

# PLANNING DECISION NOTICE



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## DECISION: PLANNING PERMISSION GRANTED SUBJECT TO CONDITIONS

**Town & Country Planning Act 1990 (As Amended)**

**Town & Country Planning (Development Management Procedure)(England) Order 2015**

**Application No:** 220633

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

**Proposal:** Retention of original building facade (on Terminus and Seaside Roads), demolition of remaining building and redevelopment of the site for a mixed-use development comprising 710 sqm (GIA) of commercial space (Class E) on the ground floor with 65 residential

**Decision Date:** 4<sup>th</sup> March 2024

In pursuance of its powers under the Town and Country Planning Acts, and all other powers, the Council, as Local Planning Authority, hereby grants planning permission subject to the following conditions:

### Condition(s) and Reason(s):

1) Time Limit

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

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

2) Approved Drawings

The development hereby permitted shall be carried out in accordance with the approved drawings:

- **Drawing:** 15968-170A - Demolition Plan
- **Drawing:** 15968-169B - Proposed Internal Elevations
- **Drawing:** 15968-168B - Proposed Elevations
- **Drawing:** 15968-167A - Proposed Roof Plan
- **Drawing:** 15968-166B - Proposed GIA Sixth Floor Plans
- **Drawing:** 15968-165B - Proposed GIA Fifth Floor Plans
- **Drawing:** 15968-164B - Proposed GIA Fourth Floor Plans
- **Drawing:** 15968-163B - Proposed GIA Third Floor Plans
- **Drawing:** 15968-162B - Proposed GIA Second Floor Plans
- **Drawing:** 15968-161B - Proposed GIA First Floor Plans
- **Drawing:** 15968-160B - Proposed GIA Ground Floor Plans
- **Drawing:** 15968-165B - Proposed Site Plan

- **Drawing:** 15968-150A - Location Plan

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

3) Demolition and Façade Retention Methodology Statement

Prior to commencement of the development, hereby approved, a Demolition and Façade Retention Methodology Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall detail the scheduling and methodology for demolition and façade retention in accordance with the approved Demolition Plan (Drawing No: 15968 – 170 Rev A, dated 20<sup>th</sup> July 2022).

Thereafter, development shall be implemented in strict accordance with the approved details throughout the demolition and construction phases.

Reason: In the interest of the character and appearance of the development and the Town Centre and Seafront Conservation Area.

4) Construction and Environmental Management

Prior to commencement of development, including any ground works, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to in full throughout the entire construction period.

The CEMP shall provide details as appropriate, including but not limited to the following matters:

- site plan;
- methodology for any piling;
- anticipated number, frequency and types of vehicles used during construction;
- method of access and egress and routing of vehicles during construction;
- parking (on-site and off-site) of vehicles by site operatives and visitors;
- loading/unloading/storage of plant, materials and waste (including loading/unloading areas);
- times of any deliveries related to the development, which should seek to avoid peak travel times;
- photographic survey of the condition of the surrounding highway;
- site compounds and location/erection/maintenance of any security hoarding;
- provision and operation of wheel washing facilities or any other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- measures to manage the impact upon local air quality (including dust suppression);
- noise and vibration mitigation
- confirmation of no burning of materials on site;
- operating hours;
- anticipated timescales for construction;
- measures to manage flood risk during construction, both on and off-site;
- details of public notification / neighbour notification, including site notices with public contact details during the works; and
- details of liaison with other site managers in the vicinity (if applicable)

Reason: In the interests of highway safety and the amenities of the area.

5) Materials

Prior to commencement above ground floor slab level of the development, hereby approved, details including specifications of all facing materials used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority and samples made available for inspection on site. Thereafter, the development shall be implemented in accordance with the details approved.

Reason: In the interest of the character and appearance of the development and the Town Centre and Seafront Conservation Area.

