

Eastbourne Borough Council

Planning Committee

15 June 2010

Report of the Head of Planning

List of Planning Applications for Consideration

- 1) UNIT 1, HAMPDEN RETAIL PARK, 2 MARSHALL ROAD AND ADJOINING LAND ON THE, SOUTH WEST SIDE OF LOTTBRIDGE DROVE, EASTBOURNE**
Variation of condition 3 on application EB/1987/0067 to permit the sale of maternity wear, babies and children's clothing and footwear.
EB/2009/0807(FP), HAMPDEN PARK Page 3
RECOMMENDATION: Approve Conditionally
- 2) TEVA UK LTD, 41 BRAMPTON ROAD, EASTBOURNE**
Demolition of temporary buildings in north-west corner of site and erection of a two-storey extension, a single-storey extension to offices facing Brampton Road and enlargement of electricity substation..
EB/2010/0126(FP), HAMPDEN PARK Page 21
RECOMMENDATION A: Permission be **GRANTED** (subject to the prior conclusion of a section 106 legal agreement to secure a Travel Plan and monitoring fee) and subject to conditions
RECOMMENDATION B: In the event that the section 106 legal agreement is not signed and completed 15 June 2010, **REFUSE** planning permission
- 3) 85 SHAKESPEARE WALK, EASTBOURNE**
Erection of a detached single garage, provision of timber shed and additional fencing to rear of property.
EB/2010/0145(HH), ST. ANTHONYS Page 29
RECOMMENDATION: Approve subject to conditions
- 4) ST MARGUERITE REST HOME, 10 ASHBURNHAM ROAD, EASTBOURNE**
Erection of first floor extension and dormer to rear.
EB/2010/0171(FP), UPPERTON Page 35
RECOMMENDATION: Approve conditionally
- 5) EASTBOURNE DISTRICT GENERAL HOSPITAL, KINGS DRIVE, EASTBOURNE**
Relocation/construction of a new ground based hospital helipad..
EB/2010/0230(FP), RATTON Page 39
RECOMMENDATION: Approve

J. F. Collard
Head of Planning
07 June 2010

Planning Committee

15 June 2010

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.

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List of Planning Applications for Consideration

Committee Report 15 June 2010

Item 1

App.No.: EB/2009/0807	Decision Due Date: 30.01.10	Ward: Hampden Park
Officer: Lisa Rawlinson	Site visit date: 22.12.09	Type: Other
Site Notice(s) Expiry date: 12.01.10		
Neigh. Con Expiry: 27.01.10		
Weekly list Expiry: 15.01.10		
Press Notice(s): N/A		
Over 8/13 week reason: Ongoing discussions with the applicant and consultation with the Council's retail consultant		
Location: Unit 1, Hampden Retail Park		
Proposal: Variation of Condition 3 of application EB/1987/0067 allowed under Appeal Reference T/APP/T1410/A/87/073356/P5 dated 21 March 1988 to permit the sale of maternity wear, babies and children's clothing and footwear.		
Applicant: Mothercare		
Recommendation: Approve conditionally		

Planning Status:

- Out-of-Centre Shopping Centre
- Willingdon Levels Drainage Catchment Area
- Flood Zone 3

Relevant Planning Policies:

The South East Plan (2009)

- SP3 - Urban Focus and Urban Renaissance
- TC1 - Strategic Network of Town Centres
- TC2 - New Development and Redevelopment in Town Centres
- SCT1 - Core Strategy

Eastbourne Borough Plan (2003)

- SH1 - Retail Hierarchy
 - US4 - Flood Protection and Surface Water Disposal
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- PPS1 - Delivering Sustainable Development (2005)
 - PPS4 - Planning for Sustainable Economic Growth (2009)

Site Description:

The application site is Unit 1 on the Hampden Retail Park. The unit which is currently vacant and was last occupied by the Sussex Fabric Warehouse, forms part of a terrace of four retail units. Other units on the retail park are occupied by B&Q, Dreams, Halfords and Maplin Electronics. Car parking for the unit is provided through the communal provision for the retail estate as a whole (approximately 285 spaces) and is accessed from Marshall Road.

Relevant Planning History:

App Ref: EB/1987/0067	Description: Outline planning permission for provision of retail warehousing of up to 2,833.5 sqm at Unit 2 Marshall Road and 11 Faraday Close
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Decision: Allowed on appeal	Date: March 1988
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App Ref: EB/1988/0304	Description: Reserved matters approval for erection of a non-food retail warehouse building containing three units with additional car parking spaces
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Decision: Approved	Date: July 1988
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Proposed development:

Condition 3 attached to outline planning permission EB/1987/0067 states: "the premises shall not be used for the sale of food (other than confectionery) clothing or footwear."

Permission is sought to vary this condition to extend the range of goods to be sold from Unit 1 at Hampden Retail Park by Mothercare to include maternity wear, babies and children's clothing and footwear.

Applicant's Points:

- The sale of maternity wear, babies and children's clothing and footwear will be ancillary to the established out of centre business model, with the majority of the Mothercare range (e.g. toys, bedding, furniture, prams, car seats, pharmaceuticals) being already permitted under the existing consent.
- Variation of the condition will enable Mothercare to establish a new store to provide a predominantly bulky goods offer (over 60% of floorspace).
- No additional floorspace, internal or external alterations are proposed.
- The Council's 2005 retail study identifies a significant amount of out-of-centre capacity for new comparison retail floorspace. However it is acknowledged that this cannot automatically be assumed to be allocated in an out-of-centre location. In line with the sequential test, only if this demand cannot be met in the town centre, should it then be reallocated.
- Mothercare are aware of the comparison retail planning permissions and completions since the 2005 study (including Boots at Sovereign Harbour and extant permission for additional retail floorspace at Langney Shopping Centre).
- This permission is to be conditioned specifically to Mothercare.
- The sale of maternity wear, babies and children's clothing and footwear would equate to approximately 36% of the net sales area.
- Of the 16,273sqm (gross) additional comparison floorspace capacity that the 2005 study identifies, there still remains 8,465sqm (gross) of identified need. This proposal of 280sqm net sales floorspace is comparable to 4% of this total and it is considered that this and the proposed development at Langney Shopping Centre can clearly be accommodated within the identified future capacity to 2016 and demonstrates significant quantifiable need for the development proposal within Eastbourne.
- There is a limited specialist nursery and maternity offer in Eastbourne. With a total population for the Eastbourne catchment estimated to be 261,913 by 2016, this is not a market anywhere near saturation.
- There is a strong qualitative need case for this minor application to facilitate the new store.
- Eastbourne is classed as a Primary Regional Centre, which is expected to provide a key retail provision in the hierarchy of the region. The re-enforced presence of a national business such as Mothercare will strengthen the town's retail offer.
- The scale of the proposal is considered to be appropriate to the application site, the town and the catchment area as a whole.
- Consideration has been given to disaggregation and the availability of sequentially preferable sites.
- The disaggregation of the Mothercare floorspace would be both unreasonable and unsuccessful.
- Of the 80 existing Mothercare out-of-centre units, the minimum unit size is 750sqm and out of the 71 vacant units within the town centre the only significant vacant unit is the former Co-op store in Terminus Road.

However this store has an irregular floorplate, is four storey's high, is compromised in terms of its servicing arrangements and would be unable to provide the car safety initiatives and services proposed by Mothercare as there is no parking immediately adjacent to the store. This unit is therefore not suitable for the application proposal. There are also no other available units of a suitable scale within the other centers within the catchment. It is therefore concluded that there are no sequentially preferable sites that are available, suitable or viable for the proposed new Mothercare floorspace.

- With regard to the requirement for an impact assessment, it is noted that there is no actual increase in gross floorspace on site, only 280 sqm would relate to goods that are not already approved under the original consent and as the floorspace is so small any impact on the town centre would be negligible and would be limited to retailers selling a similar product range to Mothercare.
- Having regard to other material planning considerations, the site is in an accessible location, no external alterations are proposed, the new store would employ approximately 70 full time equivalent staff, the Environment Agency has raised no objections and the proposal will bring a currently vacant unit back into use.

Summary Information:

Site Area: 0.4 hectares

Existing floorspace: 940 sqm

Proposed floorspace: no additional floorspace to be provided

Change in floorspace: none

Number of jobs created: approximately 70 full time equivalent posts

Existing parking spaces: communal parking area for retail estate (285 spaces)

Proposed parking spaces: as existing

Previous Land use: retail

Building Techniques: N/A

Consultations:

The Council's Economic Development Officer has confirmed that he is aware of the building in question and the need to attract a quality occupier to revitalise the retail park.

However, retention of the existing Mothercare site in the Arndale is considered to be essential for the vitality and economy of the town centre, and it is reassuring to see the application reaffirms the intention to operate and expand the brand from both sites. Focus would appear to be on bulky goods from Hampden Retail Park.

However there is an element of concern over the future of the existing Mothercare site, as to lose such a key player would severely dilute the retail offer of the town centre, and as such surely a sequential test for the need to operate out of town must be addressed.

There remains an empty large department store, (the ex Co-Op site in Terminus Road,) which would allow Mothercare's expansion, and by occupation would address the current low footfall issues in that section of town. Although inspected, this site according to the application, appears to be discounted.

For the reasons quoted above, while acknowledging that this proposal would benefit the retail park, unless reassurance is given that Mothercare will remain in the Arndale, from an Economic Development perspective it is recommended that the application to vary the planning condition should be refused (email dated 4 January 2010).

