Planning Committee

Present:-

Members: Councillor Ungar (Chairman) Councillor Harris (Deputy-Chairman) Councillors Jenkins, Miah, Murray, Murdoch, Taylor and Stanley (as substitute for Hearn)

123 Minutes of the meeting held on 6 January 2015.

The minutes of the meeting held on 6 January 2015 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

124 Apologies for absence.

An apology for absence was reported from Councillor Hearn.

125 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.

Councillor Ungar declared a personal and prejudicial interest in minute 134, Ocklynge Junior School as a school Governor and withdrew from the room whilst the item was considered.

Councillor Taylor declared a personal and prejudicial interest in minute 134, Ocklynge Junior School as a member of East Sussex County Council Planning committee. Councillor Taylor remained in the room whilst the application was considered but did not take part in the discussion or vote thereon.

126 35 Elms Avenue. Application ID: 141309 (PPP).

Proposed change of use from single private dwelling to an 8 bedroom house of multiple occupation – DEVONSHIRE.

The relevant planning history for the site was detailed within the report.

The observations of the Specialist Advisors (Conservation), (Planning Policy) were summarised within the report. The Private Housing Team were currently evaluating an HMO Licence Application.

The committee requested that action be taken to secure the balcony railing to the upper floor of the building.

RESOLVED: (By 7 votes with 1 abstention) That permission be granted subject to the following conditions: 1) Time limit 2) The development hereby permitted shall be carried out in accordance
with the following drawings:

- Site Location plan received 25 September 2014
- Proposed ground, first and second floor plan received on 7 October 2014
- Proposed roof plan received on 7 October 2014
- Proposed basement, garden and location of bin store received on 7 October 2014

3) That the property shall not be used for/as a ‘House in Multiple Occupation’ by more than 10 persons at any one time
4) At no time shall satellite dishes be fixed to the front elevation of this property without prior approval from the Local Planning Authority
5) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall highlight the bin/refuse enclosure to the rear of the plot, the details as approved shall be implemented in prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times
6) The existing timber windows and door on the front elevation shall be permanently retained
7) Prior to their implementation at the site details of the design and location of all extraction/ventilation equipment shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site and be retained as such thereafter.

127 Upwick Mews, 2a Upwick Road. Application ID: 141312 (VCO)

Site formerly known as land to the rear of 2-8 Upwick Road: Variation of condition 2 of planning permission EB/2011/0193(FP) for a minor material amendment for a first floor rear extension to increase the first floor rear bedrooms of plots 5 and 6 and amendments to plots 5 and 6 (as per planning permission EB/2012/0753(FP) granted planning permission on appeal dated 11 December 2013). (AMENDED APPLICATION TO REMOVE THE FIRST FLOOR ADDITIONS TO PLOTS 1 - 4).

Three further letters of representation had been received raising the following points:

- Houses still block views
- Boundary fence still has not been erected
- Why has refusal letter not been listed on website
- When will conditions be enforced.

The committee was reminded that this case was reported to Planning Committee in January with an officer’s recommendation that the application should be supported. This recommendation was not endorsed by Members who resolved that the application should be refused. Prior to issuing the refusal notice the applicant submitted revisions to the scheme; these were being reported back to Planning Committee in order to assess whether they had overcome Members concerns with the proposals.

