dual use as the car park for the Burlington Hotel. The development has been carefully designed to preserve and enhance the visual amenities of the historic environment whilst ensuring that neighbouring residential amenities are protected. The site is located within a sustainable location in close proximity to the town centre, good public transport links and access to local facilities. The development raises no significant material concerns and accords with local and national policies. The scheme is strongly supported.

**Human Rights Implications:**

It is considered that the proposed development will not affect the rights of occupiers of surrounding residential properties to the peaceful enjoyment of possessions and protection of property.

**RECOMMEND:** Permission be granted subject to the following conditions:

- (1) Commencement of development within three years
- (2) Samples of materials to be submitted
- (3) Details of all windows, doors and balconies to be submitted
- (4) Details of haulage route and storage compound to be submitted
- (5) Details of hard and soft landscaping to be submitted
- (6) Details of active and passive ventilation to be submitted
- (7) Details of surface water drainage to be submitted
- (8) Details of foul and surface water sewerage disposal to be submitted
- (9) Contaminated land assessment to be carried out prior to commencement of development
- (10) No occupation until on-site parking provided
- (11) No occupation until cycle parking provided
- (12) No occupation until new access completed
- (13) Restriction of times for building operations
- (14) Provision of on-site wheel washing facilities
- (15) No mechanical equipment for valet parking
- (16) Approved plans

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



**Planning Committee 17 April 2012**

**Item 4**

<b>App.No.:</b> EB/2012/0082	<b>Decision Due Date:</b> 24/04/12	<b>Ward:</b> Upperton
<b>Officer:</b> Suzanne West	<b>Site visit date:</b> Numerous at pre application and post submission stage	<b>Type:</b> Outline Permission
<b>Site Notice(s) Expiry date:</b> 05/03/12		
<b>Neigh. Con Expiry:</b> 01/03/12		
<b>Weekly list Expiry:</b>		
<b>Press Notice(s)-:</b> 07/03/12		
<b>Over 8/13 week reason:</b> Within time		
<b>Location:</b> The Cedars, 26 Upperton Road		
<b>Proposal:</b> Redevelopment of site with four storey building, including accommodation in the roof space, comprising 12 flats and two detached houses to the rear together with access from Upperton Road and Selwyn Road, car parking spaces, bin and cycles stores		
<b>Applicant:</b> JOHN JACKSON CHARITABLE TRUST		
<b>Recommendation:</b> Grant Outline Planning Permission subject to Conditions		

**Proposed development:**

The application proposes the demolition of the existing dwelling and outbuildings at the site to be replaced by a four storey building, including accommodation in the roof space, comprising 12 flats and two detached houses to the rear

The apartment building would contain 11 no. 2 apartments with one 3 bedroom penthouse apartment located within the roofspace.

The design approach for the apartment building is to follow a traditional building form, with a central projecting feature gable and pitched roof but with the use of some elements of contemporary design to the elevations, such as vertical strip glazing elements to the feature gable and the inclusion of corner balconies.

The principal facing material would be a light coloured render, with a brickwork plinth at ground floor level, on the principal elevation only. The roof material would be a plain concrete tile or synthetic slate, to be agreed with planning condition. The coach houses would be finished in brickwork, reflecting the predominant material within Richmond Place opposite.

The existing feature wall to the front boundary with Upperton Road would be retained, as would the existing pair of Copper Beech trees to the front of the site.

The apartment building would be sited roughly on the same building line as the existing building. The front of the building would be a minimum of some 14.3m from the front site boundary and would be 2m from the SE side boundary and 5.2m from the NW side boundary. The coach houses would be sited close to the Selwyn Road frontage (between 0.3m and 2.8m), reflecting the established pattern and less formal arrangement of development on this frontage.

The apartment building would be 4.5 storeys, measuring between 15m and 15.5m in height above ground level, the variation being due to the slightly sloping ground across the site. This would be 2.7m above the ridge of Millfield Court, but would be 1.85m below the ridge of Montclare House, as indicated on the front elevation drawing. The coach houses would be 1.5 storeys, with a maximum ridge height of 6.8m.

There would be two access points; one from Upperton Road and one from Selwyn Road.

The existing in/out access onto Upperton Road would be used to provide access to four newly created parking spaces at the front of the apartment building.

A new, relocated, centrally placed access of 4.5m width would be created from Selwyn Road. This would be located between the two proposed coach houses, which would provide a visual gateway, leading to 8 parking spaces located to the rear of the apartment building.

Secure cycle storage and bin storage would be provided in brick built detached buildings located adjacent to the rear parking area.

A 1:12 gradient ramp would be provided to the front of the apartment building to ensure level access and a lift would be installed to enable access for all to the apartments. There would also be a pedestrian entrance to the rear, to enable direct access from the rear parking area. Pedestrian access to the coach houses would be via level threshold from Selwyn Road. A side path would be provided to ensure access between the front and rear of the site.

### **Supporting Documentation**

The application has been submitted with a number of supporting documents/reports the key points of these are summarised as follows:-

**Design and Access Statement:-** This document outlines the site context and the design criteria of the proposal

**Waste Minimisation Statement:-** This document seeks to outline, limit and control the extent of demolition and construction material that enters the various waste-recycling streams.

**Tree Survey:-** This document identifies the high status-value trees on the site and recommends construction techniques to safeguard the long term retention of these trees.

### **Relevant Planning Policies:**

*Summary of key Borough Plan Policies relevant to this application*

HO2 Predominantly Residential Areas  
HO7 Redevelopment  
HO20 Residential Amenity  
TR11 Car Parking

*Summary of Eastbourne Plan: Core Strategy Policies relevant to this application*

B1 Spatial Development Strategy and Distribution  
B2 Sustainable Neighbourhoods  
C2 Upperton Neighbourhood Policy  
D1 Sustainable Development  
D5 Housing

**Site Description:**

The site is located on the north-eastern side Upperton Road, between its junctions with Arundel and Enys Roads, respectively. It is currently occupied by a substantial detached dwelling probably dating from the early 20th Century.

The majority of plots on this side of Upperton Road have been redeveloped at various times. Montclare House to one side of the development is a large block of flats which was constructed approximately 10 years ago, and replaced the Brownings Hotel which formerly stood on the site. Millfield Court, located on the other side of the development dates from approximately 40 years ago and comprises sheltered flats and accommodation for older persons.

The site rises gradually from front to rear, to the boundary with Selwyn Road. Selwyn Road has a more varied character typified on its south-western side by various small scale buildings which are located very close to the road frontage. To the northern side, opposite the rear of the site, is the flank elevation of a townhouse development constructed in the 1990's, known as Richmond Place. There is a pair of substantial Copper Beech trees at the front of the site, these are protected by a Tree Preservation Order and a number of less notable trees mainly located close to the side boundaries of the site. Upperton Road is a principal thoroughfare into the town and is well served by bus services, and the main railway station and town centre are both within easy walking distance, being about 500m from the site.

**Relevant Planning History:**

There is no relevant planning history relating to the site. The existing use of the site is as 1 no. detached single private dwelling within Use Class C3.

**Consultations:**

**Tree Officer:-**

The two Beech trees, protected by Tree preservation order 147 adjacent to Upperton road can be retained with suitable conditions attached to any approval. The trees in the rear garden are not of sufficient merit to be scheduled within a Tree preservation Order and no objection can be made to their loss. The trees are considered to provide significant landscape and conservational value, and their retention should be assured.

If the works are carried out as per the submitted method statement the trees will be adequately protected during the works. The trees in the rear of the property are not of sufficient merit to justify protection by the Tree Preservation Order and no objection can be made to their loss.