The Town Centre Management Initiative (TCMI) have stated that the retention of the existing Mothercare store in the Arndale is essential, as the loss of this major store would significantly dilute the retail offer of the town centre. Although there is the intention in the application to operate from both sites, the TCMI is not convinced that this would continue for very long, once the new store was established as although the focus would appear to be on bulky goods at the proposed new store, smaller items are also mentioned.

The TCMI therefore request that unless assurances with some form of binding agreement are received from Mothercare, that they will remain in the Arndale Centre, this application should be refused (email received 13 January 2010).

Neighbour Representations:

Letters of notification were sent to occupiers of the adjacent commercial premises and a site notice was displayed at the front of the site.

A letter of support has been received from the owners of Hampden Retail Park (Legal & General Assurance Ltd) in which they confirm that the planning permissions for the retail park already allow the large majority of the Mothercare goods to be sold and that the application to allow them to sell maternity wear, babies and children's clothing and footwear from Unit 1 is a very narrow increase in flexibility over and above the permitted goods range and firmly agree with Mothercare's assessment that there would be no significant harm arising from their application on the vitality and viability of the town centre as a whole.

In addition, they consider that the approval of the application would ensure Mothercare's continued presence at Eastbourne and enable a longstanding vacant unit to be brought back into use. It will also represent a significant investment that will lead to a doubling in the number of people employed by Mothercare in Eastbourne. It is therefore considered that there are good reasons to justify approval. (Letter dated 21 January 2010)

However, an objection has been received on behalf of the freeholders of the Arndale Shopping Centre (Performance Retail Limited Partnership (PRLP)) who consider that the proposal will seriously undermine the vitality and viability of the primary retail area of the town centre and prejudice longer term investor confidence in the centre as a whole.

The agents acting on behalf of PRLP (Turley Associates) have stated that *'it is intended that the unit will be operated by Mothercare but with a full range of Early Learning Centre (ELC) concession.....whilst the application relates to only 280sqm of trading floorspace, a planning approval would facilitate the relocation of both Mothercare and ELC from their town centre units to an out-of-centre location....as such it must be refused in the context of PPS4.'*

In addition, the non bulky goods that are the subject of this application can be sold within the town centre and are already available in the existing Mothercare unit. Therefore rather than complement the town centre offer, PRLP consider that the extended range of goods proposed will simply duplicate the town centre offer and provide direct competition.

The objection states that the sequential assessment is flawed as it only considers sites capable of accommodating a 'format' of over 750sqm gross. It is therefore considered that the sequential assessment should be undertaken on the basis of considering options capable of accommodating the 280sqm 'in-centre' floorspace. It is the objectors' view therefore that the application fails the sequential test.

It is acknowledged that the Planning Statement submitted with the application notes that there are 11 vacant units in the town centre between 201sqm and 500sqm and also refers to the Co-op site which is subject to a mixed use planning permission that includes a 579sqm retail unit. The agents acting on behalf of PRLP have confirmed that these sites are simply dismissed on the basis that they are not big enough, yet are self evidently capable of accommodating the 280sqm net floorspace to which this application relates. Sites in Hailsham are similarly dismissed on the basis that they cannot deliver a minimum of 750sqm of retail floorspace.

The objection letter states that *'when proposing a range of non-bulky type goods in an out-of-centre location (which already trades successfully in the nearby town centre) it is perverse to suggest that such goods cannot be disaggregated and sold in the town centre. As such, the failure to consider units able to accommodate the 280sqm net floorspace to which the application relates is contrary to Policy EC15 of PPS4. As such planning permission should be refused under the terms of Policy EC17 of PPS4.'*

The agents acting on behalf of PRLP are very concerned that the proposal will have a serious impact on Eastbourne town centre's vitality and viability should it be approved. It is likely that the town centre store will close and ELC's town centre presence will also be in jeopardy as a consequence of approving this application.

The letter of objection also states that Mothercare were recently offered a larger unit in the Arndale Centre which could accommodate their out-of-centre model referred to in the application. However Mothercare has not pursued this opportunity in light of the potential to relocate to the Hampden Retail Park.

Finally, the objectors consider that this application gives rise to the serious threat of creating two additional vacancies within Eastbourne's primary retail area and the loss of the only national multiples in the town centre which offer children's goods and toys will have a devastating effect on the overall vitality and viability of the centre which is particularly relevant given the current economic conditions. The objector's agents therefore consider that there are clear and cogent reasons to refuse the application as the proposals are contrary to the guidance given in PPS4 and there are no material considerations that outweigh the significant policy objection. (Letter dated 19 January 2010)

In response to this objection, the applicant's agent has confirmed the following:

- Policy EC17.1 of PPS4 states that 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 should only be refused where "*there is clear evidence that the proposal is likely to lead to significant adverse impact.*" No such impact would occur in this case and no evidence has been provided by Turley Associates to the contrary.
- The future of the Mothercare unit in Eastbourne town centre has been under review for some time and it may be that Mothercare will vacate their existing unit, however this is the position irrespective of the outcome of this planning application.
- Mothercare have been searching for alternative accommodation in Eastbourne and a number of options have been considered both in and out of the town centre. However the other Arndale Centre unit referred to in the Turley Associates letter would not be big enough to accommodate a Parenting Centre type store.
- The future of ELC is not predicated upon the outcome of this application and it is not their intention to leave Eastbourne town centre.
- The existing Mothercare unit is not big enough for the size of store Mothercare would like to operate in Eastbourne and as such they cannot offer customers the range of goods that they would like.
- PPS4 makes it quite clear that business model considerations are a legitimate basis for determining whether applicants have demonstrated 'flexibility' in terms of applying the sequential approach (Policy EC15.2) and this can include where a retailer '*would be limited to selling a significantly reduced range of products*' which applies in this case. The Parenting Centre store format is a very established business model and Mothercare operate 86 such stores.
- Paragraph 7, page 2 of the Turley Associates' letter states that "*we see no justification why the 280sqm net floorspace to which the application relates cannot reasonably be accommodated within the town centre.*" Paragraph 6.30 of the PPS4 Practice Guidance states "*In the case of a single retailer...it is not the purpose of national planning policy to require development to be split into separate sites...*" Mothercare simply do not operate stores with 280sqm net sales that sell only maternity, children's and baby wear.

- The Turley Associates letter suggests that the basis of the sequential approach is 'fundamentally flawed'. However this is not the case. The minimum unit size capable of successful operation is 750sqm. The largest vacant unit in the town centre is 500sqm (the former Co-op unit and the Mothercare Parenting Centre business model would have to be downsized by 33% in order to simply fit into the unit, which is well beyond a reasonable and realistic degree of flexibility sought by PPS4. The Co-op unit is also unsuitable because it is four storeys high; the servicing provision is poor; there is a lack of adjacent car parking so the unit would be unable to offer the car seat fitting service and the servicing area is adjacent to residential properties.
- The letter of objection suggests that the proposed Mothercare operation could be split between more than one unit (or disaggregated). Policy EC15.1.d (iv) confirms that in terms of disaggregation, "*Local Planning Authorities should not seek arbitrary sub-division of proposals.*" In addition, Paragraph 5.7 of the Good Practice Guide confirms that applications should only be refused if there is (or maybe) a reasonable prospect of a sequentially preferable opportunity coming forward which is capable of meeting the requirements of the application proposal. In this instance this is not the case.
- Having regard to the latest available data, Eastbourne town centre accommodates 66,000sqm (gross) comparison retail floorspace. The application therefore equates in floorspace terms to only 0.4% or 1.4% of the town centre stock. Mothercare can therefore not be considered to be an anchor unit for the town centre and if they were to withdraw, the centre's vitality and viability as a whole would not be significantly adversely affected. (Letter dated 26 January 2010)

The Council's retail consultant was asked to comment on the representations received from the applicant's agent and has confirmed the following:

- Whilst in agreement with much of the applicant's Planning Statement it is considered that there is a major omission in their sequential assessment as there is a perfectly acceptable, sequentially preferable, vacant unit available in the Langney Shopping Centre with no goods restrictions, large car park, better bus services and appropriate 'supporting' facilities such as cafes and food stores.
- Should Mothercare decide to pull out of the Arndale Centre, other similar retailers would undoubtedly fill the void in the town centre.
- PPS4 requires a 'floorspace needs assessment' and the size of floorspace for which a variation of condition is required, is well below the 2,500sqm threshold for which impacts assessments under Policy EC14.4 and EC14.5 are required.
- In the case of the Mothercare Parenting Centre it is considered that PPS4 does not strictly require an impact assessment following the advice in paragraph 7.5 of the Practice Guidance.
- The main aim of policy is to assess the impact on the vitality and viability of the town centre as a whole. In this case the '280sqm' element of the proposal would have an annual turnover of about £1million. This represents an impact on Eastbourne town centre comparison goods trade of less than 1% which is miniscule.

