

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: 220877

Location: Unit 9, The Crumbles, Eastbourne, East Sussex, BN23 6JH

Proposal: Demolition of existing buildings and the erection of a Class E building with drive-thru facility and a Sui Generis (Hot Food Takeaway) building with drive-thru facility, together with landscaping, car parking and associated works

Decision Date: 11 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) 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) The development hereby permitted shall be carried out in accordance with the approved drawings submitted:

- Drawing: 2449-URB-SH-00-DR-A-208100 P03 – Site Location Plan
- Drawing: 2449-URB-SH-00-DR-A-208150 P03 – Site Block Plan as Proposed
- Drawing: 2449-URB-P1-00-DR-A-208150 P02 – Pod Unit 1 Ground Floor Plan as Proposed
- Drawing: 2449-URB-P1-RF-DR-A-208150 P02 – Pod Unit 1 Roof Plan as Proposed
- Drawing: 2449-URB-P1-XX-DR-A-208250 P01 – Pod Unit 1 Elevations as Proposed
- Drawing: 2449-URB-P1-XX-DR-A-208350 P00 – Pod Unit 1 Sections as Proposed
- Drawing: 2449-URB-P2-00-DR-A-208150 P01 – Pod Unit 2 Ground Floor Plan as Proposed
- Drawing: 2449-URB-P2-RF-DR-A-208150 P01 – Pod Unit 2 Roof Plan as Proposed
- Drawing: 2449-URB-P2-XX-DR-A-208250 P01 – Pod Unit 2 Elevations as Proposed
- Drawing: 2449-URB-P2-XX-DR-A-208350 P01 – Pod Unit 2 Sections as Proposed
- Drawing: 2449-URB-ZZ-00-DR-L-208150 P05 – Proposed Landscape General Arrangement

- Drawing: 2449-URB-ZZ-00-DR-L-208151 P06 – Proposed Soft Landscape
- Drawing: Arbtech AIA 02 – Arboricultural Impact Assessment
- Drawing: Arbtech TPP 02 – Tree Protection Plan
- Document: Arboricultural Statement Dated 31 October 2022
- Document: Tree Survey Dated 3 May 2022
- Document: 22247-HYD-XX-XX-RP-TP-4001-P01.05 Transport Statement
- Document: Play Land E09-004 Outdoor Climb 3x3
- Document: Goal Post Height Restrictor and COD/Canopy
- Document: Standard Patio Area Supporting Specifications
- Document: Design and Access Statement Dated November 2022
- Document: Arbtech Preliminary Ecological Appraisal and Preliminary Roost Assessment

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

- 3) Prior to commencement of the development, hereby approved, including demolition and site clearance and the storage of plant, equipment and materials, details of an auditable scheme of arboricultural site supervision and record keeping shall be submitted to and approved in writing by the Local Planning Authority (LPA). The document shall be prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered.

The details of such supervision must include:

- o identification of individual responsibilities and key personnel.
- o induction and personnel awareness of arboricultural matters.
- o supervision schedule, indicating frequency and methods of site visiting and record keeping.
- o procedures for dealing with variations and incidents.
- o a schedule for provision of written site supervision reports and accompanying photographic record to the LPA within 5 days of each monitoring visit throughout the construction period

Thereafter, the auditable scheme of arboricultural site supervision and record keeping will be implemented and adhered to throughout the entire construction period.

If any damage to trees, root protection areas or other breaches of tree protection measures occur then the LPA shall be notified of the details of the incident and any mitigation/amelioration.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.

- 4) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

- 5) Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate 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 21.8 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
 - b. The details of the outfall of the proposed drainage system and how it connects into the sewer shall be submitted as part of a detailed design including cross sections and invert levels.
 - c. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
 - d. Groundwater monitoring shall be undertaken over the winter between November and April, when groundwater levels are at their highest. Details on how impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system will be managed shall be submitted and approved in writing by the Local Planning Authority.
 - e. A CCTV survey of the existing drainage system serving the site shall be undertaken. Any required improvements to the condition of the existing drainage system shall be carried out prior to construction.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats

- 6) A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site 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

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

Reason: To reduce the risk of flooding, both on and off site and to improve and protect the water quality.

- 7) Prior to occupation of the development, evidence (including photographs) which demonstrates that the development has been fully implemented in accordance with the approved SuDS scheme, including a photographic record of the works, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding, both on and off site and to improve and protect the water quality.

- 8) No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and egress and routeing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,

- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
- Measures to manage flood risk, both on and off the site, during the construction works

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

- 9) Details of secure and covered cycle parking facilities 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the development site/use hereby permitted maximises its accessibility by non-car modes and to meet the objectives of sustainable development

- 10) The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and 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 safety of persons and vehicles entering and leaving the access and proceeding along the highway

- 11) The proposed parking spaces shall measure at least 2.5m by 5m (with an extra 50cm where spaces abut walls).

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

- 12) Unit 1 of the development, hereby approved, shall not be occupied until a Litter Management Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the Litter Management Plan shall be in operation for the lifetime of the development.

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

- 13) Unit 2 of the development, hereby approved, shall not be occupied until a Litter Management Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the Litter Management Plan shall be in operation for the lifetime of the development.

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

Informatives:

- 1) 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.

- 2) 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
- 3) 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.
- 4) Access for Fire Brigade: your attention is hereby drawn to the provisions of Section 35 of the East Sussex Act 1981.
- 5) 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>



Ian Fitzpatrick
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Lewes District Council and Eastbourne Borough Council