PLANNING DECISION NOTICE

Planning First
Regeneration and Planning
Eastbourne Borough Council
Eastbourne Town Hall
Grove Road
Eastbourne
BN21 4UG

Tel: 01323 410000
planningfirst@lewes-eastbourne.gov.uk
www.lewes-eastbourne.gov.uk/planning

Koldo & Co
60 Compton Avenue
Brighton
BN1 3PS

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:	**240559**
Location:	Materllo Tower 66, Martinique Way, Eastbourne, East Sussex
Proposal:	Proposed residential use as a holiday home to include an upward extension to create an additional floor
Decision Date:	05 November 2026

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:

   - Drawing: A1075.02.050 - Proposed location plan Rev D
   - Drawing: A1075.02.075 - Proposed block plan Rev B
   - Drawing: A1075.02.082 - Proposed Refuse and waste provision Rev C
   - Drawing: A1075.100 – Environment Agency Proposed Access Route Rev A
   - Drawing: A1075.00.075 Rev A - Existing Block Plan
   - Drawing: A1075.00.050 Rev B - Existing Location Plan
   - Drawing: A1075.02.303 - Proposed elevation D
   - Drawing: A1075.02.302 - Proposed elevation C
   - Drawing: A1075.02.301 - Proposed elevation B
   - Drawing: A1075.02.300 - Proposed elevation A
   - Drawing: A1075.02.200 - Proposed section BB
   - Drawing: A1075.02.105 - Proposed roof plan
   - Drawing: A1075.02.104 - Proposed third floor plan
   - Drawing: A1075.02.103 - Proposed second floor plan
   - Drawing: A1075.02.102 - Proposed first floor plan
   - Drawing: A1075.02.101 - Proposed ground floor plan

- Drawing: A1075.02.100 - Proposed basement floor plan
- Drawing: A1075.01.213 - Demolition elevation D
- Drawing: A1075.01.212 - Demolition elevation C
- Drawing: A1075.01.211 - Demolition elevation B
- Drawing: A1075.01.210 - Demolition elevation A
- Drawing: A1075.01.201 - Demolition section BB
- Drawing: A1075.01.104 - Demolition roof plan
- Drawing: A1075.01.103 - Demolition third floor plan
- Drawing: A1075.01.102 - Demolition second floor plan
- Drawing: A1075.01.101 - Demolition first floor plan
- Drawing: A1075.01.100 - Demolition ground floor plan
- Drawing: A1075.01.099 - Demolition basement floor 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) Prior to commencement of development, including any groundwork, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CMP shall be implemented and adhered to in full throughout the entire construction period. The CMP shall provide details as appropriate, including but not limited to the following matters:
    - anticipated number, frequency and types of vehicles used during construction;
    - method of access and egress and routing of vehicles during construction;
    - parking of vehicles by site operatives and visitors;
    - loading and unloading of plant, materials and waste;
    - 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;
    - storage of plant and materials;
    - erection and 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);
    - confirmation of no burning of materials on site;
    - operating hours;
    - anticipated timescales for construction;
    - measures to manage flood risk during construction; and
    - public notification, including site notices with public contact details during the works.

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

4) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

    Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

5) The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

6) Prior to commencement of the development, hereby approved, a revised Ecological Impact Assessment, incorporating the results of all outstanding ecological surveys, including bat surveys and a detailed assessment of Coastal Vegetated Shingle habitat, has been submitted to and approved in writing by the Local Planning Authority.

   The Ecological Impact Assessment shall include:

   i. an assessment of the ecological value of habitats and species present on and adjoining the site;
   ii. an assessment of likely impacts arising from the development;
   iii. recommendations for avoidance, mitigation, compensation and enhancement measures; and
   iv. identification of any ecological management and monitoring requirements.

   Reason: To ensure the effects of the development on protected species and priority habitats are properly assessed and addressed in the interests of biodiversity conservation.