**County Highways Officer:-**

This site is located between the A2270 Upperton Road and U2112 Selwyn Road. Both are 30mph streets with footways on both sides as well as street lighting. The site is located relatively close to the Town Centre with Eastbourne Station approximately 600m to the south of the site. Upperton Road is also served by a bus route with a 15 minute frequency, which links the site to the Town Centre and DGH, along with other areas of the Town. Bus Stops are located approximately 25m and 100m away from the site. This site can therefore be considered to be accessible by non car modes of transport.

The proposal makes use of the existing accesses of Upperton Road and creates new accesses of Selwyn Road, with an existing access stopped up. These accesses both existing and proposed have adequate visibility. In addition having checked the Police accident records back to January 2000, there have been no recorded incidents in the vicinity of the site, which have involved vehicles entering or exiting driveways. The proposal also reduces the number of vehicles which use the parking areas on the Upperton Road frontage from 7 spaces to 4 spaces. On the basis of the above the accesses are acceptable.

The drawing currently shows gates across both the accesses from Upperton Road and the main access from Selwyn Road. These gates would need to be repositioned a minimum of 5.5m back from the edge of the highway in order that a vehicle may wait clear of the highway whilst the gates are being operated, to ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles

This proposal is for a total of 14 units, 12no. flats and 2no. 2 bed roomed houses. This would create a demand for 19 car parking spaces and 14 cycle parking spaces. This is based on 1 car space per unit plus 1 car space per 3 dwellings for visitors. 1 cycle parking space per dwellings must also be provided. The level of car parking can then be reduced in line with the East Sussex County Council, Parking Standards at Developments, Supplementary Planning Guidance. As this site lies within Zone 4 a reduction of up to 25% can be applied. This brings the parking required down to 14 car spaces. The proposal is for 14 car spaces and 12 cycle spaces. As a garage is provide for each house this can be used for cycle storage.

The level of on site parking is therefore in accordance with the guidance and therefore is acceptable. I recommend that any consent shall include the following attached conditions:-

- No occupation until parking is provided
- Cycle parking
- Access in accordance with proposed details
- Redundant access closed up
- Gates located 5m back from highway

### **Planning Policy:-**

*Summary of key Borough Plan Policies relevant to this application*

HO2 Predominantly Residential Areas  
HO7 Redevelopment  
HO20 Residential Amenity  
TR11 Car Parking

*Summary of Eastbourne Plan: Core Strategy Policies relevant to this application*

B1 Spatial Development Strategy and Distribution  
B2 Sustainable Neighbourhoods  
C2 Upperton Neighbourhood Policy  
D1 Sustainable Development  
D5 Housing

The site was identified for potential residential development in the Strategic Housing Land Availability Assessment (SHLAA), but was assessed as undeliverable because there was no commitment from the landowner to develop the site. The application would form an important windfall site, which the Council is dependent on as part of the Council's future housing land supply (Policy B1 of the Core Strategy). The Upperton neighbourhood has been identified as one of the more sustainable neighbourhoods in the Eastbourne Plan: Core Strategy (2006-2027), therefore can support a high level of future housing development.

Policy HO7 'Redevelopment' of the Eastbourne Plan is a key consideration in the determination of the application and it is intrinsically linked to other policies in the Borough Plan including potential loss in amenity space, (UHT9) and residential (HO20), visual (UHT4) and environmental (NE28) amenity.

In principle, Planning Policy supports such windfall sites that would result in a net gain of residential dwellings coming forward for development. The application would result in the net gain of 13 residential units which is extremely beneficial to the Council's housing land supply. The development of the main block of flats, in principle, would be congruent with the surrounding area, which consisted of 4/5 storey or higher flatted development.

The development of this site would align with the neighbourhood policy (Policy C2 of the Core Strategy) and neighbourhood vision, and would help regenerate an underutilised windfall site to provide required residential accommodation in the local area and Borough. The development of such windfall sites is a priority for the Council to:

- (i) Meet the requirements of the spatial developments strategy (Policy B1 of the Core Strategy); and
- (ii) Create sustainable neighbourhoods (Policy B2 of the Core Strategy), for which the development would help "offer a choice of housing opportunities locally."

In summary Planning Policy support the principle of residential development on the site at this outline application stage. The site would form a valuable windfall site for the Council's future housing land supply.

**Southern Water:-**

Advised that their approval would be required prior to any connection to existing sewers. In addition they would require any sewers found during construction to be fully surveyed prior to it being used for/by this development.

**Crime Prevention Officer:-** No major concerns with the proposals

**County Archaeologist:-**

The proposed development is situated within an Archaeological Notification Area, defining an area of prehistoric, Roman, Saxon and medieval activity. The Historic Environment Record identifies a Bronze Age cremation cemetery 150metres to the north of the site and a medieval watermill 100metres to the south-west. On the top of the Upperton Ridge archaeological excavation recorded a large Iron Age / Roman settlement and a very extensive early Saxon inhumation cemetery. 19<sup>th</sup> century maps record a building, probably an agricultural barn, at the rear of the site.

The Cedars appears to have been constructed in the late 19<sup>th</sup> century and although no a listed building, is historic. An archaeological record of this structure will be required before it is demolished.

In the light of the potential archaeological significance of this site, it is my opinion that the area affected by the proposals should be the subject of a **programme of archaeological works**. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in **PPS5** (the Government's policy on *Planning for the Historic Environment*). I would therefore ask that the following condition be applied to any planning permission that is granted in respect of this application:

*No demolition or development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the local planning authority and the works shall be undertaken in accordance with the approved details.*

*(Reason: To enable the recording of any items of historical or archaeological interest, as the development is likely to disturb remains of archaeological interest, in accordance with requirements within PPS 5 'Planning for the Historic Environment'; and Policy UHT20 of the Eastbourne Borough Plan.)*

**Eastbourne Society:-**

Object to the proposal on the following grounds

- One of the last Victorian Villas on this side of the street
- Many original features remain inside the building
- New development would be detrimental to the character of the area
- Existing building should be converted
- Overbearing impact upon adjoining properties.

## **Neighbour Representation**

12 letters of objection have been received commenting in the main on the following issues:-

- Overlooking
- Loss of light
- Noise
- Residential noise would increase dogs and children
- Loss of attractive Victorian House
- Over development
- Important Copper Beech trees should be retained
- Parking problems in the area
- Commuter parking makes the parking situation worse
- Highway safety issues
- Proposed dwellings are very prominent in the street scene
- Out of character
- Reduction in street parking would make the parking situation worse
- Poor design, balconies unlikely to be used given the high traffic noise in the area
- Overshadowing will result in electric lights being on all the time
- Too many flats available on the market in the town and many of these are not occupied
- Heritage asset should not be lost
- Many tourist visit the property
- Location of the bin store may give rise to health and safety issues
- No room for gardens for the proposed houses
- Insufficient car parking within the scheme
- Development will break the building line
- The increase in the use of the access onto Upperton Road would give rise to highway issues

## **Appraisal:**

### **Principle**

Existing property

The existing property is not listed, nor is it within a Conservation Area. There is therefore no statutory protection for the existing building and its demolition and redevelopment in principle is therefore acceptable in planning terms and would enable the site to be more efficiently re-used.

### **Land Use**

The provision of residential apartments and dwellings would be consistent with the mainly residential properties in the surrounding area.

The more efficient use of this brownfield, accessible site within the urban area of Eastbourne would fully accord with national planning guidance and with the Government's focus on delivering sustainable development. The proposal would provide a useful windfall opportunity for housing delivery which would assist with meeting the Borough's housing delivery requirements.

It is considered therefore that there is no objection in principle to the redevelopment of the site.