The committee was informed of the options available to them when considering the revised application. This included material considerations and reasons for refusal, likely appeal outcomes, National Planning Guidance
RESOLVED: (By 6 votes to 2) That permission be granted subject to the following conditions: 1) Other than may be required by other conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, 10-44-02 A, 10-44-04, 10-44-05, 10-44-06 A and 10-44-07 A 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) no extensions, curtilage buildings or structures, walls or fences of any kind, other than those expressly authorised by this permission, shall be erected within the curtilages to the dwellings hereby permitted 3) The development shall be carried out in full accordance with the approved materials to be used in the construction of the external surfaces (140155 - dated 14 May 2014) 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) no first floor windows or dormer windows (other than those expressly authorised by this permission) shall be constructed without the prior approval of the Local Planning Authority 5) Prior to first occupation of the dwellings on plots 5 and 6, the first floor side facing windows shown in relation to those plots shall be fitted with obscure glazing and shall be permanently retained in that condition thereafter 6) The protective fencing around trees shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority 7) The approved wheel wash facilities (140155 - dated 14 May 2014) provided on-site shall be used and maintained until completion of construction 8) The garaging and parking spaces shown on plan No 10-44-02 A, shall be provided prior to first occupation of the associated dwelling and shall be kept available for the parking purposes at all times thereafter 9) The stepped access to No2 Upwick Road, as shown on the plans hereby approved (10-44-02 A), shall be implemented at the site within 1 month from the date of this permission 10) The stepped access to no.2 Upwick Road shall be provided in accordance with the approved details (140868 - dated 6 June 2014) within 1 month of the date of the permission 11) Building operations shall take place only between the hours of 08.00 and 18.00 on Mondays to Fridays and between 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank/Public holidays.

128 1 Baillie Avenue.  Application ID: 141438 (PPP).

Proposed development to rear of 1-2 Baillie Avenue to provide 4no.self-contained flats with on-site parking areas to front – ST ANTHONYS. A number of objections had been received.

The relevant planning history for the site was detailed within the report.
The East Sussex County Council Highways Department and Environment Agency raised no objections subject to conditions stated within the report. The Specialist Advisor (Planning Policy) had not responded to the consultation.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions: 1) Time limit 2) Drawing numbers 3) No development shall take place until samples of the materials to be used in the external surfaces (including boundary treatments and hard surfacing) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details ++ 4) No development shall be commenced until details of the landscaping of the site has been submitted to and approved in writing by the local planning authority. The proposals shall include all hard and soft landscaping and species/sizes of plants. The approved landscaping shall be carried out in accordance with the approved details before the dwellings are first occupied ++ 5) The development shall not be occupied until the parking spaces have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles 6) The development shall not be occupied until full details of the cycle parking storage housing have been submitted to and approved in writing by the Planning Authority. The approved details shall be implemented in full accordance with the approved details and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles 7) The development permitted by this planning permission shall be carried out in accordance with the approved FRA dated 28th May 2014 (Report No. 5754) and the following mitigation measure detailed within the FRA:

- Finished floor levels are set no lower than 3.8 metres above Ordnance Datum (AOD) and also a minimum of 300mm above the finished surrounding ground level.

The mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority (LPA) 8) The ridge of the highest part of the roof of the development hereby permitted shall not exceed the highest part of the ridge of the closest dwellings at 13, 15 and 17 Roselands Avenue 9) That no demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank/Public Holidays.

**Informative:**

The applicant's attention is drawn to the need for a Section 184 Licence for the construction of the access. The applicant should contact ESCC on 01273 482254 prior to commencement of development to complete the agreement and pay the necessary fee.
129 55 Friday Street. Application ID: 141497 (PPP).

Demolition of existing garage and erection of 1 no. two-storey 3-bedroomed detached dwelling house, with parking for 2 no. cars and access from Sorrel Drive – LANGNEY. One letter of objection had been received.

Further representations had been received from the occupier 57 Friday Street, these comments were to supplement their earlier response:-

- Concerns relating to the potential increase in traffic onto Friday Street close to existing pedestrian crossing and close to recent accidents
- Given the lack of turning space at the site there will be a reliance on reversing onto Sorrel Drive, this may give rise to highway/pedestrian safety issues.
- Set a precedent
- Noise and disturbance caused by the use of the parking and waste areas.
- Back to tack gardens would be out of character in the area

A further letter of objection had been received highlighting:

- Loss of privacy and overshadowing
- Boundary treatments are unclear and also the ongoing maintenance
- Access onto Sorrel Drive would constitute a safety Hazard
- Create a precedent for others to follow
- Out of character with the area
- Would potentially damage the tree screen in Sorrel Drive.