- A cardinal retail planning principle is that the town planning system should not be used to protect the commercial interest of a single town centre store. Objectors are aiming to do this by linking the new store to the existing store in the Arndale Centre. The Council would be ill-advised to follow this line of argument to appeal.
- Government policy is to promote competition between retailers. Assurances regarding the future of the Town Centre Mothercare store could be covered in a Section 106 agreement. These agreements are voluntary and it seems clear that Mothercare would regard it as an unwarranted interference in their commercial operation.
- In looking at town centre alternative sites, objectors are confusing 'net' floorspace with 'gross' floorspace. The '280 sqm' element of the proposal would require an alternative town centre site of about 430 sqm gross (because of the need to add duplicated facilities such as staff toilets, rest rooms, offices, etc.).
- Objectors also appear to be advocating two town centre Mothercare stores (with an almost identical product range) or perhaps a single amalgamated larger store, which would need to be at least 660 sqm gross.
- No objector has demonstrated why the existing Condition 3 should be the basis for disaggregating the applicant's business model. (The existing Condition 3 was actually imposed by the Secretary of State via an appeal decision for unspecified tenants).
- The applicant's highlighting of para 6.30 of PPS4 Practise Guidance is endorsed – *"in the case of a single retailer... it is not the purpose of national policy to require development to be split into separate sites where flexibility in their business model and the scope for disaggregation have been demonstrated"*. The applicant has demonstrated the impracticality of this disaggregation and consequently the sequential search should be for a unit of between 750 sqm and 3,000 sqm.
- There are a number of examples of other retailers unsuccessfully launching a 'clothes/footwear only' off-shoot (e.g. Asda's George clothing stores).
- What the applicant says about the absence of appropriate alternatives in the Town Centre is also endorsed, apart perhaps from the Co-op site in Trinity Trees (which has been vacant for about 5 years). In relation to the Co-op site, it should be added that:
 - Prior to the Co-op redevelopment application, the old store (with 920 sqm of sales space) had been on the market for over 2 years without a single realistic expression of interest (presumably because of similar issues about levels, lack of adjacent car parking, multiple floors and poor servicing arrangements);
 - The outstanding planning permission (for only 579 sqm of sales space) is currently on hold – presumably because of the state of the housing market (the major part of this mixed development is housing). The site therefore fails the test of 'availability';

- The site appears to be back on the market - but the same problems arise with regard to levels/servicing etc. or delay for redevelopment (with regard to the Practice Guidance paras 6.15, 6.37 & 6.43 it would appear that the Co-op site would continue to fail the tests of availability and suitability).
- It appears that Mothercare was offered a larger unit in the Arndale Centre (about half the size of the Hampden Retail Park proposal). The additional 170 sqm unit is currently occupied by Cromwells Madhouse and the unit offered, it appears, was contingent on the 170 sqm ELC unit relocating here. Thus effectively offering Mothercare/ELC no additional floorspace. As a sequential alternative this also fails the tests of availability and suitability.
- In looking at sites in other sequentially preferable centres, it is surprising that the applicant has not considered the Langney Shopping Centre – just 1 mile to the east of the application site. This contains a long-standing ('in-centre') vacant unit of approximately 1,300 sqm (formerly occupied by Lidl) which has the following advantages:
 - Langney Centre is a principal district centre – higher in the sequential hierarchy than Hampden Retail Park (in policy, 'town centres' is a generic term including all principal district shopping centres – see Annex B of PPS4);
 - There are no goods restrictions on the unit;
 - The unit has underground servicing (paragraph 6.28 of the Practice Guidance & Policy EC 15.1);
 - It has direct access from a much larger car park than that at Hampden Retail Park;
 - There is currently the option of another (important) access from the main covered shopping mall via a 75 sqm unit formerly occupied by 'Natural Wonders';
 - Langney Shopping Centre has much better opportunities for linked shopping trips (paragraph 6.2 of the Practice Guidance) – for example two food stores, two cafes, a newsagents, post office, chemist, travel agent, bank, hairdresser, card shop, library, and opticians and a weekly open market. There is also a petrol filling station on an adjoining site;
 - Langney has much better public transport links (Services 1, 1A, Link, 10, 11 & 56);
 - There is a further adjoining vacant unit of 260 sqm – which combined with the 'Lidl' & 'Natural Wonders' units, could provide up to about 1600 sqm of space'
- There will soon be a further 500 sqm vacancy at Langney – currently occupied by 'QS' who have come to the end of their lease.
- There is also a vacant, sequentially preferable, 1,200 sqm unit in the nearby Hampden Park District Centre. This was formerly occupied by Somerfield & Peacocks. However Aldi have indicated a desire to occupy the unit but no application has yet been received.

- There is a very good reason for the existing Condition 3 on the application site – to accommodate bulky goods retailers. It would be unfortunate to create a precedent for wholesale change elsewhere on Hampden Retail Park (and adjoining properties). Two large units have already been lost to bulky goods use at the Crumbles Retail Park to the south (for 'Boots' & 'Next').
- Objectors should note that neither 'Boots' nor 'Next' at the Crumbles have closed their town centre stores.
- For all practical purposes the 'LOOP' is the only bus service for the application site (every 12 minutes). The No.2 is a very poorly used hourly service carrying less than 200 passengers per day.
- Therefore to conclude the Council's retail consultant has confirmed the following:
 - The application will have a minimal impact on the vitality and viability of Eastbourne Town Centre as a whole;
 - The applicant should explore the sequentially preferable unit at Langney Shopping Centre;
 - Planning consent should be withheld until the views of the Langney Shopping Centre management are known (note paragraph 6.41 of the Practice Guidance);
 - It would be difficult to justify a S106 agreement with the applicant securing the continued operation of the existing Mothercare store in the Arndale Centre. (Letter dated 8 February 2010)

In response to the comments made by the Council's retail consultant the applicant's agent has confirmed the following:

- Regarding the former Somerfield store in Hampden Park, it has been confirmed that Aldi fully intend to provide a store in this location and as such the unit is therefore not available.
- Unit MSU1 at the Langney Shopping Centre is available, however the landlords have more advanced interest from other retailers.
- The unit's suitability for Mothercare has been considered and there are concerns regarding the service access. The unit is served by a ramp from the access road to an underground service facility and due to low hanging pipes and services, lorry length into the basement entrance is restricted to lorries with a maximum length of 30ft.
- Mothercare operate a national fleet of 44ft articulated lorries to service their units. The current operation for Mothercare in Eastbourne is serviced by a single 44ft lorry which also serves the ELC stores in Eastbourne and Hastings once a week.
- The unit at Langney would have to be accessed with a smaller vehicle and a minimum of two lorries would therefore have to service the area rather than just one which would significantly increase the carbon footprint of the store operation. Also, Mothercare is currently engaging the use of double deck vehicles for retail deliveries which would clearly not be an option for any new store at Langney Shopping Centre.

- Paragraph 6.43 of the PPS4 Good Practice Guide lists 'physical problems or limitations - such as access' as relevant factors when assessing whether a site offers a suitable location. Paragraph 6.44 considers that a 'balanced judgement based on the specific circumstances of the case and the site in question' should be taken with regard to the sequential approach.
- The restricted service access to the unit at Langney Shopping Centre means that it is not a suitable sequential site. Any service solution would result in a significant increase in road miles and would not provide the most efficient and sustainable form of development.
- It is therefore considered that there remain no sequentially preferable sites. (Letter dated 13 April 2010)

The Council's retail consultant in response to the above submission has accepted what has been said about the former Somerfield site and does not argue with the point that servicing the Langney Shopping Centre unit would increase haulage mileage and CO₂ emissions. However he considers that this is only half of the PPS4 CO₂ calculation. The other half relates to reductions in their customer emissions and the consultant has asked for the following to be considered:

- At Langney a much greater proportion of their customers are likely to be arriving by bus or on foot, rather than by car. Currently it is known that 24% of Langney Tesco customers arrive by bus or on foot. A much smaller percentage of Hampden Retail Park customers arrive by bus or on foot.
- There are almost three times as many buses per hour serving the Langney Shopping Centre as serve the Hampden Retail Park.
- There are 15 to 20 times more shoppers arriving at Langney by bus than arrive at Hampden Retail Park (probably in excess of 6,000 shoppers a week arrive at Langney by bus).
- There is a much greater opportunity for CO₂ emissions to be reduced through linked shopping trips at the Langney site.
- The consequence is that net CO₂ emissions should be substantially lower at the Langney Shopping Centre than at Hampden Retail Park

Thus, whilst acknowledging the servicing limitations of the Langney unit, this must be balanced against the probable net reductions in customers CO₂ emissions. Given the need for a 'balanced judgement' (PPS4 Practice Guidance Para 6.44) it seems clear that the most sustainable overall (PPS4) solution remains the Langney Shopping Centre Unit. (Comments received 14 April 2010)

In response to these comments, the applicant's agent has confirmed that it is the presence of Tesco that dominates the modal shift. 'Basket shopping' trips to Tesco are clearly consistent with those arriving by non-car modes. However there can be no assumption that such patterns would reflect the requirements of Mothercare customers looking to purchase bulky goods such as pushchairs and buggies and those requiring car seat fitting. Therefore it is very much doubted that there would be much positive benefit derived in terms of emission in terms of PPS4 Policy EC17.1b

Mothercare have considered the unit at Langney Shopping Centre, however they are now committed to occupying the only suitable and available unit in Eastbourne and in the event that permission is not granted to vary the condition, Mothercare are likely to have no other option but to withdraw from Eastbourne completely, with shoppers therefore having to travel to Brighton, Crawley or Canterbury which would significantly increase mileage and carbon emissions. (Letter dated 21 April 2010)

In a further letter of objection from Turley Associates, it is stated that "*there remain two fundamental issues which indicate that the current application should be refused*" and these are as follows:

- the loss of two national multiple fascias from the town centre; and
- the assessment of alternative locations (the sequential approach)

The objector considers that it is disingenuous for the applicant to state that the potential decision of both Mothercare and ELC to vacate the town centre is unrelated to the outcome of the planning application. The applicant has already confirmed to Turley Associates' client that the town centre store's turnover is likely to be reduced by approximately 60% when duplicated out of town. In the case of Eastbourne this would transform two currently profitable stores unprofitable, inevitably leading to their closure. It is considered that this will provide clear evidence that the proposal is likely to have significant adverse impacts in terms of the town centre's vitality and viability, as it will result in the loss of the only national dedicated baby and children's offer in the town, therefore removing local consumer choice, range and quality of the town centre's comparison offer. In short, the application is considered to be contrary to Policy EC17.1b and EC16.1b of PPS4.