### **Traffic Issues**

Subject to recommended planning conditions there are no Highway objections from the County Highways Officer to the proposals and their full response is reported above.

### **Highway safety**

It is considered that as the scheme proposes utilising two vehicular access points then this would reduce the traffic impact of the proposed development by avoiding a concentration of traffic movements via a single access.

In addition it is considered that by placing the majority of parking spaces to the rear would reduce the number of direct movements onto Upperton Road and thereby reducing the potential highway safety issues of the scheme. Similarly the relocation of the Selwyn Road access to a more central position would also have the added benefit of improving visibility and again therefore improving the highway safety of the proposals.

Parking provision would consist of 12 open parking spaces (1 per apartment) plus a garage for each coach house. The ratio proposed is therefore 1 space per unit (1:1). This is considered to be ample provision given the proximity of the site to alternative modes of transport and shops and other services within Eastbourne town centre. Given this assessment a refusal based on the lack of parking could not be substantiated.

### **Visual Amenity**

The north-eastern side of Upperton Road has been extensively redeveloped in the post-war period such that it now has a distinctive character of its own, and quite different from other major thoroughfares in the town, typified by large scale individual buildings of a variety of architectural styles.

The proposed apartment building is considered to be broadly in keeping with the established scale of development within Upperton Road; the existing property has, over time, become something of an anomaly within the streetscene as other properties have been replaced with larger blocks of flats, and, towards the town centre, purpose built office blocks.

Both Montclare House and Millfield Court, the two buildings to either side of the site, are four storey buildings, with the former having roof accommodation. The proposed apartment building would be consistent with this, also being four storey with a penthouse unit within the roofspace. The eaves and ridge of the proposed building would sit comfortably between those of the two neighbouring buildings, being higher than Millfield Court, but being well over a metre below the eaves height of Montclare House, and 1.85m below the ridge of this property. The proposals would therefore respect the scale of established development, but also the gently sloping topography of Upperton Road, with buildings stepping down in concomitance with the topography.

There would be 7.2m flank to flank separation to Millfield Court, and 7.5m to the projecting side bay of Montclare House (therefore 8.3m to the main flank wall of this building). This would provide a suitable setting for the proposed building within the streetscene and avoiding an undue degree of enclosure.

In relation to the front boundary, although slightly forward of Montclare House (2.5m), and part of Millfield Court, the majority of Millfield Court sits significantly further forward than the position of the proposed frontage building. The proposed front elevation is also consistent with the frontage of the existing building on the site. The proposed building frontage would therefore result in an orderly stepping back of building frontages from Millfield Court northwards. The corner balconies and angled form of these corners is a deliberate device to soften the appearance of the building and to avoid a sudden stepping in the building frontages.

The proposed design of the apartment building is a combination of traditional and contemporary elements, and is deliberately ordered and uncluttered in appearance. Visual interest is obtained by, for example, having a stepping back of the building frontage around the central gable, and by introducing vertical glazing elements to the front gable, rather than by attempting to introduce small scale embellishments which can often look 'bolted on' and a contrived attempt to recreate traditional detailing. The resulting appearance is one of a traditional building form which therefore does not jar in the streetscene but with simple contemporary treatment of the elevations, rather than seeking to create a 'pastiche' of a period building.

The Coach Houses at the rear of the proposed apartment building, being 1.5 storeys in height and close to the rear site boundary, reflect the more eclectic, informal and intimate character of Selwyn Road. There are a variety of building forms along this side of the road, but all, at least in the vicinity of the site, are of no more than two storeys, probably reflecting the fact that these would, in many cases have been ancillary outbuildings within the grounds of larger houses which once would have fronted Upperton Road. The arrangement of the pair of coach houses will provide an appropriate gateway feature to the approach to the rear of the apartment building.

The Copper Beech trees at the site frontage will be retained and the existing in/out driveway will be retained. The additional parking spaces will need to be carefully constructed in accordance with a method statement prepared to comply with recommendations contained within BS5837:2005 "Trees in relation to construction". This could be secured by condition.

The other trees within the site are far less notable, many being smaller garden trees which are not worthy of retention; however two such trees will be retained on the south east boundary.

Given the careful attention that has been given to the siting, massing, and design of the proposals in their preparation, it is therefore submitted that the proposals will visually complement the existing character of the area.

Given the forgoing paragraphs a refusal based upon the visual impacts of the proposal could not be substantiated.

### **Residential Amenity**

Millfield Court:

The proposed apartment building is of similar depth to Millfield Court and set slightly further forward. There are a limited number of what appear to be narrow, secondary windows, in the flank elevation of Millfield Court.

There would be some impact on the outlook from these windows, and notwithstanding that under the planning legislation there is no right to a view it is considered that because of the separation distance of 7.2m coupled with the limited depth of the building there would still be a partial open outlook retained across the front and rear amenity and parking areas for the new development and beyond.

There would only be high level, obscured windows in the flank elevation (2 per floor) and so there would be no overlooking issue. The recessed corners balconies are sufficiently far forward relative to Millfield Court to avoid material loss of privacy. It is therefore considered that there would not be a significant impact on the amenities of Millfield Court.

Given the layout and separation between the proposed building and Millfield Court there would not be any material loss of light to the building or plot. Given the above it is considered that there are no material impacts upon Millfield Court.

#### Montclare House:

It is accepted that the proposed new buildings would bring development closer to the boundary with Montclare House and given the orientation of the plot and proposed buildings there is the potential for some impact on light and outlook on some windows within the side of Montclare House. However, in an urban situation this is not unusual with any redevelopment and with the use of obscure glazing in the proposed flank windows it is considered that there are no material impacts upon the amenities of the occupiers of this block that would justify a refusal of permission.

#### Properties on other side of Upperton Road:

Given the width of Upperton Road and the overall separation distance between the existing and proposed properties, there is not considered to be any material impact on residential amenity with regard to these dwellings. The proposal will be visible from the properties to the south-western side of Upperton Road, but will not cause any significant harm in planning terms.

#### 3 Selwyn Road:

This property directly adjoins the boundary with the "coach house" proposed at Plot 1. There is an existing garage and a single storey outbuilding with pitched roof location in the part of the site adjoining this property, and there is a boundary wall of approximately 2.5m in height. Although the Plot 1 dwelling would appear above this wall, it would be a receding hipped roof form that would be seen, and therefore this would limit the degree to which the new construction would enclose 3 Selwyn Road. Openings facing this property would be limited to roof lights, which would therefore avoid overlooking potential. These would be secondary windows within the bedroom they would serve, and could be obscure glazed if considered necessary.

#### Richmond Place properties:

There would be some 'inter-looking' between the coach houses and the end property within the Richmond Place development, however, this is not unusual within an urban environment with properties facing across a public highway.

The elevated position of the Richmond Road properties in relation to the site and the limited scale of the coach houses proposed would mean there would be little impact in terms of the physical presence of the buildings. There would be views of the new apartment building beyond the coach house units, but these would be relatively distant. The proposal is thereby considered to be acceptable in residential amenity terms, in accordance with saved Policies H020 and HO6b) of the Borough Plan.

### **Crime prevention**

The parking areas at the front and rear of the site and the detached bike store building would be well overlooked and the arrangement of the Coach Houses either side of the Selwyn Road access creates a psychological barrier denoting entry to a private space. Robust boundary treatments will be needed for the garden boundaries of Plots 1 and 2. There may be a need for a secure gate to prevent unauthorised access between the front and rear of the site via the side pathway. There will need to be access control systems provided to the apartment building.

### **Section 106 matters**

As the proposal is for 14 units, there is no requirement for affordable housing to be provided under BP Saved Policy HO13. Although this could change in due course, the Councils Core Strategy and associated documents are some way off being formally adopted and so carry limited weight at this stage.