6) Drainage – Implementation

Prior to the commencement of development, hereby approved, a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate, but not be limited to, the following:

- a. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to a discharge rate agreed to by Southern Water (or a maximum of 12.6 l/s) for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations. The calculations should demonstrate that system can half drain within 24 hours. Evidence that Southern Water agrees to the proposed rate and connection shall also be provided.
- b. Evidence that the green roof will be implemented. This shall include its details.
- c. Details of the measures proposed to manage exceedance flows. This should also include details of how the existing overland surface water flows have been retained.

Thereafter, the drainage system shall have been implemented in accordance with the details approved prior to first occupation of the relevant part of the site.

Reason: To ensure the surface water needs of the development are managed and to reduce the risk of flooding, both on and off site.

7) Drainage - Maintenance and Management Plan

Prior to commencement of the development, hereby approved, a maintenance and management plan for the entire drainage system shall be submitted to and approved in writing by the Local Planning Authority, to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

- a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

Thereafter, the drainage system shall be implemented, maintained and managed in strict accordance with the details approved for the lifetime of the development.

Reason: To manage the surface water discharge from the site both during and post construction in the interest of preventing flooding.

8) Drainage – Evidence of implementation

Following completion of the drainage works and prior to first occupation of the development, hereby approved, evidence (including photographs taken at different times throughout the drainage system construction) shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the drainage system has been constructed in accordance with the approved detailed drainage designs.

Reason: To reduce the risk of flooding, both on and off site.

9) Window and door details

Prior to commencement of the relevant part of the development, hereby approved, specifications and large-scale elevation and horizontal and vertical cross-section drawings of all external windows and doors, including their arrangement within building apertures, at a scale no smaller than 1:20, shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented in accordance with the details approved.

Reason: To ensure that the development has a satisfactory appearance in the interest of the continuity in the fenestration and the heritage asset.

10) Plant and equipment

Prior to installation, details (including location, appearance and specifications) of all plant and/or machinery serving the development, hereby approved, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 48 dBA between 0700 and 2300 hours and 37 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest residential premises. The measurements and assessment shall be made according to BS 4142:2014.

Reason: In the interests of protecting residential amenity.

11) Landscaping

Prior to first occupation of the development, hereby approved, a scheme of soft and hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Written specifications
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- Details of all hard-surfaces, including paths, access ways and boundary treatments
- A timetable for implementation of the soft and hard landscaping works.

The Scheme of Soft and Hard Landscape Works shall be implemented in accordance with the approved timetable. Any new tree(s) that die(s) are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approve details unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of residential amenity and improving the biodiversity and ecological value of the site.

12) Landscaping – Management Plan

Prior to first occupation of the development, hereby approved, a landscape maintenance and management plan, designed to maintain and management all landscape features other than those within the curtilage of privately-owned dwellings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the plan shall be implemented in accordance with the details approved for the lifetime of the development.

Reason: To safeguard and enhance the character, amenity, and biodiversity of the site.

13) Green roof

Prior to commencement of the development, hereby approved, details of the design and specifications of the green roof, together with a schedule for implementation and a maintenance and management plan, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the green roof shall be implemented and maintained in accordance with the details approved.

Reason: In the interest of surface water attenuation, sustainability and biodiversity.

14) Ecological Design Strategy (EDS)

Prior to commencement of the development, hereby approved, an Ecological Design Strategy (EDS) shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall include all ecological design features to achieve biodiversity gain at the site. Thereafter, the development shall be implemented in accordance with the approved details prior to first occupation.

Reason: In the interest of improving the biodiversity and ecological value of the site.

15) Micro-renewable equipment

Prior to their implementation, details of micro-renewable equipment, including their location, number, design and specification, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the equipment shall be implemented in accordance with the details approved prior to first use of the development, hereby approved, and retained as such thereafter for the lifetime of the development.

Reason: To provide on-site sustainable energy production to reduce the energy demands of the development.