The relevant planning history for the site was detailed within the report.

The observations of the Estate Manager, Specialist Advisor (Arboriculture), and East Sussex County Council Highways Department were summarised within the report. North Langney Community Forum had not responded to the consultation

RESOLVED: (Unanimous) That permission be refused on the grounds that 1) the proposals by reason of their position, size, design and external appearance would be an intrusive development, out of scale and character with the prevailing pattern of development in the locality, as well as having a serious and adverse effect on the amenities enjoyed by occupants of neighbouring property, and would be contrary to policies HO6, HO20 UHT1 and UHT4 of the Eastbourne Borough Plan 2001 – 2011 and policies B1, and D10A of the Eastbourne Core Strategy Local Plan 2013 and paras 17 paras 56-65 of the National Planning Policy Framework 2) The application fails to demonstrate a scheme for the delivery of off street parking for the existing property (NO 55 Friday Street) and in the absence of additional information the council cannot consider the implications of this part of the proposal, it is considered that the scheme would give rise to highway and pedestrian safety issues as a result of No 55 Friday Street not having any off street parking spaces. The scheme would be contrary to Policy TR11 Eastbourne Local Plan 3) Without any evidence to the contrary it is considered that the existing adjacent mature landscaping/tree screen would have an overbearing relationship with the development plot/property such
that it would have a material impact upon the amenities and living environment of the living environment for the future occupiers of the property and would be contrary to policies HO6, HO20 UHT1 and UHT4 of the Eastbourne Borough Plan 2001 – 2011 and policies B1, and D10A of the Eastbourne Core Strategy Local Plan 2013 and paras 17 paras 56-65 of the National Planning Policy Framework 4) The development is likely to result in pressure for tree reduction/removal within the mature landscape area adjacent to Sorrell Drive and as such that would have a material impact upon the character of the appearance of the area and would be contrary to policies HO6, HO20 UHT1 and UHT4 of the Eastbourne Borough Plan 2001 – 2011 and policies B1, and D10A of the Eastbourne Core Strategy Local Plan 2013 and paras 17 paras 56-65 of the National Planning Policy Framework.

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

130 Sovereign Harbour. Application ID: 141469 (RMT).

Reserved matters (Access, Appearance, Landscaping, Layout and Scale) application relating to condition 1 of outline application Reference:131002 for the development of site 8 at Sovereign Harbour for up to 8 dwellings, open space and berth holder facilities and related discharge in respect of site 8 of the following conditions: condition 1 (reserved matters), condition 4 (within 2 years), condition 172 (harbour wall maintenance) conditions 9 & 192 (restriction of residential units, condition 177 (estate road layout), condition 191 (public spaces) – SOVEREIGN. 17 letters of objection had been received.

One further letter of representation had been received commenting on the following points:

- Pre app designs more exciting that current designs, look more like a block of flats
- Suggested modest design changes, colour to render and glass balustrades
- Support the public access and footpath but question the longevity of public access

The relevant planning history for the site was detailed within the report.

The observations of the Specialist Advisor (Planning Policy) were summarised within the report. Southern Water and the Environment Agency raised no objections to the proposal.

Members were advised that in seeking to provide the information required by the East Sussex County Council Highways Officer the access and car parking arrangements had been revised. These revisions increased the highway visibility and the usability of the undercroft parking spaces as well as reducing the visitor spaces to 7 spaces. As was evident from the
Highways department response there were no remaining highway issues from this proposal.

East Sussex County Council Highways responded stating that vehicle and cycle parking had been considered and access to the site was considered to be sufficient. Boundary treatments and bin enclosures were to be handled by a further reserved matter application; however the informal details seen to date were acceptable. Public access and details of the harbour wall was supported.