Likewise the proposal is below the thresholds in saved Policy LCF4 for Children's Play provision.

### **Conclusion**

The proposals would represent a useful windfall opportunity for residential development in a highly accessible location, and would thus assist with the Council's housing delivery requirements under the South East Plan.

The proposals represent the efficient use of urban, 'brownfield' land, and accord with the Government's current objectives to deliver a step change in housing delivery and to promote sustainable development.

It is submitted that, given the limited size and number of dwelling units, together with excellent access to non-car travel modes in this location, the proposals would generate a relatively modest number of additional vehicle movements and given the good width and alignment of Upperton and Selwyn Roads would not adversely affect highway safety.

It is submitted that the proposals would be comfortably accommodated on the site, and would be complementary to the area in terms of scale and building form, whilst introducing contemporary design elements within a traditional building form. It has been demonstrated that the proposals would be compatible with established residential amenities within the area, and would provide a high quality living environment for future residents.

Any impacts on surrounding occupiers would be mitigated to an acceptable level by separation to the boundary, and by ensuring limited, obscured side openings within the flank elevations, and by the limited depth of the proposed main building in comparison with other examples of similar development in Upperton Road.

The impacts are therefore similar to other permitted schemes in Upperton Road, which is now characterised by substantial apartment buildings. Any impacts are not considered to be significant enough as to warrant refusal of permission and must be balanced against the benefits of the development in terms of securing high quality sustainable development within a highly accessible location within the urban area.

Furthermore, the development is consistent with Council's detailed saved development control policies within the Borough Plan, as demonstrated above. It is therefore submitted that the proposals represent a good example of sustainable infill development, and should be approved, with appropriate conditions.

**Human Rights Implications:**

It is considered that the proposed development would not have adverse Human Rights implications.

**Conclusion:**

**Recommendation: GRANT** subject to conditions

**Conditions:**

- (1) Reserved matters (landscaping)
- (2) Time limit for reserved matters
- (3) Time limit
- (4) External materials of new building works
- (5) Foul and surface water disposal
- (6) Archaeology
- (7) Tree protection details
- (8) Tree protection details
- (9) Tree protection details
- (10) Tree protection details
- (11) Hard and soft landscaping details
- (12) No occupation until parking is provided
- (13) No occupation until cycle parking is provided
- (14) Vehicle access in accordance with the approved details and redundant access close up
- (15) Restricted hours of building operations
- (16) Gates to be sited 5m back from highway
- (17) Approved plans

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

## Committee Report 17 April 2012

### Item 5

<b>App.No.:</b> EB/2012/0090	<b>Decision Due Date:</b> 24/03/12	<b>Ward:</b> Ratton
<b>Officer:</b> Suzanne West	<b>Site visit date:</b>	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b> 01/03/12		
<b>Neigh. Con Expiry:</b> 03/03/12		
<b>Weekly list Expiry:</b> 07/03/12		
<b>Press Notice(s)-:</b> N/A		
<b>Over 8/13 week reason:</b> Committee		
<b>Location:</b> 13 Old Mansion Close		
<b>Proposal:</b> Erection of three storey extension to side		
<b>Applicant:</b> Mr. S. Eldridge		
<b>Recommendation:</b> Approve		

**Reason for referral to Committee:**

7 objections

**Planning Status:**

- Area of Outstanding Natural Beauty
- Predominantly Residential Area

**Relevant Planning Policies:**

UHT1                      Design of New Development  
 HO20                     Residential Amenity  
 D1                         Area of Outstanding Natural Beauty

**Site Description:**

This 1970s detached three-storey dwelling is set within a large plot at the end of Old Mansion Close. The site is accessed via an elevated walkway with the two lower ground floors sitting below road level. The land continues to decline steeply to the rear of the site backing directly onto the Downs and Parkway beyond. This residential area falls within an Area of Outstanding Natural Beauty.

**Relevant Planning History:**

N/A

**Proposed development:**

Permission is sought to erect a three storey side extension on the western flank with the addition of a second dormer to the rear and widening of the existing dormer to provide a symmetrical pair. The extension will follow through the existing roof line and extend the original property by approximately one third to provide additional living accommodation. Windows are proposed on all elevations with a new external staircase proposed on the western flank to access the garden area from upper ground floor level. All materials will match existing.

**Consultations:** N/A

**Neighbour Representations:**

A total of 7 letters of objection have been received as a result statutory notification. The following concerns have been raised:

- Noise and disturbance from construction;
- Visual harm from a development that will be out of character with the streetscene; and
- Congestion of existing turning area from future occupiers who are likely to be a larger family with more cars.

**Appraisal:**

The proposed extension, although substantial in size, will have minimal impact on the visual amenities of the immediate locality. Notwithstanding the bulk and somewhat bland design of the proposal, the extension repeats the modern style of the original building with only the upper storey being visible from Old Mansion Close. Although the extension will add an additional third to the existing footprint, it is considered that the plot, by reason of its size, gradient and siting at the end of the cul-de-sac, can easily accommodate the development. The established amenities of neighbouring residents will be protected with respect to loss of outlook, light or privacy due to the distance of the extension from, and relationship with, adjoining residential properties.

Whilst the concerns raised by local residents with regard to increased traffic congestion are acknowledged, the proposed extension is unlikely to result in a significant increase in the number of cars in the close, if indeed any. The development therefore poses no material harm with respect to highway safety. It is noted that a similar scheme was approved at No.2 Old Mansion Close in 2004 (EB/2004/0460).

**Human Rights Implications:** None.

**RECOMMEND:** Permission be granted subject to the following conditions:

- (1) Time Limit
- (2) Matching materials
- (3) Approved drawings

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

## Committee Report 17 April 2012

### Item 6

<b>App.No.:</b> EB/2012/0113	<b>Decision Due Date:</b> 03/04/12	<b>Ward:</b> Sovereign
<b>Officer:</b> Chris Cave	<b>Site visit date:</b> 01/03/12	<b>Type:</b> Outline
<b>Site Notice(s) Expiry date:</b> 14/03/12 <b>Neigh. Con Expiry:</b> 16/03/12 <b>Weekly list Expiry:</b> 21/03/12 <b>Press Notice(s)-:</b> n/a		
<b>Over 8/13 week reason:</b>		
<b>Location:</b> Land to the rear of 129-131 Queens Crescent		
<b>Proposal:</b> Erection of a detached dwelling and associated parking		
<b>Applicant:</b> Barrington Rentals		
<b>Recommendation:</b> Approve		

#### **Planning Status:**

- Predominantly Residential Area

#### **Relevant Planning Policies:**

HO2 Predominantly Residential Areas  
 HO6 Infill Development  
 H020 Residential Amenity  
 US4 Flood Protection and Surface Water Disposal  
 US5 Tidal Flood Risk

#### **Site Description:**

The application site is located to the rear of 129-131 Queens Crescent. To the north of the site lie the residential properties on Queens Crescent, to the west a small access road, to the east the rear gardens of the residential properties on Queens Crescent and to the south a large section of open land. The application site is a predominantly vacant piece of land with three attached garages. The garages are single storey in height and are constructed from concrete with corrugated iron roofs. The western section where the garages are is on slightly raised from the eastern section which is overgrown by trees and bushes.

#### **Relevant Planning History:**

No relevant planning history

**Proposed development:**

Erection of a detached dwelling and associated parking. The dwelling is to be single storey in height with a pitched roof. In addition two of the three garages on site are to be demolished.

