Planning Committee

Members of the public are welcome to attend and listen to the discussion of items in the “open” part of the meeting. Please see notes at end of agenda concerning public rights to speak and ask questions.

The Planning Committee meets in the Court Room of the Town Hall which is located on the ground floor. Entrance is via the main door or access ramp at the front of the Town Hall. Parking bays for blue badge holders are available in front of the Town Hall and in the car park at the rear of the Town Hall.

An induction loop operates to enhance sound for deaf people who use a hearing aid or loop listener.

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Please ask if you would like this agenda and/or any of the reports in an alternative format.

MEMBERS: Councillor Ungar (Chairman); Councillor Harris (Deputy-Chairman); Councillors Hearn, Jenkins, Miah, Murray, Murdoch and Taylor

Agenda

1 Minutes of the meeting held on 6 January 2015. (Pages 1 - 10)

2 Apologies for absence.

3 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.

4 Urgent items of business.
The Chairman to notify the Committee of any items of urgent business to be added to the agenda.
Right to address the meeting/order of business.

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.

35 Elms Avenue. Application ID: 141309 (PPP). (Pages 11 - 14)

Upwick Mews, 2a Upwick Road. Application ID: 141312 (VCO) (Pages 15 - 24)

1 Baillie Avenue. Application ID: 141438 (PPP). (Pages 25 - 32)

55 Friday Street. Application ID: 141497 (PPP). (Pages 33 - 40)

Sovereign Harbour. Application ID: 141469 (RMT). (Pages 41 - 52)

37 Mountfield Road. Application ID: 141529 (PPP). (Pages 53 - 60)

10 Blackwater Road. Application ID: 141524 (HHH). (Pages 61 - 66)

20 Albert Parade. Application ID: 141594 (PPP). (Pages 67 - 74)

Ocklynge County Junior School. Application ID: 141600 (CCC). (Pages 75 - 78)

Adoption of the Eastbourne Community Infrastructure Levy (CIL) - Charging Schedule. (Pages 79 - 84)

Report of Senior Head of Development.

Local Validation List. (Pages 85 - 86)

Report of Senior Specialist Advisor (Planning).

Summary of Planning Performance - Quarter 3 (October to December) 2014/2015. (Pages 87 - 106)

Report of the Senior Specialist Advisor (Planning).

South Downs National Park Authority Planning Applications.

Inspection of Background Papers – Please see contact details listed in each report.

Councillor Right of Address - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.
**Disclosure of interests** - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a DPI, if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

**Public Right of Address** – Requests by members of the public to speak on a matter which is listed in this agenda must be received in writing by no later than 12 Noon, 2 working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or electronic mail. For further details on the rules about speaking at meetings please contact Local Democracy.

**Registering to speak – Planning Applications** - If you wish to address the committee regarding a planning application you need to register your interest with the Development Control Section of the Planning Division or Local Democracy within **21 days** of the date of the site notice or neighbour notification letters (detail of dates available on the Council’s website at [www.eastbourne.gov.uk/planningapplications](http://www.eastbourne.gov.uk/planningapplications)).

Requests made beyond this date cannot normally be accepted. This can be done by telephone, letter, fax, e-mail or by completing the local democracy or planning contact forms on the Council’s website.

**Please note:** Objectors will only be allowed to speak where they have already submitted objections in writing, new objections must not be introduced when speaking.

**Further Information**

Councillor contact details, committee membership lists and other related information is also available from Local Democracy.

**Local Democracy**, 1 Grove Road, Eastbourne, BN21 4TW  
Tel: (01323) 415023/415021  Text Relay: 18001 01323 410000,  Fax: (01323) 410322  
E Mail: localdemocracy@eastbourne.gov.uk  
Website at [www.eastbourne.gov.uk](http://www.eastbourne.gov.uk)

For general Council enquiries, please telephone (01323) 410000 or E-mail: [enquiries@eastbourne.gov.uk](mailto:enquiries@eastbourne.gov.uk)
107 Minutes of the meeting held on 25 November 2014.

The minutes of the meeting held on 25 November 2014 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

108 Apologies for absence.

None received.