Sovereign Harbour Residents Association had responded stating that:
• If supported then no further changes without referral to SRA
• Access from front of the properties direct onto Cycle path may cause a potential hazards to cyclists and pedestrians, this area if heavily trafficked at all periods of the day and not only rush hours
• Designs do not compliment the surroundings properties
• Brick facing would be more appropriate, render facades can deteriorate very quickly especially given the coastal location (see The Harbour Quay Apartments)

The committee was advised that the conditions attached to the outline planning permission comprised an extensive list and covered all construction issues, the design and appearance of the proposed buildings and the public open space.

Conditions detailed below related only to issues not covered by the conditions at the outline stage.

Mrs Weeks, Sovereign Harbour Residents Association, addressed the committee reiterating the comments made in the representation stated above.

Marie Nagy, agent for the applicant responded stating that there had been very few comments on the design of the building and that access and refuse storage issues had been resolved. The open space would be delivered and properly maintained.

The committee discussed the application and raised concerns regarding the design of the building and the suitability of the design in this location. The committee was concerned regarding the ‘beach’ design for the open space and the maintenance of this area.

RESOLVED: (By 4 votes to 2 with 2 abstentions) That permission be deferred to allow officers to discuss with the developer/agent an alternative design solution for the area of Public Open Space. At the conclusion of this discussion the application be reported back to Planning Committee for determination.

131 37 Mountfield Road. Application ID: 141529 (PPP).

Proposed change of use from A1 (retail) to A3 (restaurant) and A5 (take-away) with repositioned extraction equipment from previous application – HAMPDEN PARK. Two objections had been received.
The committee was advised that the applicant had submitted a revised design to address the previous reasons for refusal at committee, which incorporated a more sensitively designed and positioned arrangement for the external flue and associated duct work.

The relevant planning history for the site was detailed within the report.

The observations of the Specialist Advisors (Environmental Health), (Planning Policy) and East Sussex County Council Highways Department were summarised within the report.

**RESOLVED: (By 7 votes to 1 abstention)** That permission be granted subject to the following conditions: 1) Time Limit 2) Approved Plans 3) Opening Hours 4) Sound test of internal ducting 5) Installation of equipment to disperse fumes and/or smell 6) Noise Rating levels of extraction to comply with British Standards (Day/Night)

Informative:

Discharge of Condition of pre-commencement conditions

**132 10 Blackwater Road. Application ID: 141524 (HHH).**

Retrospective application under section 73a for the retention of an escape staircase and walkway at rear – MEADS.

The relevant planning history for the site was detailed within the report.

The committee was advised that no letters of objection had been received following the statutory consultation period. However, the owners of the application site had also sent out a proforma letter to their neighbours (the total number of letters delivered was not known) and as a result 11 letters supporting the retention of the escape stairway and platform/walkway, including one from the original complainant, had been received.

The original complainant was now supporting the proposal as the applicants had confirmed in writing that they did not intend to use the platform for sitting out either now or in the future.

The report recommended that permission should be refused and that Officers should be authorised to carry out enforcement action to secure removal/adaption of the ground floor platform terrace area and also the installation of a ‘Juliet’ balcony to cover the existing doors.

**RESOLVED: (Unanimous)** 1) That permission be refused on the grounds that the proposed walkway, at ground floor level, by reason of its scale, massing and position, would adversely affect the amenity enjoyed by neighbouring residential occupiers by being overbearing in appearance, outlook and privacy and reduces light to the lower ground floor of No. 10 Blackwater Road. The proposal is contrary to policies B1, C1, D5 & D10 of
the Eastbourne Local Core Strategy (2026), UHT4, UHT16, HO20 of the Eastbourne Borough Plan (Saved Policies 2007), the guidance outlined in the National Planning Policy Framework (2012) and Supplementary Planning Guidance – Areas of High Townscape Value 2) Authorise Enforcement Action to secure removal/adaptation of the ground floor platform terrace area (true fire escape and to mirror arrangement to upper floors) and also the installation of a ‘juliet’ balcony to cover the existing doors.