**Consultations:**Planning Policy

The application site is located within the St. Anthony's and Langney Point neighbourhood, in the 'Predominantly Residential Area' outlined in Policy HO2 of the Borough Plan. The site has not been identified for residential development in the Strategic Housing Land Availability Assessment (SHLAA), but would form a windfall site in Eastbourne's housing delivery. The St. Anthony's and Langney Point neighbourhood has been identified as one of the least sustainable neighbourhoods in the Proposed Submission Core Strategy (2006-2027). However, the impact of one additional dwelling at this location would not be overall detrimental to the neighbourhood policy (Policy C13 of the Core Strategy) or vision.

The main consideration for this application is the suitability of the site for residential development, having regard to flooding constraints. The site is located in the tidal flood zone 3a, therefore the application's accompanying Flood Risk Assessment (FRA) must follow the steps outlined in Planning Policy Statement 25: Development and Flood Risk, and undertake the Sequential and Exception Test. A detailed FRA has been submitted with the application and Planning Policy are satisfied, subject to detailed consideration by the Environment Agency, that:

- (i) *Residential development is acceptable in principle* - Although the site is greenfield in nature, therefore does not meet the brownfield requirement of the exception test, the site will contribute 1 residential unit to the anticipated windfall delivery identified for the neighbourhood over the plan period (Policy B1 of the Core Strategy);
- (ii) *There are strong sustainability benefits with the application* - The loss of garage space and a small proportion of garden space would not be to the detriment of the local community or environment. Further residential development generally brings opportunities to improve the quality of watercourses and improve flood alleviation systems, through developer contributions and on-site attenuation measures;
- (iii) *Flood attenuation measures have been proposed* - The recommendations in section 9 of accompanying risk assessment are acceptable in relation to floor levels, materials and drainage. It is expected that these will be further strengthened and illustrated at the full planning application stage. Surface water disposal (Policy US4 of the Borough Plan) is an important consideration for this application, especially as there have been some historical events of surface water flooding in the local surrounding area. Sustainable drainage techniques should be explored and proposed for the application for full permission.

Planning policy H06 'Infill Development' of the Eastbourne Borough Plan (2001-2011) supports the type of development proposed subject to the impacts on amenity and design, along with a suitable level of car parking provision. The detailed matters regarding impact on residential (Policy HO20), visual (Policy UHT4), and environmental amenity (Policy NE28) are considerations for the case officer, but cannot be confirmed at this stage due to the proposal being an outline application. It is not envisaged that the proposed development would have a significant impact on neighbouring properties, but there may be issues to be resolved with regards to accessing the site via the unadopted road and the demolition of 3 garages next to the garage belonging to 131 Queens Crescent. The garage which will remain forms a boundary to the 131 Queens Crescent and the application site.

The design (Policy UHT1) of the scheme is also an important consideration and this is linked to the impact on amenity discussed above. These issues will not be able to be confirmed until the submission of a full planning application with detail provided on elevations and design.

In summary, the principle of development at this location is supported, subject to flood mitigation levels being delivered of a satisfactory standard and agreed by the Environment Agency.

#### Highways

This proposal removes two existing garages from the site. However, the applicant states that these garages are used for storage rather than car parking and as such their removal would not add any demand for on street parking in the area of the site. On this basis and subject to appropriate car and cycle parking being provided for the proposed development the Highway Authority does not wish to restrict grant of consent.

I recommend that any consent shall include the following attached conditions

1. In accordance with the East Sussex County Council's adopted parking standards this development proposal should be provided with 1 long term cycle parking spaces. These parking facilities should be covered and secure and located within the site in a convenient location for users
2. In accordance with the East Sussex County Council's adopted parking standards this development proposal should be provided with 2 parking spaces. This site is in zone 4 and is therefore expected to be provided with 75-100% of this standard

No other consultees have responded at the time of writing the report

#### **Neighbour Representations:**

The following points have been raised:

- The allocation of the piece of land on the Proposals Map
- The lack of detail on the plans
- The impact of the proposal on the surrounding area
- The potential problems that infilling on the site could have for flooding

- That the deeds of the land might require consultation with the Duke of Devonshire
- Ownership of the access road and the provision of services to the site

## **Appraisal:**

### Principle of Development

An application for a residential development on this piece of land is acceptable as the site is allocated as a predominantly residential area. In addition, taking into account the fact that the site is Greenfield, the Planning Policies Housing Figures require these windfall sites to come through and therefore this application is acceptable in principle.

### Residential Amenity

As the only residential properties lie to the north then this is the only impact on residential amenity. It is considered that this impact is acceptable as the proposed dwelling has its gable end facing the residential properties and lies 15m away from their rear elevation, which is satisfactory distance away to protect their residential amenity, even taking into account the fact that the residential property will be on higher land than the basement areas of the properties on Queens Crescent.

### Flooding

The site is located in Tidal Flood Zone 3A. However, flood attenuation measures have been proposed and are deemed to be acceptable. The recommendations in section 9 of accompanying risk assessment are acceptable in relation to floor levels, materials and drainage. These will be further strengthened and illustrated at the full planning application stage along with surface water disposal and drainage techniques.

### Highways

As the two garages proposed to be demolished are used for storage then there will be no loss of off street car parking. In addition the access road proposed to serve the dwelling is acceptable in terms of size.

### Neighbour Comments

#### The allocation of the piece of land on the Proposals Map

The site is allocated as a predominantly residential area and therefore residential applications are acceptable for this piece of land.

#### The lack of detail on the plans

The application is only outline and therefore full detailed plans are required to be submitted and full planning permission stage.

#### The impact of the proposal on the surrounding area

It is deemed that given the flood measures proposed, future details regarding surface water disposal, drainage techniques and infilling to be submitted and the distance of 15m between the gable end of the property and the residential properties on Queens Crescent negating residential amenity issues, it is considered that the impact on the surrounding area is acceptable.

The potential problems that infilling on the site could have for flooding  
These details will be covered at full planning permission stage

That the deeds of the land might require consultation with the Duke of Devonshire

This is not a planning consideration

Ownership of the access road and the provision of services to the site

This is not a planning consideration

**Human Rights Implications:** None

**Conclusion:**

This application is recommended for approval. The principle of development is acceptable as the site is located on a predominantly residential area and as Planning Policy require windfall sites to come through to boost the housing provision in the Borough, the use of Greenfield sites is deemed to be acceptable. Residential Amenity is not considered to be an issue as the nearest properties lie 15m away from the gable end of the dwelling, which is considered to be a satisfactory distance away. As highways have not objected, and full details of flooding measures, infilling, surface water disposal and drainage techniques are to be submitted and full planning permission stage, it is considered that this application is acceptable.

**Recommendation: Grant subject to conditions:**

- (1) Time Limit
- (2) Details of infilling
- (3) Details of drainage
- (4) Details of surface water disposal
- (5) Details of plans
- (6) Details of materials

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



## Committee Report 17 April 2012

### Item 7

<b>App.No.:</b> EB/2012/0124	<b>Decision Due Date:</b> 6 April 2012	<b>Ward:</b> Ratton
<b>Officer:</b> Jane Sabin	<b>Site visit date:</b> 26 March 2012	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b> 19 March 2012 <b>Neigh. Con Expiry:</b> 21 March 2012 <b>Weekly list Expiry:</b> 21 March 2012 <b>Press Notice(s)-:</b> 28 March 2012		
<b>Over 8/13 week reason:</b> Referred to Committee by Chair		
<b>Location:</b> 84-86 Wish Hill		
<b>Proposal:</b> Change of use from single private dwelling and hairdressers shop to two single private dwellings, together with the provision of an enlarged front entrance porch.		
<b>Applicant:</b> Mr. T. Eustace		
<b>Recommendation:</b> Approve		

#### Planning Status:

- Willingdon Conservation Area

#### Relevant Planning Policies:

UHT1	-	Design of development
UHT15	-	Protection of conservation areas
HO9	-	Conversions and changes of use
HO20	-	Residential amenity
SH2	-	Business uses outside the retail hierarchy

#### Site Description:

This pair of semi-detached properties is located on the east side of Wish Hill, close to the junction with Spring Close, in the Willingdon Conservation Area. The buildings have a lower ground floor level, although they have the appearance of two storeys to Wish Hill. There has been a commercial shop on the ground floor of no.86 for many years, however the properties were joined together as one residential unit (retaining the shop) in the 1960's. The most recent use as a hairdressing salon ceased a few years ago, and the whole property is currently vacant.