The applicant considers that in order to accommodate a 'Parenting Centre' type store in Eastbourne town centre, it would require an unreasonable degree of flexibility in Mothercare's business model. The existing permission that controls the range of goods sold at Hampden Retail Park seeks to preclude traditional less bulky 'town centre' goods such as clothing and footwear. Turley Associates consider that this application does not accommodate a business model with genuine difficulties associated with disaggregation; rather it facilitates the consolidation of both Mothercare's in and out of centre offer under one roof in a sequentially inferior location. The evidence which suggests that the smaller range of goods cannot be sold in a town centre location cannot be accepted in light of paragraph EC15 of PPS4 and as such the application is contrary to Policy EC17.1a and EC15 of PPS4. (Letter dated 22 February 2010)

In response to this objection, the Council's retail consultant has confirmed that planning policy is to safeguard the vitality and viability of the town centre as a whole and not specific parts of the town centre. The additional goods on the application site would represent a town centre impact of less than 1%. This is not a significant impact.

In addition, planning policy should not be used to protect the commercial interests of a single (relatively small) store in the town centre. Government policy is to promote competition between retailers.

The retail consultant has also confirmed that should the Arndale Mothercare store close, the policy assumption is that an alternative retailer will open in the town centre to meet any frustrated need/demand. There have been no valid arguments advanced about why, in this instance, planning policy should be used to frustrate operation of the free market.

The consultant agrees with the Turley Associates contention that the application site is sequentially inferior, hence why he asked the applicant to consider the vacant unit at the Langney Shopping Centre.

Finally, he has referred to paragraph 6.30 of the PPS4 Practice Guidance which relates to the practicalities of disaggregating the business model of a single retailer and has confirmed that no evidence has been provided to indicate that the disaggregation difficulties identified by Mothercare are not genuine (email dated 27 February 2010).

In an email received from Turley Associates received on 22 April 2010, Reference is made to the PPS4 Good Practice Guide and to the fact that *'the loss of a key town centre use, or loss of demand from a prospective operator needed to reinforce the existing offer may be highly significant in some centres'* and that in this regard it is important to note the objections made by the TCMI and the Council's Economic Development Officer.

Turley Associates consider that there is clear evidence that the proposal is likely to lead to significant adverse impacts on the town centre and that there are justifiable reasons to refuse the planning application on impact grounds alone.

In addition, it is noted that the applicant has sought to dismiss the vacant unit at Langney Shopping Centre because Mothercare's lorries are too long. Town centres by definition require innovative delivery techniques in light of local weight restrictions, restrictions on delivery times as well as having to manoeuvre along tightly defined streets. This is no reason to begin to move out of town. This is not supported by policy rather it is a commercial preference.

In relation to carbon emissions, Turley Associates have confirmed that the very fact that the retailer wants to relocate to a predominantly car borne shopping destination with ample free parking will mean that the operator's carbon footprint will increase. Town centres on the other hand are accessible by a choice of means of transport and have a higher likelihood of forming linked trips with other uses in the centre. They therefore continue to be of the view that the applicant has failed to address the sequential test and as such, is contrary to Policy EC17a and EC15 of PPS4 and strongly believe that the application should be refused in light of the tests set out in PPS4.

In response to this submission, the applicant's agent has confirmed the following:

- Mothercare is not one of the town centre 'anchor attractions';
- Impact will not therefore be significant and will not detract from the vitality and viability of the centre;

- The servicing arrangements have nothing to do with Mothercare's wish to relocate. That is driven by their business model and the availability of the right size of unit in Eastbourne;
- Dismissing the unit at Langney Shopping Centre (on the basis of inadequate servicing facilities) is perfectly respectable in terms of PPS4; and
- There is no compelling evidence of significant harm in respect of carbon emissions.

Finally, the applicant's agent maintains the opinion that there is no evidence of harm to the vitality and viability of the town centre arising from the application proposals and that the sequential assessment is satisfied. This application does after all only concern 280sqm of floorspace (email received 7 May 2010).

In addition, the Council's retail consultant has confirmed the following:

- The Arndale Mothercare cannot be defined as a 'key town centre use' in PPS4 terms;
- With regard to the Town Centre Manager's view, he is not convinced that an adequate Public Inquiry case could be made that the loss of the Arndale Mothercare would be a significant detriment and that there would be no new retailers coming into the town centre to replace Mothercare;
- Misuse of planning law to support a single trader will be frowned upon by the Secretary of State;
- The Economic Development Officer's (EDO) view in relation to the Arndale Mothercare are rhetorical and appear to be unsupported by fact;
- The EDO misunderstands PPS4 in that the 'town centre' is generic which means that the Langney Shopping Centre has a sequential status just below the town centre and significantly higher than Hampden Retail Park;
- There is a much more compelling vitality/viability argument at the Langney Centre vis-à-vis large amounts of vacant retail floorspace and therefore a good case for economic growth (25 April 2010).

Finally, in a response dated 2 May 2010, the Council's retail consultant has confirmed that there are no PPS4 policies that could be used to refuse consent for the application on the grounds of town centre impact as the proposal is far too small and its impact would not be significant. The consultant has also confirmed that the relevant policies of PSS4 are EC17.1a, EC14.3 and EC15.1 and that whilst they have technically been breached, there is an overriding consideration of 'proportionality'.

Paragraph 6.51 of the PPS4 Practice Guidance states that *'it is important that such (sequential) assessments are proportionate to the nature of the proposal...'*

In addition, Paragraph 7.6 of the Practice Guidance (in relation to impact assessment) states *'the scope and level of detail required should be proportionate to the nature of theproposal under consideration.'*

The consultant has confirmed that whilst there is as yet little PPS4 'case law' on what constitutes 'proportionality', it is considered that as the proposal does not involve any additional built retail development and exceeds the 200sqm policy threshold by only 80sqm, his judgement would be that it should qualify for policy exception on the grounds of proportionality.

In addition, the applicants have indicated that though accepting that there is a sequential alternative in the Langney Shopping Centre, they are unwilling to make the servicing compromises that would be required. As a consequence there is a serious danger that Eastbourne could lose Mothercare as a retailer with all the employment that it provides. This would frustrate the Government's overarching PPS4 objective of 'sustainable economic growth' which is defined as:

"Growth that can be sustained and is within environmental limits, but also enhances environmental and social welfare and avoids greater extremes in future economic cycles."

For the above reasons, the Council's retail consultant considers that in this instance, a grant of consent would be justified.

Appraisal:

The main issue to consider in the determination of this application is whether the proposal to vary Condition 3 attached to EB/1987/0067 allowed under Appeal Reference T/APP/T1410/A/87/073356/P5 dated 21 March 1988 to permit the sale of maternity wear, babies and children's clothing and footwear accords with the guidance given in PPS4 and if not, whether there is any justification to grant consent as an exception to policy.

It should be noted that Mothercare could occupy Unit 1 at the Hampden Retail Park and sell the majority of goods including toys from the premises without the need to vary the condition.

Whilst the concerns expressed by the TCMI, the Economic Development Officer and Turley Associates are acknowledged regarding fears that if permission is granted Mothercare will vacate the Arndale Centre, the planning system should not be used to protect the commercial interest of a single town centre store. Government policy is to promote competition between retailers. Assurances regarding the future of the Town Centre Mothercare store could not form part of a planning condition. It could be covered by a Section 106 agreement however these agreements are voluntary and this has not been offered by Mothercare.

In addition, whilst it would be extremely unfortunate if ELC vacated their existing unit in the Arndale Centre, they like Mothercare could occupy the unit at Hampden Retail Park now. It is only the clothes and footwear that aren't covered by the current planning permission. In addition, the Council's retail consultant has confirmed that should the Arndale Mothercare store close, the policy assumption is that an alternative retailer will open in the town centre to meet any frustrated need/demand.

Having regard to the impact of the proposal on the vitality and viability of the town centre, the Council's retail consultant has confirmed that the Mothercare unit in the Arndale Centre cannot be defined as a 'key town centre use'. In addition, the 280sqm element of the proposal represents an impact on Eastbourne town centre comparison goods trade of less than 1%. Therefore having regard to the fact that the proposal is so small and its impact on the vitality and viability of the town centre would not be significant, the proposal is considered to accord with the relevant policies of PPS4.

The objections received from Turley Associates relating to the fact that this application does not accommodate a business model with genuine difficulties associated with disaggregation are noted. However the Council's retail consultant has referred to paragraph 6.30 of the PPS4 Practice Guidance which relates to the practicalities of disaggregating the business model of a single retailer and has confirmed that no evidence has been provided to indicate that the disaggregation difficulties identified by Mothercare are not genuine.

With regard to the 'Sequential Approach' and what the applicant has said about the absence of appropriate alternative units available within the town centre, it is accepted that the former Co-op site is neither suitable nor available.

In addition, it is accepted that the former Somerfield store in Hampden Park is not available as it has been confirmed that Aldi fully intend to provide a store in this location.

However, it is considered that the vacant unit at Langney Shopping Centre is available and is a sequentially superior unit than the application premises. Whilst the applicant has accepted that there is a sequential alternative in the Langney Shopping Centre, they consider that the unit is not suitable because of the servicing arrangements. It is therefore considered that as the applicant is unwilling to make the servicing compromises that would be required, the applicant has technically breached the relevant policies of PPS4 relating to the sequential approach. However the Council's retail consultant has advised that in accordance with the advice given in the PPS4 Practice Guide, there is an overriding consideration of proportionality. This is because the proposal does not involve any additional built retail development and exceeds the 200sqm policy threshold by only 80sqm and as such it is considered that it should qualify as an exception to policy on the grounds of proportionality. In addition, it is considered that there is a serious danger that Eastbourne could lose Mothercare as a retailer with all the employment it provides, which would be contrary to the Government's overarching PPS4 objective of 'sustainable economic growth' and for these reasons, it is considered that in this instance the granting of planning consent is justified and Condition 3 attached to planning permission EB/1987/0067 can be varied to extend the range of goods to be sold from Unit 1 at Hampden Retail Park by Mothercare to include maternity wear, babies and children's clothing and footwear.