7) Prior to commencement of the development, hereby approved, a Biodiversity Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

   The Biodiversity CEMP shall be prepared by a suitably qualified ecologist and shall include:

   i. a risk assessment of potentially damaging construction activities on habitats and species;
   ii. details of measures to avoid, reduce and mitigate impacts on protected species, Priority Species and Habitats of Principal Importance, including any adjacent designated sites and Coastal Vegetated Shingle habitat, together with Reasonable Avoidance Measures (RAMs) for reptiles, including vegetation clearance methodologies, phased habitat removal, supervision by a suitably qualified ecologist where necessary, and procedures to be followed should reptiles be encountered during works;
   iii. measures to safeguard retained habitats during construction, including protective fencing, exclusion zones and storage areas;
   iv. details of pollution prevention measures, including controls relating to dust, noise, lighting, surface water runoff, fuels, chemicals and construction materials;
   v. measures for the control and treatment of invasive non-native species where present;
   vi. the timing of works and any ecological watching brief requirements;
   vii. details of site personnel responsible for ecological compliance, including toolbox talks and contractor awareness training; and
   viii. a programme for implementation, monitoring and reporting.
   ix. details of ecological protection zones and their demarcation on site plans.

   The approved Biodiversity CEMP shall be adhered to and implemented throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

   Reason: To protect habitats and species during construction and to secure appropriate biodiversity conservation measures in accordance with national and local planning policy.

8) No development shall commence until an Ecological Design Strategy (EDS) and Habitat Management and Monitoring Plan (HMMP) have been submitted to and approved in writing by the Local Planning Authority.

   The EDS and HMMP shall be prepared by a suitably qualified ecologist and shall include:

i. the ecological conservation objectives for the site;
ii. details of habitats and ecological features to be retained, enhanced and created;
iii. details of permanent avoidance, mitigation and compensation measures for ecological impacts;
iv. details of biodiversity enhancement measures, including provision for bats, birds, hedgehogs, invertebrates and native planting, together with any habitat creation or enhancement proposals;
v. the location, specification and timing of implementation of all ecological works shown on appropriately scaled plans;
vi. a description and evaluation of habitats to be managed, including any Coastal Vegetated Shingle habitat and other habitats of principal importance;
vii. detailed habitat management and maintenance prescriptions, together with ecological objectives and target conditions;
viii. a monitoring programme, including survey methodologies, monitoring frequency, success criteria and reporting requirements;
ix. details of remedial measures to be implemented should monitoring demonstrate that the ecological objectives are not being achieved; and

The approved EDS and HMMP shall be implemented in full in accordance with the approved timetable and maintained thereafter in accordance with the approved details.

Reason: To ensure the protection, restoration, long-term management, monitoring and enhancement of habitats and biodiversity features, including Coastal Vegetated Shingle habitat, in the interests of biodiversity conservation and the delivery of measurable biodiversity gains.

9) Prior to the installation of any external lighting, a Lighting Strategy for Biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how impacts on bats and other wildlife have been avoided and shall be prepared in accordance with current best practice guidance.

The approved lighting shall be installed and maintained in accordance with the approved details.

Reason: To prevent adverse impacts on bats and other nocturnal wildlife.

10) Prior to first occupation of the development, hereby approved, a scheme for the provision of information to occupants regarding the ecological sensitivity of nearby coastal vegetated shingle habitats and designated nature conservation sites shall be submitted to and approved in writing by the Local Planning Authority. The approved information shall be provided to future occupants prior to occupation of the dwelling.

Reason: To reduce recreational pressure on ecologically sensitive habitats and designated sites.

11) The development shall be carried out in accordance with the submitted design and access statement (ref Revision A, dated November 2024, complied by KOLDO&CO) and the following mitigation measures it details on page 7:

The tower will remain closed during the period that the E.A. carries the beach maintenance works.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To safely allow the Environment Agency to access the site to undertake beach maintenance works.

12) Prior to first occupation of the development, hereby approved, a plan will be submitted detailing how the interaction between residents and Environment Agency staff during times of emergency beach operations will be managed.

    Reason: To safely allow the Environment Agency to access the site to undertake emergency beach maintenance works. To ensure flood protection standards are maintained.

13) Prior to first occupation of the development, hereby approved, a Maintenance and Management Plan (MMP) for the development, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall include details of the ongoing monitoring of the condition of the building, the maintenance of the building, the cleanliness of the site and the provision for public engagement. The site shall be managed in accordance with the approved MMP for the lifetime of the development.