**Relevant Planning History:**

App Ref:EB/2007/0585 Description: Conversion from one dwelling and hairdressing salon into two dwellings, together with the provision of an enlarged front entrance porch.  
Decision: Approved Date: 23 October 2007

**Proposed development:**

The previous permission has lapsed, and consent is again sought to return the premises to two single private dwellings. This would involve the removal of the shopfront and its replacement with a window to match that on the right hand side of the building, and the rebuilding of the front porch to provide a porch for both properties. On the rear elevation one window would be replaced and an additional window provided at lower ground floor level. A dilapidated external timber store on the flank elevation is to be removed, as well as a glazed lean-to on the rear. Internally the works would include the reinstatement of staircases, bathrooms and kitchens, as well as the blocking up of openings in the party wall.

**Applicant's Points:**

This proposal seeks to replicate what was granted permission back in 2007, however we have managed to design out a couple of new windows that were proposed on the rear elevation providing light / ventilation into 2no cloakrooms on the ground floor (on the upper level when looking at the rear elevation) The cloakrooms have been relocated internally and as such now do not need these windows. The application also seeks to obtain permission for the removal of the timber store to the SE boundary which is currently in a very poor condition. There are no additional alterations to the front elevation that had not already been covered in the previous permission, however on the rear as stated above the cloakroom windows are to be omitted from this scheme and a new window has been inserted on the rear elevation to the dining room to House No 1.

- There are no additional elevation changes other than the removal of the side timber store which is in poor condition that had not been previously approved.
- Access to the site will be as current and will not change.
- There is no off street parking as there is ample free parking within close proximity.
- The landscaping will largely remain unaffected as the garden will remain as current but just tidied up with new 1.8m close boarded fencing to separate the 2 gardens.
- The new materials will be where practical matching.
- It is felt that the proposal is in keeping with the scale & character of the property and is considered to be in line with relevant Policy Guidelines for development within a Conservation Area.

**Consultations:**

The Highway Authority has no objections to the application, and notes that the site has operated for some time with no on site parking as a single private dwelling and hairdresser without any apparent issue.

The proposal does not provide for any on site parking as the layout of the site does not allow for any. There will be a requirement for cycle parking provision in accordance with the East Sussex County Council, Parking Standards at Developments which is 1 long term (covered & secure) space per dwelling. The proposed use would likely result in less traffic movements and demand for parking than the previous use, the Highway Authority does not wish to restrict grant of consent subject to provision of 1 cycle parking space per dwelling. (Memo dated 22 March 2012)

The Conservation Officer has no objections to the proposal, subject to the use of matching/reused materials; the widening of the porch and the replacement of the large bay (forming the shopfront) with a new window is acceptable. The porch is an attractive feature on the building; therefore the adaption of it to incorporate two entrances is acceptable. The re-use of as much original materials should be considered when the porch is being altered and any new materials should match in. The porches' design is also acceptable, as it maintains the appearance of the building as single private dwellings. The new window is a timber sliding sash. The new wall covering of the infill wall should match up with the retained materials, brick and hung tiles, on the north-west corner; these should match in texture and appearance as well. The removal of the timber store does not raise any conservation concerns. (Memo dated 23 March 2012)

At their meeting on the 3 April 2012, the Conservation Area Advisory Group raised no objections to the application, although it was considered that it would be preferable to retain the small window to the porch.

**Neighbour Representations:**

None received as a result of neighbour notifications and press/site notices.

**Appraisal:**

The loss of this very small commercial unit, which has been vacant for some years, will have no adverse impact on the economy of the town, given its remote location.

The buildings form an attractive pair of dwellings in the vernacular style, and the proposed external alterations are appropriate to the character and appearance of the building and the conservation area. The standard of accommodation is good, and the development will bring a vacant property back into use, whilst adding to the towns housing stock. I agree with the comments of the Conservation Area Advisory Group that the appearance of the porch would be improved by the addition of a small window, which would also provide a degree of natural light; this aspect can be controlled by condition.

**Human Rights Implications:**

None.

**Conclusion:**

The proposed development would have no adverse impact on the character and appearance of the building or the wider conservation area or on the amenities of adjacent residents, and it therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.

**Recommendation:**

**GRANT** subject to conditions

**Conditions:**

- (1) Commencement of development within three years.
- (2) Development to be carried out in accordance with the approved plans.
- (3) Submission of samples.
- (4) Provision of a sample panel of brickwork.
- (5) Submission of details of joinery at a scale of 1:10 (elevations) and 1:2 (sections)
- (6) Submission of details of the porch at a scale of 1:20, including rainwater goods and windows.
- (7) All rainwater goods used and/or replaced on the building to be cast metal.

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



## Committee Report 17 April 2012

### Item 8

<b>App.No.:</b> EB/2012/0129	<b>Decision Due Date: :</b> 5 April 2012	<b>Ward:</b> Old Town
<b>Officer: :</b> Jane Sabin	<b>Site visit date:</b> 5 January 2012	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b> N/A <b>Neigh. Con Expiry:</b> 18 March 2012 <b>Weekly list Expiry:</b> 21 March 2012 <b>Press Notice(s)-:</b> N/A		
<b>Over 8/13 week reason:</b> Referred to Committee by Chair		
<b>Location:</b> 36 Peppercombe Road		
<b>Proposal:</b> Erection of a part two storey extension and part single storey extension with roof terrace to the rear including a bridge to raised garden level		
<b>Applicant:</b> Mr. B. Plank		
<b>Recommendation:</b> Approve		

#### **Planning Status:**

N/A

#### **Relevant Planning Policies:**

UHT1 - Design of development  
 HO20 - Residential amenity  
 NE28 - Environmental amenity

#### **Site Description:**

This detached two storey dwelling is located on a steeply sloping site on the north side of Peppercombe Road. A detached garage abuts the highway at the front of the site, and the house is located behind, but above, the level of the garage; the rear garden is terraced on three levels, with the highest level at the end of the garden being almost as high as the eaves of the property. The street also slopes from west to east, so that 38 Peppercombe Road is on a slightly higher level (600mm) than the application site, and 34 Peppercombe Road is slightly lower (400mm). The garden has various conifers to the rear, and properties on both sides have substantial planting along the common boundaries.

### **Relevant Planning History:**

App Ref:EB/2011/0681 Description: Part single, part two storey extension at rear with roof terrace

Decision: Withdrawn Date: 22/12/11

### **Proposed development:**

Permission is sought to replace a small metal conservatory at the rear with a full width (7m) ground floor extension 4m deep, and a first floor timber framed sun room 3m wide; the ground floor extension would be constructed of brick, whilst the sun room would be finished in sustainable horizontal timber cladding under a flat roof. A decked terrace is proposed for the remaining part of the roof of the extension, with an obscure glazed 1.7m high privacy sited 500-800mm in from the edge of the extension on the boundary with 38 Peppercombe Road. A further element is the provision of a timber bridge from the deck to the middle terrace of the rear garden; the bridge would be 5m in depth and 1m wide.