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

133 20 Albert Parade. Application ID: 141594 (PPP).

Enlarged extension to the rear of 20 and 23 Albert Parade, together with repositioning of entrance staircase to existing maisonette (no.21). (Previously approved under reference 140057) – OLD TOWN. One letter of objection had been received.

The relevant planning history for the site was detailed within the report.

The observations of the Local Highway Manager were summarised within the report.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time Limit 2) Approved Drawings 3) Materials – 4) Hours of Construction 5) Positioning of external flue vents – 6) Flat roof area not for amenity/recreation space 7) No new windows / doors – 8) Permanent access maintained for residential property on upper floors of 20 Albert Parade 9) Obscure glazing to rear window of food prep area (facing 1 Chamberlain Rd) non-opening below 1.7m above finished floor level 10) Fire exit to the rear of food preparation to remain closed except when being used for emergency access 11) Details of Bin Storage area.

Informative:

Pre Commencement conditions

134 Ocklynge County Junior School. Application ID: 141600 (CCC).

Permanent use of the Multi Use Games Area (MUGA) between the hours of 0800 and 2100 Monday to Friday and between the hours of 0900 and 1700 Saturday, Sunday, Bank and Public Holidays – OLD TOWN. A copy of an objection to ESCC has been received.

The committee was advised that they were being consulted on the application before its submission to East Sussex County Council’s planning committee. The original permission restricted the hours the MUGA could be used to 0800 to 2000 hours on Mondays to Fridays and between 0900 and 1700 hours on Saturdays, Sundays and bank holidays. Following a year of
triailling a finish time of 2100 hours, permission was now sought to make this a permanent finishing time for Mondays to Fridays.

The relevant planning history for the site was detailed within the report.

The committee had mixed views regarding the MUGA querying whether residents were aware of the time extension trial period. The Planning Committee expressed concerns that nearby residents were subject to noise and disturbance every day of the week through the use of the MUGA, and that whilst there was no objection to one extra hour of use in the evenings on Mondays to Fridays, they would not wish to see any further applications to extend the hours.

NB: Councillor Ungar withdrew from the room whilst this item was considered.

RESOLVED: That delegated authority be given to the Senior Specialist Adviser, in consultation with the Deputy Chair of the Planning Committee, to write to the County Council expressing the range of views on this matter expressed by members of the committee.

135 Adoption of the Eastbourne Community Infrastructure Levy (CIL) - Charging Schedule.

The committee considered the report of the Senior Head of Development advising members of the intention to adopt the Council’s Community Infrastructure Levy (CIL) which allowed local authorities in England and Wales (defined as Charging Authorities) to raise funds from developers undertaking new building projects. It replaced much of the existing process of planning obligations commonly known as 'Section 106' agreements. The primary use of CIL was to gain financial contributions from certain types of viable development to help fund new or improved strategic infrastructure required to support the growth identified in Eastbourne’s Core Strategy Local Plan.

The Council had prepared a Community Infrastructure Levy (CIL) Charging Schedule which was proposed for adoption at appendix 1 to the report. This document had undergone extensive public consultation in line with the CIL Regulations, and had been through the relevant Examination stages. The Examination was dealt with via written representations, and the production of Matter Statements in November/December 2014. The Council received the Examiners Final Report on 12 January 2015 which concluded that the Charging Schedule, subject to one modification, was sound and should be adopted by the Council.

The Charging Schedule stated the types of development that would be liable for a CIL charge and the relevant charge (£) per sq m. of development. It was supported by a comprehensive evidence base which included a detailed viability assessment. The viability assessment document examined the levels of CIL that could be achieved across the Borough without affecting the overall viability of development identified in the
Eastbourne Core Strategy Local Plan. Only developments that were shown to be viable had been charged CIL, therefore the charges were fully justified by the evidence.