Human Rights Implications:

There are none.

Conclusion:

It is considered that the proposal to vary Condition 3 of application EB/1987/0067 allowed under Appeal Reference T/APP/T1410/A/87/073356/P5 dated 21 March 1988 to permit the sale of maternity wear, babies and children’s clothing and footwear is acceptable, as an exception to policy on the grounds of proportionality.

Recommendation:

Permission be granted subject to the following varied condition attached to EB/1987/0067:

Conditions:

- Commencement of development within three years
- Approved plan reference
- 3. The premises shall not be used for the sale of food (other than confectionery) clothing or footwear (other than Unit 1 which is permitted sales of maternity wear, boys and girls clothing and footwear solely by Mothercare UK Ltd)

Informatives:

The proposal to vary Condition 3 attached to planning permission EB/1987/0067 is considered acceptable as an exception to policy on the grounds of proportionality.

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.**

Signed:

I declare that I have no prejudicial interest in this application

Case Officer:..... Date:

B & DC Manager:..... Date:

Committee Report 15 June 2010

Item 2

APPLICATION SITE: Teva Ltd, 41 Brampton Road, Eastbourne		
App.No.: EB/2010/0126(FP)	Decision Due Date: 15 June 2010	Ward: Hampden Park
Officer: Andrew Battams	Site visit date: 8 April and 7 May 2010.	Type: Other majors
Site Notice(s) Expiry date: 22 April 2010 Neigh. Con Expiry: 16 April 2010 Weekly list Expiry: 23 April 2010 Press Notice (major application): 5 May 2010		
Over 8/13 week reason:		
Proposal: Demolition of temporary buildings in north-west corner of site and erection of a two-storey extension, a single-storey extension to offices facing Brampton Road and enlargement of electricity substation.		
Applicant: Teva UK Ltd		
RECOMMENDATION:		

Reason for referral to Committee:

Councillor Madell requested the application be determined at Planning Committee.

Executive Summary:

The proposed extension would consolidate floorspace in a designated industrial area, and which is in a sustainable location with good public transport links. The scale, massing and design of the building are considered acceptable and would not adversely affect the visual amenity of the area or nearby residential amenity. Flood risk would not be increased by the proposed development.

Planning Status:

- Designated industrial area
- Flood zone 3a

Relevant Planning Policies:

Borough Plan policies:

UHT1	Design of New Development
UHT2	Height of Buildings
UHT4	Visual Amenity
UHT7	Landscaping
HO20	Residential Amenity
NE4	Sustainable Drainage Systems
NE28	Environmental Amenity
BI2	Designated Industrial Areas
BI7	Design Criteria
TR2	Travel Demands
TR6	Facilities for Cyclists
TR11	Car Parking
US4	Flood protection and Surface Water Disposal
US5	Tidal Flood Risk

Planning Policy Guidance Note 13: Transport

Site Description:

The application site is part of Brampton Industrial Estate being on the corner of Brampton Road and Faraday Close, some 200m from Hampden Park train station. The TEVA site comprises a mixture of two-storey and single-storey buildings. The site has been used as a pharmaceutical package plant for a several decades. Extensions and temporary buildings have been added over the years, as well as minor alterations and additions of plant and machinery.

Relevant Planning History:

App Ref: EB/2008/0500	Description: Demolition of existing warehouse and replacement with a three-storey building containing two floors of packaging halls and one floor of laboratories
Decision: Granted	Date: 14/10/2008
App Ref: EB/2009/0093	Description: Alterations to front elevation involving modifications to entrance/office façade and erection of new external escape stairs
Decision: Granted	Date: 20/03/2009
App Ref: EB/2009/0427	Description: Extension of lift shafts on north and east elevations and installation of roller shutters on east façade at 2nd floor (as amendment to planning permission EB/2008/0500).
Decision: Granted	Date: 12/08/09

Proposed development:

Planning permission is sought to build an extension to the recently constructed three-storey building that is on the northern part of the site. The proposed extension would be two-storeys high and occupy the north-west corner of the site. The proposed extension would be 37 metres long (frontage to Faraday Close) and 23 metres deep (fronting Brampton Road). The footprint would have an L-shape. The ground floor would accommodate laboratories and testing equipment, with new offices on the first floor. The height of the two storey building would be 10.6 metres and new air handling plant would be placed on the flat roof, set behind a parapet and be a further 1.7 metres high (overall height thus being 12.3 metres). The external appearance of the building would be a continuation of the three-storey packaging hall recently constructed, with sheet cladding materials and colours to match.

Part of the existing two-storey office building fronting Brampton Road would be altered and a ground floor extension added. Internally, the floorspace would be re-configured to provide a new canteen on the ground floor.

A new electricity sub-station would be constructed between the proposed two-storey building and the adjacent office building/canteen.

Applicant's Points:

- The project is to construct a new Quality Control Facility building and to make internal modifications to improve site staff amenities including a canteen, for which a small extension to the front of the existing office building is proposed.
- The building is intended to be a visual extension of the adjacent packaging hall building and will follow the materials used. The panel type and detailing will include recessed vertical joints to modulate the façade into a series of panels with the intent of breaking the mass of the building into smaller section.

Summary Information:

Site Area: 1.4 hectares

Change in floorspace: + 1308 sq metres

Number of jobs created/lost: + 22

Existing parking spaces: Parking adjacent site not affected.

Building Techniques: Steel frame with sheet cladding.

Consultations:

Planning Policy: The application site is located within the designated industrial area defined through Policy BI2, which states that planning permission will be granted subject to criteria in set out in Policy BI7. Proposals for industrial infill developments within designated areas are supported as a way of intensifying employment uses on industrial estates.

The Eastbourne and South Wealden Strategic Flood Risk Assessment (Level 1) locates this site within Flood Zone 3a. In PPS25, development of general industry is classed as 'less vulnerable' which is acceptable in this flood zone and so there is no requirement for a flood risk assessment. Although located within the Willingdon Levels catchment area there is no increase in impermeable area, therefore no flood storage compensation is required. (Memo dated 14 April 2010).

Highway Authority: The Highway Authority does not wish to restrict Grant of Consent subject to the following:

The applicant entering into a Section 106 legal agreement to secure a Travel Plan in accordance with ESCC requirements (a draft agreement has been prepared). (Memo dated 11 May 2010).

Environment Agency: We made representations on the first application EB/2008/0500 and note that the Flood Risk Assessment has been resubmitted and updated. We largely have the same response although we have seen preliminary site investigations as part of the discharge of the previous site investigation condition. Unsuspected contamination should be monitored during construction. No objections, in principle, to the proposal as submitted provided conditions about unsuspected contamination and floor levels in respect of flooding are imposed on any planning permission granted. (Letter dated 16 April 2010).

Economic Development: The proposal contained in this application would appear to be a further chapter in the rebuild on this site, and as such is a logical case to make as the main build nears completion. This company is one of Eastbourne's top 10 companies, and from an Economic Development the application is fully supported. (Email dated 12 April 2010).

Sussex Police: The level of crime in this area is average when compared with the rest of Sussex and major concerns with the proposals are not identified. It is noted that the proposed extensions would be sited within the footprint of the existing site and at the completion of development the entire site will be protected by a 2.4m high paladin fence and satisfied that appropriate measures for the safety and security of the facility and its workforce will be in place. (Letter dated 21 April 2010).

Neighbour Representations:

Occupiers of nearby residential and business properties were notified in writing, notices displayed around the site and a notice placed in the local newspaper. Two representations received from residents in Brampton Road with the objections summarised below:-

- The single storey building is not temporary – it has been in place for at least ten years.
- The proposed building will have a drastic effect on the outlook from our house (38 Brampton Road) and our back garden will be overlooked.

- The whole of 2009 we had to contend with an extremely noisy and polluting-emitting building site right on our doorstep whilst Phase 1 of the company's expansion was constructed; the builders were using the field right next to our house as a storage facility and for accommodation.
- Working hours were frequently flouted, with work starting before 8am and work on weekends.
- Constant clouds of dust emanating from the field have necessitated us keeping windows shut throughout summer and far more frequent cleaning.
- This proposal is palpably a continuation of the construction already taken. Was this additional work mentioned in the original application?
- It is noted that now that the 1st phase of the development is completed the sun at its meridian is below the skyline of the building, casting a shadow over the odd numbered properties in Brampton Road.
- The proposed extension will continue that shadow into mid-afternoon (during the period mid-November to mid-February).
- This winter, gardens in Brampton Road have been flood on numerous occasions. What steps have been taken to deal with waste and standing water dispersal aggravated by further construction on original marsh flood land?

(Letters received 14 and 16 April 2010).

Appraisal:

The main issues to consider in the determination of the application are the location of the proposed extension to the industrial premises, the design and appearance, neighbouring residential amenity, travel demands, and flood risk and contaminated land.

The proposed extension would concentrate the development of industrial premises within a designated industrial area. The site is in a sustainable location as it is close to Hampden Park station, bus services as well as road links. Therefore, the principle of the proposed type of development at this site is acceptable and conforms with the designated land use.