### **Applicant's Points:**

- The application site and its immediate neighbours all have north facing gardens, and the properties are 1.2m apart
- To take advantage of views from the property and to provide an additional bedroom, it is proposed to have all bedrooms on the ground floor and the living, kitchen and dining rooms on the first floor
- Given the projection of the sun room, it is considered that there will be only a minimal loss of light to the closest neighbour from an easterly direction in the mornings
- Four non-native fir trees will be removed, two apple trees will remain

**Consultations:** N/A

### **Neighbour Representations:**

Three objections have been received from neighbouring properties, which are summarised thus:

- The proposal will block light to no.38, and will overlook the conservatory/dining room and garden; the bridge will be almost as high as the rear bedroom window allowing little privacy
- The proposal is preposterous and will invade neighbours privacy
- The bridge will provide a platform which would facilitate a comprehensive view across my property (40), and is very likely to interfere with family private and peaceful use of the garden; additionally, according to the management of the Downs, these houses do not have the right to directly access the downs from their gardens.

(Emails and letter dated 5 - 10 March 2012)

### **Appraisal:**

The main issues to take into account in determining this application are the impact on visual amenity and the impact on the amenities of adjoining residents.

As the extension is to be contained entirely on the rear elevation, it's simple design, including the flat roof, is considered to be appropriate. The gap between

the buildings and the distance from the public highway is such that the timber clad first floor sun room would not be readily visible from the public highway.

In terms of the impact on the amenities of adjoining residents, the location of the sunroom adjacent to the very large extension at no.34, and the only a first floor bedroom window would be affected on this property; the orientation of the window and the sun room is such that the impact would be within acceptable limits. It is noted that there has been no objection from this property. With respect to the impact on no.38, the provision of a privacy screen at first floor level on this side of the property would not impact on daylight and would safeguard privacy. It should be noted that the ground floor element would constitute permitted development. The bridge to the middle terrace would not increase overlooking, as this is already possible from both the middle terrace and the top terrace; similarly, the trees on the site are not protected, and nor are they worthy of a tree preservation order, so their removal could not be controlled. Nevertheless there is sufficient vegetation within both neighbouring properties to provide a barrier, however it is the case that gardens of such a steep nature will usually give rise to some degree of overlooking.

The previous application proposed a development that extended further into the garden, and with a larger sun room and terrace. The orientation of the sunroom and terrace would have had an adverse impact on the outlook and privacy of adjoining residents. It is considered that the current proposal has overcome these concerns to a satisfactory degree, and is now supportable.

**Human Rights Implications:**

It is considered that this amended scheme has addressed the concerns of the previous scheme in terms of its impact on residential amenity to an acceptable level.

**Conclusion:**

The revised proposal would have no adverse impact on visual or residential amenity, and it therefore complies with the relevant policies in the Eastbourne Borough Plan 2001-2011.

**Recommendation:**

**GRANT** subject to conditions

**Conditions:**

- (1) Commencement of development within three years.
- (2) Development to be carried out in accordance with approved plans.
- (3) Submission of samples of materials.
- (4) Hours of building operations.
- (5) Sample of obscure glazing and its permanent retention.

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



## Committee Report 17 April 2012

### Item 9

<b>App.No.:</b> EB/2012/0158	<b>Decision Due Date:</b> 17 April 2012	<b>Ward:</b> Langney
<b>Officer:</b> Jane Sabin	<b>Site visit date:</b>	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b>	28 March 2012	
<b>Neigh. Con Expiry:</b>	25 March 2012	
<b>Weekly list Expiry:</b>	28 March 2012	
<b>Press Notice(s)-:</b>	N/A	
<b>Over 8/13 week reason:</b>	N/A	
<b>Location:</b> Land north west of Oak Tree Close		
<b>Proposal:</b> Use of the land for the siting of three caravans, as an extension to the existing caravan park		
<b>Applicant:</b> Starglade Parks Ltd (Mr. A. Forward)		
<b>Recommendation:</b> Approve		

#### Planning Status:

- Willingdon Levels flood storage catchment area

#### Relevant Planning Policies:

UHT1	-	Design of development
UHT4	-	Visual amenity
HO4	-	Housing Allocations
HO20	-	Residential Amenity
NE28	-	Environmental Amenity
US4	-	Flood Protection and Surface Water Disposal

#### Site Description:

This triangular piece of undeveloped former farmland is located between the existing mobile home development in Oak Tree Close (at the top of Oak Tree Lane) and the dwellings in Grasmere Close; the third side of the triangle abuts the railway line which also forms the borough boundary. It slopes steeply from the mobile home site towards both the dwellings and the railway line, and was cleared of all trees and vegetation approximately 5 years ago, and is now principally uneven ground covered in rough grass and weeds. A foul sewer from the caravan site crosses the land down to Grasmere Close.

**Relevant Planning History:**

The adjoining mobile home site operates on a 1951 permission which restricted the site to a maximum of 30 caravans (mobile home sites are governed by the 1960 Caravan Act), and Grasmere Close was constructed in the 1990's as part of a larger site that extended down to Friday Street. The application site was sold as part of the larger Rookery Farm Caravan Park a few years ago (most of this is in Wealden and is currently being redeveloped as Eastbourne Heights).

The site has been the subject of enforcement action in respect of the placement of spoil on the land (2008-9).

An application for a similar proposal was submitted last year (reference EB/2011/0537), but was withdrawn before it was due to be considered by the Planning Committee on 29 November 2011.

**Proposed development:**

The current application seeks consent for the use of the site as an extension to the existing caravan park, to site three caravans. The site is accessed through a 3m wide gap in between 112 and 113 Oak Tree Close, which it is proposed to hard surface, sloping down to a further area of hard surfacing providing four parking spaces and a turning area. The site plan shows three caravan units sited along the rear boundary with the railway line, separated from the dwellings in Grasmere Close by a planting strip varying from 5m to 14m in width, to act as a buffer. The submitted plan shows sections through the site, to demonstrate that Unit C, closest to Grasmere Close, would be level with the first floor of 43 Grasmere Close, whilst below the level of the existing road in Oak Tree Close. No sections have been provided in respect of the other two caravans.

**Applicant's Points:**

- The site is triangular in shape and is well contained by a combination of existing trees, existing residential development and existing caravans. The site area is approximately 0.12ha.
- The site is overgrown, dilapidated and vacant. The highest point of the site is at the northern boundary where the existing level is 95.419 AOD. The lowest point is at the western tip of the triangle at the northern boundary where existing level is 87.926. This fall of 7.493 metres takes place over a length of 75 metres.
- A total of 3 twin unit residential caravans are proposed, which would be accessed via the existing track between caravan nos. 112 and 113 which would be widened and which links the application site to the existing caravan site to the south.
- The site layout shows the relationship of the proposed caravans to existing dwellings on Grasmere Close and the adjacent caravans on Oak Tree Park. The caravans have been sited so as not to overlook the existing dwellings, but in any event, the existing two metre high fence plus a buffer strip of tree and shrub planting will give privacy.

- This revised application does not reduce the number of mobile homes from three to two (as advised by the lpa). What this application does is reduce the size of the mobile homes which has the same effect ie. it provides a greater distance between the westernmost caravan and no.43 Grasmere Close and increases the width of the buffer planting from 5 metres to 12 metres at this sensitive point.
- The proposed density of 25 caravans per hectare is much lower than the government's recommended maximum of 50 caravans per hectare.
- The substantial existing tree screen to the north of the site along the railway will be unaffected by the proposals.
- Substantial tree planting is proposed along the south western boundary to screen the development from the existing dwellings on Grasmere Close.