    Reason: To ensure satisfactory maintenance and management of the site to protect the amenity of the area and neighbouring occupants.

14) The use hereby approved shall be for tourist accommodation only, at no time is the property to be used as permanent residential accommodation.

    Reason: To protect the amenity of occupiers of the site and neighbouring residential occupiers that surround the site.

15) Vehicular access to the site shall be restricted to emergencies vehicles and vehicles required to carry out any formally consented works. Any additional vehicular movements in relation to the use, hereby approved, shall only take place with the prior written agreement of the Local Planning Authority.

    Reason: To protect the character of the seafront and beach area, ensure the safety of users of the seafront area and to protect residential amenity.

16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order with or without modification, no fences, walls, gates, railings, hedges or other means of enclosure shall be erected within the curtilage of the site unless details of such boundary treatment have first been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be carried out in accordance with the approved details.

    Reason: To safeguard the character and appearance of the area.



Neil Collins
Head of Development Management | Planning First
Lewes District Council and Eastbourne Borough Council

Informatives:

1) The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

   (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
   (b) the planning authority has approved the plan, and
   (c) any required monitoring fee and associated legal agreement are secured in accordance with the Local Planning Authority's requirements

   The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Eastbourne Borough Council.

   There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in the Notes section below.

   Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed in the Notes section below are considered to apply.

   The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

   In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan).

   Please see Notes section below for further information in relation to the condition, exemptions, transitional arrangements, irreplaceable habitats and the effect of 73(D) of the Town and Country Planning Act 1990.

2) The applicant is advised that all wild birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 (as amended). No site clearance, demolition, tree works or vegetation removal likely to affect nesting birds should take place during the bird nesting season (generally March to August inclusive) unless it has first been confirmed by a suitably qualified ecologist that no active nests are present.

3) The granting of planning permission does not remove the applicant's legal responsibilities under wildlife legislation. Should protected species be encountered during development, works in the affected area should cease immediately and advice sought from a suitably qualified ecologist.

4) Appropriate Reasonable Avoidance Measures should be implemented during site clearance and construction works. Any excavations, trenches or exposed pipework left open overnight should be covered or fitted with a suitable escape ramp to prevent wildlife becoming trapped. Stored materials should also be checked for wildlife prior to removal or use.

5) The applicant is further advised that Coastal Vegetated Shingle is a Habitat of Principal Importance and care should be taken to avoid damage to retained habitat during construction and occupation of the development.

6) The Environment Agency undertakes maintenance work at this location sometimes at short notice in response to adverse weather or other factors. This is for the collection of material for use on Environment Agency defences at another location. The applicant should be aware of this and the potential for disruption to inhabitants of the structure at short notice.

7) Matters relating to changing the Environment Agency's access route in the deed for this plot of land cannot be amended via the planning process. The applicant is to modify this via discussions with the Environment Agency's relevant legal representative.

8) The applicant is advised of the requirement under Section 93G of the Levelling Up and Regeneration Act 2023 to inform the Local Planning Authority of the planned start date for any development that is the subject of the grant of planning permission, including any variation under Section 73 of the Town and Country Planning Act 1990 (as amended). In the event of any subsequent change to a planned start date, the applicant must issue a new commencement notice detailing the new planned start date.

9) In dealing with the application, the Council has sought to work with the applicant in a positive and proactive manner in accordance with National Decision-Making Policy DM3 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.

10) 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.

11) 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

12) 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.

13) Access for Fire Brigade: your attention is hereby drawn to the provisions of Section 35 of the East Sussex Act 1981.

14) 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

Note

Biodiversity Net Gain

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
    i. the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
    ii. the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;
ii) planning permission is granted which has effect before 2 April 2024; or
iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric)

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Development of 0.2 hectares or below

Development where the planning application was made on or after 6 August 2026 and where the area within the planning application red line boundary is 0.2 hectares or below, provided that the development would not negatively affect an onsite priority habitat.

4.6 Temporary Development

Development where:

i) the whole development is temporary;
ii) planning permission is granted for a period of five years or less; and
iii) the permission requires the development to be removed, and the land reinstated within that period,

provided that the development would not negatively affect an onsite priority habitat

4.7 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.