109 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 that with regard to minute 113, 45 Darley Road, minute 115, 58 Darley Road and minute 117, 1 Hillbrow Denton Road, he had previously reached a view in relation these applications and considered himself as being pre-determined with regard to them. Councillor Ungar withdrew from the room whilst these items were considered.

110 5 The Courtyard, Wharf Road. Application ID: 141327.

Conversion of part of the garage to extend habitable space – UPPERTON. A letter of support had been received.

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

East Sussex County Council Highways (Development Control) raised no objection.

Councillor West, Ward Councillor, addressed the committee in support of the application stating that the proposal had enhanced the living space for the resident and that the alterations had been carried out to a high standard

RESOLVED: (By 5 votes to 2 with 1 abstention) The remaining area of garage shall be used for the parking of a small car, motor cycle or storage of bicycles and for no other purpose and shall be permanently retained as such in perpetuity.

111 26 Desmond Road. Application ID: 141390.
Demolition of rear conservatory and erection of single storey extension – DEVONSHIRE. One letter of objection and one letter of support had been received.

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

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time 2) Drawings 3) Materials 4) No Permitted Development (windows and doors to side elevations).

112 34 Dillingburgh Road. Application ID: 141389 (PPP).

Erection of a detached 2 bedroom bungalow with garage within the rear curtilage of the application site, accessed from Dacre Road – OLD TOWN.

11 objections and one letter of support had been received.

The relevant planning history; including appeal decisions for the site was detailed within the report.


RESOLVED: (By 7 votes and 1 abstention) That permission be refused on the grounds that the proposed development would, by reason of its size, siting and design, result in an incongruous and intrusive feature in the streetscene which would be out of keeping with, and detrimental to the character and appearance of the area. As such the proposal would conflict with policies HO6, UHT1 and UHT4 of the Eastbourne Borough Plan 2001-2011, policies B1, B2 and D10A of the Eastbourne Core Strategy Local Plan 2013 and paragraphs 7 and 56 of the National Planning Policy Framework.

Informative
This decision has been based on the plans submitted with the application on 3 November 2014, numbered 94262/010, 94262/020 and 94262/040.

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.

113 45 Darley Road. Application ID: 141356.

Installation of a wall mounted canopy to be used as a smoking shelter – MEADS.

The Council’s Estate Manager made no response to the consultation, and the Specialist Advisors for Arboriculture and Conservation and the East Sussex County Council’s Archaeologist raised no objection.

NB: Councillor Ungar withdrew from the room whilst this item was considered.
RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time limit 2) Approved drawings


Proposed single-storey extension to existing front and rear elevations; together with the provision of a raised patio with access to rear garden – RATTON. Three objections had been received.

A further letter of objection was reported at the meeting making the following comments:
- Loss of light caused by the height of the extension
- Difficult to determine the precise height (4.3m appear unnecessary high)
- The installation of privacy screen would exacerbate the height on the boundary (1.8 high screen) to be located on top of proposed decking would result in a top level of height of up to 3.3m
- Poor development if there needs to be a 3.3m high privacy screen to make it acceptable.

RESOLVED: (By 7 votes with 1 abstention) That permission be granted subject to the following conditions: 1) Time Limit 2) Plan Numbers 3) Matching Materials 4) Maintain obscure glazing surrounding patio 5) Restriction of further development 6) Time limit for the implementation of privacy screen (shall be erected within 3 months from the completion of the raised decking)

Informative:
Construction and delivery traffic

115 58 Darley Road. Application ID: 141357.

Installation of a smoking shelter with seating – MEADS.

The Council’s Specialist Advisors for Arboriculture and Conservation raised no objection.

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

RESOLVED: (By 5 votes to 2) That permission be granted subject to the following conditions: 1) Time limit 2) Approved drawings

116 Courtland Hotel, 3-5 Wilmington Gardens. Application ID: 140711 (PPP).

Change of use to convert a 45 bedroom hotel to a 14 bedroom guesthouse hotel and 15 residential apartments – MEADS.

The committee was advised that this application had been delayed in reporting to Planning Committee as officers sought the views/opinion of the District Valuers Office (DVO) into the financial assumptions that had been made by the applicant.
The response from the DVO had not yet been received; however in discussions with the Chair of Planning Committee it deemed appropriate to bring the application forward to committee so that the main principles in the case could be aired. Members noted that no decision would be issued until the DVO had responded and that should the District Valuers Office (DVO) hold a different opinion regarding the financial information submitted, the application would be reappraised and reported back to Planning Committee.