The Charging Schedule was also supported by a revised Infrastructure Delivery Plan and a Funding Gap Analysis document, to demonstrate that there was a funding deficit between the total cost of required infrastructure and the infrastructure already agreed for delivery and to be financed by the Council, external partners and agencies. The funding gap analysis justified the position of the Council to move forward with CIL as an appropriate tool for collecting developer contributions.

Members noted that it was in the interest of the Council to adopt the Charging Schedule on 1 April 2015, at which date further significant restrictions were placed on Section 106 agreements.

The committee noted that Cabinet were recommended to endorse The CIL Charging Schedule in line with the recommendations of the Examiner’s Report and recommend its adoption at the next Full Council on 18 February 2015. The CIL Charging Schedule would come into operation on 1 April 2015.

Members discussed the CIL and raised concerns that flats/apartments were not included within the Charging Schedule. The committee was advised that a Member Briefing for the CIL would be held in February 2015.

**NOTED.**

**136 Local Validation List.**

The committee considered the report of the Senior Specialist Advisor (Planning) outlining the Council’s Local Validation List. Members of Planning Committee requested at its September Committee that the results of the public consultation into the Council’s Local Validation List be reported to Planning Committee so that any changes could be ratified prior to formal adoption.

The committee was advised that there had been very few comments (2 emails) received from interested parties in relation to the Local Validation List consultation, these responses related to clarification of elements of the List. In conversations with the Council’s regular planning agents however, there had been overwhelming support for the proposed Local Validation List as it was seen as reducing the requirements for supporting documentation and thereby reducing the burden upon applicants.

The main change made from the initial draft List identified the changes to the requirements in relation to Affordable Housing following Government advice published in December 2014. This guidance as part of the National Planning Policy Guidance (NPPG) raised the threshold for seeking affordable housing contributions on proposed developments to the creation of 11 or more units.

Members requested a copy of the list and were advised that this would be provided following the meeting.
RESOLVED: 1) That the Local Validation List be adopted and used for validation purposes incorporating the changes to the affordable housing thresholds as referred to within the report 2) That the Senior Specialist Advisor (Planning) in consultation with the Chair of Planning Committee be authorised to make changes to the Local Validation List if required by the changes to National and Local Policy in the interim, prior to the documents formal re-ratification in two years’ time at Planning Committee.

Summary of Planning Performance - Quarter 3 (October to December) 2014/2015.

The committee considered the report of the Senior Specialist Advisor (Planning) which provided a summary of performance in relation to key areas of the Development Management Services for the second quarter (October – December) 2014.

Given the many varied types of planning application received Central Government required that all Councils report the performance in a consistent and coherent manner. Therefore the many varied applications were grouped together into three broad categories Major, Minor and Others. Applications falling into each category were outlined within the report.

In analysing the performance for the processing of these differing types of application the Government allow 13 weeks for processing Major applications and 8 weeks for processing the Minor and Other categories. The figures detailed within the report highlighted the development control performance figures against these categories for the calendar year 2013 and the first three quarters of 2014/15.

In addition the report also included information about the recent appeal decisions. The Council for the calendar year 2014 had received 14 appeals, not all of which had been decided, however all appeals received were detailed within the report.

Officers considered that in granting planning permission for 92% of all application received, planning services of Eastbourne Borough Council had supported and stimulated the local economy and had also helped to meet the aspirations of the applicants.

The assessment of the performance of planning services showed that the team were performing at or over the National PI threshold and that there were at this time no special measure issues.

Notwithstanding this for the first nine months of 2014 Eastbourne had one major application going through to an appeal decision and this was overturned resulting in 100% of cases being overturned. In common with other years the Council refused less than 10% of the applications received.

Appendix 1 to the report included further application data by ward and also the number and types of pre-application requests received.

NOTED.
138  South Downs National Park Authority Planning Applications.

None received.

The meeting closed at 8.55 pm

Councillor Ungar (Chairman)