16) Energy Strategy

Prior to commencement of the development, hereby approved, a revised energy strategy utilising up to date energy assessment software against the latest revision to Part L of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved energy strategy.

Reason: To provide on-site sustainable energy production to reduce the energy demands of the development.

17) Lighting Scheme

Prior to its implementation, a Lighting Scheme (LS) shall be submitted to and approved in writing by the Local Planning Authority. The LS shall include full specifications of all external lighting, including road lighting on North Street and security lighting and shall include their level of illumination, duration, direction and any variation in brightness. The scheme shall be designed to protect neighbour amenity. Thereafter, the lighting scheme shall be implemented prior to first occupation in accordance with the details approved and maintained as such for the lifetime of the development.

Reason: In the interest of the amenity of the area and neighbouring occupants.

18) EV Charging facilities

Details of electric charging facilities, including their number, specification and location, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be implemented in accordance with the details approved prior to first use of the development, hereby approved, and retained as such thereafter for the lifetime of the development.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

19) Parking spaces

No part of the development shall be occupied until the disabled car-parking spaces have been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the provision of car-parking space for the development.

20) Cycle Parking Facilities

Prior to first use of the development, hereby approved, details of secure cycle parking facilities, including secure lockable fixtures, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be provided prior to first occupation of the development, hereby approved, and retained solely for the parking of cycles, in accordance with the approved plans for the lifetime of the development.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

21) Refuse and recycling facilities

Prior to first occupation of the development, hereby approved, refuse and recycling storage facilities shall be provided in accordance with the approved plans. Thereafter, the facilities shall be retained solely for the storage of refuse and recycling in accordance with the approved plans for the lifetime of the development.

Reason: To ensure satisfactory refuse and recycling to the properties and to protect the amenity of the adjacent residential property.

22) Fire Safety

Prior to commencement of the development, hereby approved, a Fire Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Statement shall be implemented as approved for the lifetime of the development.

Reason: To ensure adequate fire safety precautions are taken for the preservation of life.

Informatives:

- 1) In dealing with the application, the Council has sought to work with the applicant in a positive and proactive manner in accordance with paragraph 38 of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Council has published its saved policies of the Borough Plan 2007 and the Core Strategy Local Plan 2013 on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. The Council also offers a pre-application advisory service which applicants are encouraged to engage with prior to the submission of any application. Officers have worked with the applicant to overcome policy conflicts through revisions to the proposal to meet the objectives of the Development Plan.
- 2) Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You are advised that carrying out any building works that can be heard at the boundary of the site, including demolition, site clearance or building operations, should only take place only between the hours of 08.00- and 18.00-hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays.

- 3) Your proposals may be subject to control under the Building Regulations which cover aspects including fire and emergency escape, access, and facilities for people with disabilities and sound insulation between dwellings. Please contact the East Sussex Building Control Partnership for further advice: [www.eastsussexbuildingcontrol.co.uk](http://www.eastsussexbuildingcontrol.co.uk)
- 4) This permission may be Liable for CIL (Community Infrastructure Levy). You are advised to contact the CIL Team at [CIL@lewes-eastbourne.gov.uk](mailto:CIL@lewes-eastbourne.gov.uk) prior to work starting on site to ensure that the CIL Regulations have been complied with. Failure to comply may result in surcharge, immediate payment of the outstanding Liability and loss of opportunity to apply for any relief.
- 5) The human rights considerations have been taken into account fully in balancing the planning issues and the proposals will not result in any breach of the Equalities Act 2010.
- 6) Access for Fire Brigade: your attention is hereby drawn to the provisions of Section 35 of the East Sussex Act 1981.
- 7) This permission does not convey any approval to carry out alterations to the public highway, which will require separate consent from the Highway Authority.

This permission relates only to that required under the Town and Country Planning Acts and does not include any consent or Approval under any other enactment. Any other consent or approval which is necessary must be obtained from the appropriate authority.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>



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