The scale and massing of the development is considered acceptable at this location. The two-storey building would be a continuation of the recently constructed three-storey packaging hall. As the proposed building would be positioned by the corner of the Brampton Road and Faraday Close the reduction to two storeys would harmonise with the scale of nearby residential properties. The design and materials of the proposed building would blend with existing buildings at the site. It is considered that the visual amenity of the area would not be adversely affected.

The proposed extension would mean the massing of buildings at the site would be closer to the residential properties in Brampton Road. The applicant has demonstrated that the bulk of the proposed extension would not have an adverse impact in terms of overshadowing: shade cast by the new building would not affect nearby dwellings between the months of March – September (the time period where overshadowing is likely to have an adverse impact, according BRE guidance).

The minimum separation distance between the front of the proposed building and the nearest dwelling (38 Brampton Rd) would be 35 metres. Furthermore, it is considered that overlooking of the rear garden of 38 Brampton Rd would not be materially increased beyond the existing situation: the private areas of the garden would not be overlooked due to the oblique angles from the first floor windows of the proposed building.

Car parking at the site would not be affected as the applicant has a dedicated car park on the opposite side of Brampton Road. A Travel Plan to promote staff and visitors to the site using sustainable modes of transport has been submitted. The Highway Authority has recommended that the Travel Plan and the monitoring of it is secured through a legal agreement. Existing vehicular access points would be retained and sufficient manoeuvring space would be provided in the new site layout.

Ventilation/air handling plant would be placed on top of the flat roof of the building. This type of machinery already exists at the site and the proposed would not have a visual impact.

The development would not increase the amount of hard surface at the site. Therefore, there would not be an increase in surface water run-off and the proposed development would not increase the flood risk to surrounding properties. Floor levels need to be set within the development to help minimise its own flood resilience.

Due to the proximity of former landfill sites, land contamination investigation and measures were undertaken for the packaging hall construction. A condition requiring monitor of potential contamination for the proposed construction is considered reasonable.

Human Rights Implications:

The proposed development is unlikely to infringe the above noted Rights of local residents and business users.

Conclusion:

The proposed development would provide additional employment floorspace in a designated industrial area. The proposed building would not affect the visual amenity of the area or the amenities of nearby residential properties. The additional floorspace, subject to a Travel Plan, would not have an adverse impact on travel demands. And the development would not increase flood risk or raise land contamination issues.

Recommendation A: Permission be **GRANTED** (subject to the prior conclusion of a section 106 legal agreement to secure a Travel Plan and monitoring fee) and subject to the following conditions:

Conditions to include:

- Commencement of development within 3 years
- Development is accordance with approved plans
- External materials
- Monitoring of unsuspected land contamination and remediation
- Minimum height of floor levels
- Scheme of surface water drainage
- Landscaping
- Trapped gullies for drainage of car park/vehicular areas
- Hardstanding and wash down facilities for construction vehicles
- Hours of construction

Informatives:

- Reason for granting
- ++ Pre- commencement conditions – consequence of not complying
- S106 legal agreement

Recommendation B: In the event that the section 106 legal agreement is not signed and completed 15 June 2010, **REFUSE** planning permission for the following reason:

The proposed development fails to secure the provision of a Travel Plan and monitoring fee to address the impacts of travel demands that would be created by the additional floorspace. The proposed development is thereby contrary to policy TR2 of the Eastbourne Borough Plan 2001 – 2011.

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.**

I declare that I have no prejudicial interest in this application

Case Officer:..... Date:

B & DC Manager:..... Date:

Committee Report 17 May 2010

Item 3

APPLICATION SITE: 85 Shakespeare Walk		
App.No.: EB/2010/0145	Decision Due Date: 14/05/10	Ward: Langney
Officer: Lucy Parsons	Site visit date: 23.04.2010	Type: minor
Site Notice(s) Expiry date: N/A Neigh. Con Expiry: 29.04.2010 Weekly list Expiry: 30.04.2010 Press Notice(s)- Type/Expiry: N/A		
Over 8/13 week reason: Called to committee by Leader of the Council		
Proposal: Erection of a detached single garage, provision of timber shed and additional fencing to rear of property		
Applicant: MR ANDS MRS C SAMPSON		
RECOMMENDATION: Approve subject to conditions		

Reason for referral to Committee:

The application has been called into committee by the Leader of the Council. The reason for this request is that the objectors have expressed that it would cause considerable inconvenience to a small number of those who will be affected by the proposal.

Executive Summary:

The proposed relocation of the detached single garage and associated alterations to increase the use-ability of the rear garden at 85 Shakespeare Walk is considered acceptable. The displacement of potentially two on street car parking spaces would cause no harmful impact on the neighbouring highway network, although may be an inconvenience to the certain residents in the immediate vicinity, would not be sufficient a reason to warrant refusal for this application.

Planning Status:

- Restrictive conditions imposed by original permission (see Planning History and Appraisal below).

Relevant Planning Policies:

Relevant policies of the Eastbourne Borough Plan 2001-2010:

UHT1	Design of a New Development
UHT4	Visual Amenities
UHT20	Residential Amenities
TR11	Parking

Site Description:

The application site comprises an end of terraced 1970s two storey dwelling on the north-western side of Shakespeare Walk. There is a single pedestrian footpath along the open frontages of properties in Shakespeare Walk, with vehicle access, parking and garages at the rear of terraces in this section of Shakespeare Walk accessed via Close Twenty Four.

To the north, running perpendicular to the site is a public pedestrian footpath leading to properties in Carroll Walk which links to other neighbouring closes in the area.

Relevant Planning History:

App Ref: EB/1968/0397	Description: Use of approx 54 Acres for residential development land adjoining and formerly part of Batchelors Farm, Langney Rise
Decision: Approved Conditional	Date: 19/12/1968

App Ref: EB/1971/0263	Description: Erection of 25 terraced houses each with garage
Decision: Approved Conditional	Date: 10/06/1971

LAND WITHIN THE CURTILAGE OF: 69 SHAKESPEARE WALK	
App Ref: EB/2007/0535	Description: Erection of a two-storey terraced house and associated garage
Decision: Approved - conditionally	Date: 09/10/2007

The original permission for the residential development of the area (ref EB/1971/0263[FP]) has conditions attached restricting permitted development rights in relation to fences, walls etc and hedges between the fronts of properties (condition 3); and restricting garages, car ports or other buildings being erected without consent (condition 5). Having taken legal advice from the Council's Regulatory and Litigation Lawyer it is considered that condition 5) restricting permitted development rights for the erection of additional buildings is not legally enforceable due to the wording and age of the condition. As such, and in light of the unenforceable condition 5) it is my opinion that the proposed garage, shed and fencing would all constitute permitted development. Nonetheless, the applicant has opted to apply for formal planning permission to regularise the development.

Therefore, this application has been assessed on the likely impacts on the locality and has been dealt with as a formal planning application.

Proposed development:

Planning permission is sought for the demolition of the existing single garage to the rear of the property and erection of a relocated prefabricated detached single garage on the existing hardstanding to the rear of the site. The proposed garage will be 3.05m wide x 5.54m in length, being 2.44m high to the ridge (eaves height is 2.0m). The proposed garage will be positioned 90° to the existing garage allowing for direct access from the highway with an additional single parking space to the side.

The proposal also includes repositioning a 1.8m high close board fencing along the side and rear boundaries and provision of a small 1.34m x 1.84m, 2.1m high timber shed in the rear garden.

The ground levels to the north and west of the site are slightly higher than the access road along Close Twenty Four and higher again than the row of terraces in Shakespeare Walk.

Consultations:

The Highways Authority has raised no objection to the proposal.

Neighbour Representations:

Letters of notification were sent to the occupiers of neighbouring residential properties in Shakespeare Walk and Carroll Walk.

Three letters of objection have been received from neighbouring residents and can be summarised as follows:

- The occupiers of 1 Carroll Walk have raised concern about the loss of view and the associated loss of value to the property. Concern has also been raised with regard to loss of light to the front of the dwelling.
- The occupiers of 81 and 83 Shakespeare Walk have also objected to the proposal as the loss of on street car parking spaces would exacerbate on street parking in the area, would cause further congestion and would prevent occupiers of neighbouring properties in Shakespeare Walk parking immediately outside of their properties and near to their garages.
- Concern has also been raised about the impact additional parking in the Rising and Wordsworth Drive would have on highway safety.

Appraisal:

The main issues to consider in the determination of this application are the effect the proposed development will have on the neighbouring highway network and parking in the area; impact on the visual amenity; and the impact on neighbouring residential amenity.

It is considered that the proposed garage and timber shed due to their size and location will cause no detrimental impact on neighbouring residential amenity. It is also considered that the alterations to the fencing along Carroll Walk would not cause loss of daylight due to the nature of the proposal but also due to the fact that there is a separation distance of some 8.0m between the proposed fencing and the front of 1 Carroll Walk.

The concerns raised by residents in respect of loss of value and loss of view cannot be assessed as material planning considerations.

With regards to the impact on the visual amenities of the locality, it is also considered that there will be no harmful impact as the proposed garage is a typical single garage, and although different to the existing garages on the estate, would not be out of keeping to the character of the surrounding area and the nature of the access road. The proposed fencing to enclose part of the garden towards Carroll Walk, although will enclose a part of currently open land, would make a small difference to the visual appearance to the open plan development. Furthermore, a fence 2.0m high would be permitted without the need for planning permission as the fencing would not be between the front footway access and to the front building lines of the dwellings.

With regards to the impact on the neighbouring highway network and associated displacement of one legal car parking space in Close Twenty Four, the Local Highways Authority has raised no objection to the proposal. There would be no significant impact on the safety of the neighbouring highway network and whilst altered parking arrangements may be inconvenient for some residents it is considered that there is no significant harm caused by the proposal.