Notwithstanding the DVO issue detailed above, this application rests on whether the evidence supplied by the applicant is sufficient to comply with the relevant policies and thereby justifying the loss/reduction of hotel accommodation.

Members will know that any planning decision needs to be based upon material planning considerations and the assessment of these material considerations will lead the decision maker to an informed decision.

The four main issues for consideration by the committee in determining the application were summarised within the report.

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

The Council’s Estate Manager and Housing Services Manager made no response to the consultation. The observations of the Specialist Advisors for Policy and Economic Development, the Tourism Manager, the East Sussex County Council department for Economic Infrastructure, the East Sussex County Council Highways Department, Eastbourne Hotels’ Association and Eastbourne Chamber of Commerce were summarised within the report.

The committee expressed their concern at the potential loss of bed spaces in an area earmarked for considerable investment in the near future with the development of Devonshire Park and improvements to the conference offer. The committee were keen to retain the tourism offer in Eastbourne.

A revised recommendation was tabled at the committee and in the event of the application being appealed on ‘Non Determination’ grounds, in accordance with the wishes of members, a “minded to refuse planning permission reason” was also tabled, accepted by members and is reported below:

Revised Recommendation:
1. That no decision is issued until such time as the District Valuers Office (DVO) have ratified the financial evidence accompanying the application.
2. Delegated authority be given to the Senior Specialist Advisor to evaluate the response of the DVO.
3. If the DVO’s response is deemed to support the financial evidence accompanying the application the Senior Specialist Advisor be authorised to issue planning permission subject to a S106 and Planning Conditions as outlined below. The S106 should cover the delivery of affordable housing, the tariff based contributions for ESCC and controls over the timing of the
delivery of the refurbishment of the hotel/guest house, the S106 should express that no more than 7 of the residential units hereby approved shall be sold/occupied until such time as the retained hotel/guest house has been fully refurbished in accordance with conditions.

Suggested Conditions:-

- Time Limit
- Car park layout supplied
- Car parking provided before first beneficial use
- Cycle parking
- Details of the refurbishment measures to the hotel/guesthouse shall be submitted to and approved in writing prior to any development commencing. The details as submitted shall include details of redecorations and internal fixtures and fittings and also details of new stair access between the ground and lower ground floor.

4. If the DVO’s response is deemed not to support the financial evidence accompanying application the Senior Specialist Advisor shall reappraise the application and report back to Planning Committee for decision.

Members did not endorse the recommended delegation to officers and requested that any decision should be made by Members at Planning Committee.

RESOLVED: (Unanimous) That no decision is issued until such time as the District Valuers Office (DVO) had responded to the application and that following the receipt of this information/advice then officers to evaluate its content and report to Planning Committee for decision.

In the event that Members were in fact later asked to determine this application, rather than it going to appeal on the grounds of non-determination, they felt it appropriate to record that at this stage, prior to receiving the requested financial input from the DVO, they would have been minded to refuse planning permission for the reason below:-

That permission be refused on the grounds that the proposed development is considered unacceptable by virtue of the failure to demonstrate that the existing hotel is not viable. As such, it is considered that the proposal would result in the undue loss of tourist accommodation within the designated Tourist Accommodation Area and within this prominent tourist area contrary to Policies T01 and T02 O of the Eastbourne Borough Local Plan 2007, Policy D3 of the Eastbourne Core Strategy 2006-2027 and Assessment of Financial Viability of Tourist Accommodation Supplementary Planning Guidance.

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

117 1 Hillbrow, Denton Road. Application ID: 141355.

Installation of a smoking shelter – MEADS. Four letters of objection had been received.

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

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions: 1) Time limit 2) Approved drawings.

### 118 Hurst Arms, 76 Willingdon Road. Application ID 141112.

Subdivision of residence above The Hurst Arms public house into two self-contained flats facilitated by a rear metal staircase and access at first floor level, conversion of existing outbuilding to rear of site into one self-contained residential unit and associated alterations – UPPERTON. One letter of support, three objections and one general observation had been received.