### **Consultations:**

Planning Policy states that the proposal to extend the existing caravan park is considered acceptable subject to residential amenity issues being addressed to a satisfactory standard and a commuted sum being paid towards compensatory flood storage.

(Memo received 26 March 2012)

The Council's Arboricultural Officer states that there are no tree related issues on site as the site has been cleared in the past. Oak will not be a suitable species in a restricted planting strip, adjacent to properties and caravans, but the area will form an important screen for the properties in Grasmere Close. No details have been given regarding size, numbers time of planting or establishment maintenance it is suggested that a condition regarding Tree Planting / Landscaping would be appropriate to ensure the success of the screen planting. The use of native hedgerow specimens would be beneficial for both the amenity of the area and restoring the wildlife value of the site. The time it takes to get the screen established will be governed by the size of the trees when planted. If the screen planting is an integral aspect of any approval, the planting scheme should incorporate trees of a minimum 8-10cm diameter with smaller specimens being used for the understorey.

(Email dated 5 April 2012)

### **Neighbour Representations:**

Five objections have been received from residents in Oak Tree Close and Grasmere Close. The objections are summarised thus:

- Smells and overflowing sewage from the foul sewer that crosses the site
- Lack of any on site drainage
- Severe flooding of gardens, which has been prevalent since the site was cleared of trees and further caravans sited on the green in Oak Tree Close
- Adverse impact on the occupiers of 112 and 113 from traffic using the access
- The removal of all the trees on the site and changes in ground level
- Potential undermining of the railway embankment
- Loss of privacy

- Residents have been assured in the past that the land could never be built on, as it is too steep
- The proposed hedgerow would take years to grow to any meaningful size
- The site should be replanted and left to grow as a wildlife area
- The applicants disregard for regulations

(Letters and mails dated 13 March to 2 April 2012)

**Appraisal:**

The main issues to take into account in determining this application is the impact of the proposed development on the amenities of adjacent and nearby residents, and the management of surface water.

The site is located in an area allocated for residential use, and the principal of such a use is acceptable. The site is constrained by its backland position and its topography, which is steeply sloping in two directions. It is considered that the key element is the ground levels at which the proposed caravans are sited, and the impact this would have on the closest residents in Grasmere Close, and to a lesser extent, residents in Oak Tree Close. The closest unit would be 15m from the flank wall of 43 Grasmere Close, and 20m from 53 Grasmere Close (the two closest properties to the west). The proximity to the existing caravans in Oak Tree Close is much closer, between 5.5m and 12m, however they would be sited at a considerably lower level. These distances are considered to be acceptable in principle, although concern remains in respect of the finished ground levels, although this aspect could be controlled by condition. A further important consideration is the proposed screening buffer strip; the current application has increased the strip to a reasonable size, however it would be some years before this becomes effective. It would not be possible to plant a mature hedgerow immediately, as it would not survive without a huge amount of maintenance, particularly watering (on a daily basis in the summer/dry months), or grow to its full potential.

The site is located within the Willingdon Levels Catchment Area, and therefore any development would attract a financial contribution to the compensatory flood storage scheme. In addition to this, it will be necessary to address the issue of surface water drainage, currently non-existent on this open land, which appears to have been exacerbated by the clear felling of the site several years ago. This aspect will have to be carefully controlled by appropriate conditions.

Environmental Health has confirmed that previous problems with foul sewage smells pervading the site have been resolved by adjusting the pumps that serve the system, and that there do not appear to be any current problems.

The survey submitted with the application demonstrates that the site currently has little ecological value, having been cleared several times in the last few years, and there is no evidence of any protected species. Whilst the site is likely to be used/visited by a variety of wildlife due to its location adjacent to the railway and farmland, it is unlikely to be able to support any particular species.

**Human Rights Implications:**

It is considered that the distance and orientation of the proposed units and the existing dwellings is acceptable in terms of the impact on residential amenity, subject to the provision of adequate screening.

**Conclusion:**

The proposed development has adequately addressed the concerns raised by the previous scheme, and is now considered to have an acceptable impact on visual and residential amenity. As such, the proposal complies with the relevant borough plan policies.

**Recommendation:**

**GRANT** subject to the prior conclusion of a legal agreement to secure a financial contribution towards compensatory flood storage on Willingdon Levels, to conditions

**Conditions:**

- (1) Commencement within three years
- (2) Development to be carried out in accordance with the approved plan
- (3) Details of surface water drainage
- (4) Landscaping scheme
- (5) Submission of a landscape maintenance plan
- (6) Future protection/retention of trees/shrubs

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



## Committee Report 17 April 2012

### Item 10

<b>App.No.:</b> EB/2012/0219	<b>Decision Due Date:</b> 8 May 2012	<b>Ward:</b> Devonshire
<b>Officer:</b>	<b>Site visit date:</b> 4 April 2012	<b>Type:</b> Minor
<b>Site Notice(s) Expiry date:</b> 25 April 2012 <b>Neigh. Con Expiry:</b> 27 April 2012 <b>Weekly list Expiry:</b> 25 April 2012 <b>Press Notice(s)-:</b> N/A		
<b>Over 8/13 week reason:</b> N/A		
<b>Location:</b> 98 Seaside Road		
<b>Proposal:</b> Change of use of first floor from offices (Class B1) to part office (Class B1) and part residential (bedsittingroom).		
<b>Applicant:</b> Trustees of Eastbourne Liberal Democrats		
<b>Recommendation:</b> Approve subject to conditions		

#### **Reason for referral to Committee:**

Application site is an office for the Liberal Democrats.

#### **Planning Status:**

- Town Centre & Seafront Conservation

#### **Relevant Planning Policies:**

UHT1	-	Design of new development
UHT15	-	Protection of conservation areas
HO3	-	Retaining residential use
HO20	-	Residential amenity

#### **Site Description:**

The application site comprises a semi-detached property located on the northern side of Seaside Road, close to the Hippodrome Theatre. The ground floor commercial unit is used as an office for the Liberal Democrats, with residential units on the two floors above; the first floor unit is currently used as the local Member of Parliament's office. The premises are situated within the Town Centre and Seafront Conservation Area.

**Relevant Planning History:**

App Ref:EB/2010/0454 Description: Change of use of first floor from flat to MP's office, temporary for five years.

Decision: Approved Date: 1 October 2010

**Proposed development:**

The 2010 permission has been implemented, however the two rooms given over to the office are not both required for this purpose. It is therefore proposed to use only one room as an office, and to return the larger room at the front of the building to residential, but as a bedsittingroom flat. The flat, like the one on the top floor, would not be self-contained. It is understood that a temporary consent is acceptable to the applicant.

**Consultations:**

Any received will be reported verbally at Committee.

**Neighbour Representations:**

Any received will be reported verbally at Committee. The date by which representations must be received expires on 27 April 2012, so no decision notice can be released before that date.

**Appraisal:**

The development would involve the reinstatement of part of a residential unit, and would therefore comply with Policy HO3. However, the change will only be for a temporary period and would enable the office to continue in a convenient location. Therefore the proposal is considered to be acceptable.

The existing office is subject to normal office hours, and it is therefore considered that the impact on the amenities of nearby residential occupiers would be minimal.

**Human Rights Implications:**

It is considered that there would not be any adverse impact on residential amenity as a result of the development.

**Conclusion:**

The loss of part of a residential would be for a temporary period, therefore it is considered that the proposal is acceptable.

**Recommendation: GRANT** subject to conditions

**Conditions:**

- (1) Temporary permission until 30 April 2017
- (2) Development to carried out in accordance with the approved plan

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