Human Rights Implications:

None.

Conclusion:

In conclusion, it is considered that the impact on visual and neighbouring residential amenity will be acceptable. Furthermore, the impact on the safety of the highway network including on street parking would not be sufficient to substantiate a reason for refusal.

Recommendation:

GRANT subject to conditions to include:

- (1) Commencement of development within 3 years
- (2) Approved plan refs
- (3) Samples of materials (++)

Informatives:

- SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

It would have no harmful effects on the character and appearance of the locality and the amenities of occupiers of surrounding residential properties or the safety of the neighbouring highway network. Therefore the proposal is in accordance with the relevant policies of the Eastbourne Borough Plan 2001-2011.

- (++) Pre- commencement conditions

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.**

Signed:

I declare that I have no prejudicial interest in this application

Case Officer:..... Date:

B & DC Manager:..... Date:

Committee Report 15 June 2010

Item: 4

APPLICATION SITE: St. Marguerite Rest Home, 10 Ashburnham Road		
App.No.: EB/2010/0171	Decision Due Date: 05/06/10	Ward: Upperton
Officer: Suzanne West	Site visit date: 05/05/10	Type: Minor
Site Notice(s) Expiry date: N/A Neigh. Con Expiry: 15/05/10 Weekly list Expiry: 12/05/10 Press Notice(s) Expiry: N/A		
Over 8/13 week reason: Committee item		
Location: 10 Ashburnham Road		
Proposal: Erection of first floor extension and dormer to rear		
Applicant: Mr J Chinapyel		
RECOMMENDATION: Approve conditionally		

Reason for referral to Committee:

Referral by Chair

Executive Summary:

The proposed first floor extension and dormer to the rear will be of no detriment to residential amenity. The proposal complies with the relevant Eastbourne Borough Plan 2011-2011 policies. Approval is recommended.

Planning Status: N/A

Relevant Planning Policies:

UHT1	Design of New Development
HO17	Supported and Special Needs Housing
HO20	Residential Amenity

Site Description:

The application site relates to a large detached property currently used as a care home for the elderly. The property sits on a large plot to the south side of Ashburnham Road, close to the junction with Ashburnham Gardens. Ashburnham Road lies on a steep gradient which lowers in ground level from west to east, with No.8 being higher and No.12 lower than the application site.

Relevant Planning History:

- EB/2009/0632 Bay window to front garage, first floor side extension to house lift and provision of external doors to rear bedrooms as approved under application EB/2008/0279.
Approved conditionally. 30/10/2009
- EB/2008/0279 Proposed conversion of garage to two bedrooms, demolition of rear extension and erection of single storey extension to provide eight additional bedrooms.
Approved conditionally. 17/06/2008
- EB/2008/0008 Conversion of garage to two bedrooms, demolition of rear extension and erection of single storey extension to provide nine bedrooms.
Withdrawn. 04/02/2008
- EB/2006/0713 Conversion of garage to provide two bedrooms with single storey link to main building and single storey extensions to rear to provide an additional eight bedrooms and day room.
Refused. 31/10/2006
- EB/2006/0493 Conversion of garage into two bedrooms and provision of single storey link to main building and single storey extension at rear to provide an additional eight bedrooms.
Withdrawn. 28/07/2006
- EB/1989/0538 Conversion of domestic garage at side to provide two additional rest home bedrooms, each with ensuite WC and the erection of a covered link between the new bedrooms and the main building.
Approved conditionally. 09/11/1989
- EB/1973/0385 Single storey extension at rear of rest home.
Approved unconditionally. 12/07/1973
- EB/1971/0169 Change of use of single private dwellinghouse to a rest home for elderly persons.
Approved conditionally. 18/03/1971
- EB/1970/0676 Change of use of single private dwellinghouse to a rest home for elderly persons.
Refused. 17/12/1970
- EB/1970/0569 Change of use of single private dwellinghouse to a rest home for elderly persons.
Refused. 19/11/1970
- EB/1965/0431 Change of use from dwellinghouse to a guest house.
Refused. 19/08/1965

Proposed development:

Permission is sought for a first floor extension to the rear to provide an additional bedroom with en-suite, replacing the footprint of the existing balcony. The two windows facing No.12 and currently overlooking the balcony will be blocked up and the existing window on this flank elevation will be obscure glazed. An additional window will be inserted on this flank elevation with two new window units to the rear. The application also proposes a blind side dormer at second floor level to provide a library/study room. The dormer will sit behind the existing chimney stack projecting 1.9m from existing roof slope and measuring 2.1 in width and 1.6m in height. A sunpipe will be provided in lieu of windows. All materials will match existing with a rendered finish to the first floor extension and facing vertical tile hanging to the dormer.

Applicant's Points: N/A

Summary Information: N/A

Consultations: N/A

Neighbour Representations:

Letters of notification were sent to the occupiers of surrounding properties. Three letters of objection have been received, the following concerns were raised:

- In light of previous extensions, the proposal represents an overdevelopment of the site which is harmful to the amenity of the locality and will cause loss of outlook;
- The blind side dormer and first floor extension is out of character and aesthetically unacceptable;
- The proposal will result in the irreversible removal of the heritage character of the property; and
- The development will adversely impact upon noise levels and parking.

Appraisal:

This application follows the recent approval of planning applications EB/2009/0632 and EB/2008/0279, both currently under construction. The main issues to consider in the determination of this application concern the impact of the proposal on residential amenity.

Whilst it is recognised that the application site has an extensive planning history, it should be noted that the nature of the proposed development is relatively minor and, as such, is not considered to constitute overdevelopment. The proposal will not be visible from the public realm and will be of no detriment to residential amenity with regard to loss of privacy, outlook or sunlight. Indeed, the replacement of the existing first floor balcony with the proposed extension will reduce current levels of overlooking upon No.12 and the side dormer facing No.8 will be 'blind'. All materials proposed will be in keeping with the main property.

For the reasons mentioned above, approval is recommended.

Human Rights Implications:

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

Conclusion:

The proposed first floor extension and dormer to the rear will be of no detriment to residential amenity. The proposal complies with the relevant Eastbourne Borough Plan 2011-2011 policies. Approval is recommended.

RECOMMEND: Permission be granted.

- (1) Three year implementation
- (2) Development to be carried out in strict accordance with approved plans

SUMMARY OF REASONS FOR DECISION

The proposed development is considered acceptable for the following reasons:

It would have no harmful effects on the character and appearance of the locality and the amenities of occupiers of surrounding residential properties and would therefore be in accordance with the relevant policies of the Eastbourne Borough Plan 2001-2011.

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.**

Signed:

I declare that I have no prejudicial interest in this application

Case Officer:..... Date:

B & DC Manager:..... Date:

Committee Report 15 June 2010

Item 5

APPLICATION SITE: Eastbourne District General Hospital, Kings Drive		
App.No.: EB/2010/0230	Decision Due Date: 9 July 2010	Ward: Ratton
Officer: Jane Sabin	Site visit date: 18 May 2010	Type: Minor
Site Notice(s) Expiry date: 4 June 2010		
Neigh. Con Expiry: 6 June 2010		
Weekly list Expiry: 18 June 2010		
Press Notice(s)-: N/A		
Over 8/13 week reason: N/A		
Proposal: Relocation/construction of a new ground based hospital helipad.		
Applicant: East Sussex Hospitals NHS Trust		
RECOMMENDATION: Approve		

Reason for referral to Committee:

Previous application was determined by Planning Committee.

Executive Summary:

The proposed development is considered to be acceptable in terms of its impact on visual, environmental and residential amenity, and on highway safety.

Planning Status:

- Classified road

Relevant Planning Policies:

UHT4	-	Visual amenity
NE28	-	Environmental amenity
TR11	-	Car parking
HO20	-	Residential amenity

Site Description:

The hospital is located on one of the main routes into town, and covers a site of 13.5ha. Despite its size, the site is fully developed with buildings and parking areas. The current application concerns the front of the site, where most of the landscaping and visitor/patient parking areas are located. The current location of the helipad is on the grassed area adjacent to the day surgery unit.

Relevant Planning History:

The first phase of the hospital gained approval in 1971, with phase II in 1985; there have been numerous additions to the complex since that time. The helipad has been in its current location adjacent to the A&E and day surgery units since 1992, having been moved 22m to the north when the day surgery building was constructed. A new "Pay on Foot" parking scheme has recently been implemented, and this was approved in October 2009.

An almost identical application was refused at the April Committee meeting:

App Ref: EB/2009/0748	Description: Relocation/construction of new ground based hospital helipad
Decision: Refused	Date: 26 April 2010

The reason for the refusal was:

The proposal, by reason of an overall loss of 90 on-site parking spaces, would have an adverse impact on the surrounding residential area as a result of increased demand for on street parking, which could also impact on highway safety through the use of the nearby narrow residential roads for indiscriminate overflow parking.

The following application was granted consent on the site of the existing helipad at the same meeting:

App Ref: EB/2009/0843	Description: Single storey extension to create a new facility for the existing endoscopy unit
Decision: Approve	Date: 23 April 2010

Proposed development:

It is proposed to relocate the helipad 50m to the west, taking up part of the visitor/patient car park (100 spaces will be displaced). The helipad would be slightly larger than the present one (3m wider diameter), which will permit the largest helicopters to land (only anticipated in times of major emergencies). As a result of this move, a significant number of trees (35) will be lost in order to provide the necessary clearance for take-off/landings specified by the Civil Aviation Authority. As the ground is not level in this location, one side of the helipad will need a retaining wall at a maximum height of 1m. A 1m high fence is proposed around perimeter of the Final Approach and Take Off circle, to aid the containment of the "downwash" from helicopters and contain any debris.

The relocation of the helipad is driven by the need to build a new endoscopy ward adjacent to the day surgery unit, which was the subject of an application approved at April's Committee meeting.

The difference in the current application is the amount of replacement parking that is proposed. The previous application identified an additional ten spaces to be provided by reorganising parking areas at the front of the hospital (and through the pay on foot scheme). The current application proposes an additional 15 spaces in the overspill car park, which can be achieved through dividing and marking the unmarked parts of the car park; this represents a net loss of 75 spaces on the site.

Applicant's Points:

- The Trust is undertaking a major series of ward and departmental reconfigurations in order to meet current standards of care and treatment, which has led, after much consideration of options, to a location for increasing floorspace on the greensward adjacent to the day surgery unit. This means relocating the helipad. The new ward will be the subject of a later application. (*N.B. this refers to the application that was approved at April's Planning Committee*)
- The new facility will continue to provide access for helicopters operated by the police, air ambulance, coast guard and the military, and so is a key element in the hospital's provision of emergency services. The Trust has determined that the current lack of a fully technically compliant facility with regard to night-time flights is a major failing, and that the new helipad should be designed to accept the full range of anticipated aircraft both night and day. The size of the helipad and the associated safety zones around it are governed by other legislation.
- A feasibility study undertaken by a specialist aviation consultant has identified the proposed site as one that will meet technical legislation and the clinical demands of being close to A&E.
- To create the necessary safety area and clear approach and departure corridors, it will be necessary to remove a number of trees that would constitute unacceptable hazards; there will be scope for some low height shrub planting, and some compensatory native species tree planting to offset this.
- The helipad will need coloured landing lights, groundwashing floodlights and an internally illuminated windsock; these will operate only on demand and will be manually switched from A&E.

A further statement addressing the previous reason for refusal has been submitted which states:

- It should be appreciated that the Trust would find it difficult, in the current financial environment, to countenance significant expenditure on projects which are not directly related to healthcare provision. Therefore the notion of creating new car parking areas has to be regarded as both politically and practically problematic at this time. Nonetheless inefficiencies in the layout of the existing parking areas have been identified, specifically in the overspill car park. It has been ascertained that, by dividing and marking the existing ranks, it would be possible to gain 15 parking spaces.
- A Development Strategy for the future of the DGH is currently being formulated for the end of 2010. The upgrading of the hospital's helicopter borne emergency facility represents one of the first elements in the modernisation and development of the site as a whole. The DGH accepted more helicopter delivered casualties than any other facility in East or West Sussex, thus the need to provide an installation which meets current standards is not only critical to patient care but also to the status of the DGH within the NHS. This status as a hospital with the ability to accept trauma and major trauma patients also serves to reinforce the importance of associated services within the hospital, such as Accident & Emergency, and establishes quality and capability parameters for such services.

Consultations:

The Council's Arboriculturist has asked for his previous comments to be restated, which are as follows: it is clear from the submitted information that there are significant constraints on the location of the helipad and required Flight path. These constraints result in the need to remove a number of trees, adjacent to the playing field boundary and existing car park irrespective of the condition of the specimens or any conservational or landscape value. The loss of the trees on the playing field will result in a loss of screening into the site, although it is noted that it is proposed to undertake replacement planting with evergreen hedging or shrubs. The retention of the majority of the trees on the Kings Drive boundary will ensure the screening of the site is maintained. Conditions should be attached any permission to safeguard the remaining trees and to ensure replanting.
(E-mail dated 21 December 2009)

The Highway Authority does not wish to restrict the grant of consent to the application.

Neighbour Representations:

Two representations have been received from a resident of Framfield Way, whose objections are summarised thus:

- disgusted with the way the hospital management have spoilt the Rodmill Estate by turning it into a car park
- the helipad will reduce the number of parking spaces, why not suggest that a lottery grant is sought and build a multi storey car park on the overflow car park with a helipad on the roof
- it will cause serious noise above homes and danger on the main roads; no noise trials have been carried out
- the increased helicopter traffic will promote the hospital as a centre for excellence for channel sea emergencies whereas the DGH is a very good local hospital

(E-mails dated 19 May and 2 June 2010)

Appraisal:

The main issues to take into account in determining this application are the impact on visual and environmental amenity, residential amenity and highway safety/parking.

Visual/environmental amenity

The loss of so many trees for non-arboricultural reasons is regrettable, however it is considered that, given the amount of screen trees that will remain together with the voluntary replanting proposals, the operation of the hospital and provision of healthcare should take precedence in this instance. The hospital is one of the few in the area with the ability to accept most types of helicopter (meaning in effect that the hospital would be important in cases of major/national emergencies), and the Trust is understandably keen to maintain this status.

Residential amenity

It is considered that the relocation of the helipad by a relatively small distance within the hospital complex would have no impact on surrounding residents. The applicant has been made aware of the concerns of the objector, and has responded that, in practice, in sensitive areas (i.e. where there are residents in close proximity) pilots take off using extra power in order to climb whilst effectively reversing, before banking-round and departing at much higher altitude than normal; this avoids excessively over-flying the car park areas. This is the case now, and will be replicated with the new helipad. The departure flight corridor shown on the drawings becomes purely illustrative. In extreme cases of conditions or circumstances, the current arrangement of using the playing field in the neighbouring college for touch downs will continue. It has also been confirmed that last year there were 57 helicopter landings, of which 40 were attributable to the police, 11 to the air ambulance and the remaining 6 were split between the coastguard, Air Sea Rescue and the military. It is considered that the number of flights and the general pattern of take off/landings will be little changed by the proposed development.

Highway safety/parking

The proposed relocation of the helipad is unlikely to have an adverse impact on highway safety, since from outside the site it will not appear to be too much closer to Kings Drive. The displacement of 75 parking spaces is of some concern; whilst there are no current proposals to deal with the majority of this, there have been discussions to consider various options. In the meantime, it is probable that some parking would be pushed out onto the surrounding streets, which is already the case and has been since the Trust brought in parking charges several years ago. In view of concerns expressed by the Highway Authority to the previous application, further information was sought from the applicant on how the loss of parking spaces was to be addressed:

- an additional 10 spaces can be accommodated by reorganising parking areas at the front of the hospital (and through the pay on foot scheme), and patient parking will be extended into the adjacent staff car park
- the current application demonstrates that a further 15 spaces could be provided by properly lining the overspill car park
- the displaced staff parking is to be dealt with by continuing a programme of encouraging car-sharing, cycling and using bus travel; this has been subject of a Healthy Transport Project for the last 2 years, and this year the focus is to introduce subsidised bus travel for staff
- ESCC have completed travel surveys which clearly shows a positive increase in staff and visitors using alternative travel options
- The Department of Health Car Parking Assessment Tool suggests that the hospital needs 1175 parking spaces, whereas after the completion of the pay on foot scheme and the relocation of the helipad, there will be 1271 parking spaces (an overall reduction of 75 spaces from the existing provision)

The Highway Authority considered the additional information supplied by the applicant, and was satisfied with it, subject to the submission of a full travel plan, noting that whilst it is acknowledged that some parking on the streets surrounding the DGH takes place, it is likely that some of it can be attributed to highway users that are not associated with the hospital; furthermore, it appears that very little of the on-street parking that takes place in the surrounding area is either illegal or unsafe, and while it may cause inconvenience the Highway Authority could not raise objection for this reason. In respect of the current application, as the application proposes 25 replacement spaces in total, the Highway Authority maintains that there is still no objection to the proposal.

Notwithstanding the concerns regarding the loss of on-site parking, it is clear that the applicant has taken measures to support government guidance in respect of sustainable transport options. This stance is set out in Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Guidance 13: Transport; these documents emphasise that only maximum parking levels should be set by local planning authorities, and that developers should set levels for specific sites subject to a written justification submitted with an application. In this case, the Department of Health parking assessment tool has been used, which has identified a lower level than exists at the present; the East Sussex County Council standard is not specific for hospitals, indicating that it should be assessed on a case by case basis. The parking is to be re-organised so that the level of visitor parking will remain the same, with the shortfall in staff parking spaces only. This is compatible with the Trust's aim to reduce car travel to the workplace for staff. As such it is considered that a refusal on parking grounds could not be substantiated.

It is acknowledged that residents of the surrounding area do not want users of the hospital to legally park on the public highway, however it is also the case that the overwhelming majority of dwellings affected (with the exception of a few properties in Rangemore Drive) have garages and off street parking available to them; as such, the parking of vehicles in the surrounding streets does not prevent residents from using their own garages and drives. Furthermore, the proposal must be balanced with the operational need of the hospital to retain the helipad, and therefore its status, and the need to provide a full range of services to patients in the local community.

Human Rights Implications:

It is considered that the impact of the proposed development would be within acceptable limits.

Conclusion:

On balance, the proposed development is considered to be acceptable in terms of its impact on visual, environmental and residential amenity, and on highway safety. There are concerns in respect of loss of on-site parking, however it is considered that this would not constitute a sustainable reason for refusal.

Recommendation:

GRANT subject to conditions

Conditions:

- (1) Commencement of development
- (2) Retention of trees
- (3) Protection of trees
- (4) Planting plan
- (5) Provision of replacement parking & travel plan
- (6) Approved plan references

Informatives:

- Reason for decision
- Pre-commencement conditions – consequence of not complying

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.**

Signed:

I declare that I have no prejudicial interest in this application

Case Officer:..... Date: 15 June 2010

B & DC Manager:..... Date: 15 June 2010