The Specialist Advisor (Planning Policy) raised no objection.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions: 1) The development herby permitted shall be begun before the expiration of three years from the date of permission 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:

- Site location plan/block plan – received
- Existing floor and elevation plans – received
- Proposed floor plan – received
- Proposed side elevation – received
- Proposed elevation plan – received

3) That all materials used in the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, texture and colour 4) The first floor flat above the public house trading area shall be used as the landlord’s management flat for the building and shall not be occupied by anyone but the landlord or anyone not associated with the management of the ground floor public house 5) The first floor flat roof to the side extension, used to facilitate access to the flats at first and second floor, level shall not be used as a balcony, patio, roof garden or similar amenity area 6) The parking spaces provided to the rear shall be allocated to and used solely for the occupiers of the flats hereby permitted and shall be retained permanently for the accommodation of vehicles of the occupiers of the flats and shall not be used for any other purpose 7) Notwithstanding the approved details, the development shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority. These shall include details and locations of proposed trees and planting plans, species specification and samples of hard landscaping materials 8) 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 unless previously been agreed in writing by the Local Planning Authority.
119 Rear of 2-8 Upwick Road. Application ID: 141312.

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 1 - 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) – OLD TOWN. Three objections and two general observations had been received.

The committee was advised that a copy of an undated letter to the occupiers of No 2 Upwick Road had been received from the applicants/developers; this letter sought the owner’s consent to undertake the works (steps) towards the end of their development project. Officers were unaware as to what date this letter was served / posted and whether there had been any response to the developer from the owner of No 2.

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

Mr Cline addressed the committee in objection expressing concern regarding the discharge of conditions relating to previous permissions.

The committee were advised that critical issues, such as the steps to 2 Upwick Road, would often be implemented later in developments; this actually enabled the planning department, particularly in the context of a somewhat complicated application, to take a better-informed overall view of what, if any, enforcement action might be required.

The committee agreed that the increase to the dwellings would be an overdevelopment of the site.

RESOLVED: (By 4 votes with 4 abstentions) That permission be refused on the grounds that the proposed amendments to the houses to extend the first floor rear and the incorporation of changes granted under planning permission ref: EB/2012/0753 would fundamentally change the nature of, and are substantially different from, the development approved under planning permission ref: EB/2011/0193. As such, the proposed amendments do not constitute minor-material amendments and therefore cannot be granted under section 73 of The Town and Country Planning Act 1990 (as amended).

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

120 Trident Fish Restaurant, 23 Albert Parade. Application ID: 141224 (PPP) and 141225 (ADV).

1) 141224 - New shop front with amendments to windows and openings on front elevation to include new fixed planters, decorative screens and gate to external demise line, installation of an ATM and other associated
works. Also proposed is the installation of new retractable awnings to front (Green Street) and side (Chamberlain Road) elevations along with new external lighting. **2) 141225** - Proposed new signage (mixture of illuminated and non-illuminated and the installation of new retractable awnings to front (Green Street) and side (Chamberlain Road) elevations) for no. 20 Albert Parade and main restaurant (21-23 Albert Parade) – **OLD TOWN**. 16 letters of objection and two letters of support had been received.

The committee was advised that permission was recently granted (ref: 140057) to move the takeaway into the adjoining premises in order to enlarge the fish restaurant internally and extend the property to the rear to house a new kitchen and food preparation area.

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

The observations of the Specialist Advisor (Licensing) and East Sussex County Council Highways Department were summarised within the report.

The committee agreed that the proposed outside seating area was too large and encroached on the street scene detrimentally.

**RESOLVED A (141224): (By 6 votes to 2)** That permission be refused on the grounds that 1) the use of the forecourt on Green Street as an alfresco dining area due to the number of covers proposed would result in an intensification of use of the premises that would be likely to result in a detrimental impact to the amenities of the occupiers of neighbouring properties, and would therefore conflict with policies B2 of the Eastbourne Core Strategy Local Plan 2013, policies UHT1 and HO20 of the Eastbourne Borough Plan (Saved Policies) 2007 and paragraph 17 of the National Planning Policy Framework 2) the changes to the windows would be an incongruous and discordant element that would detract from the character/integrity of the host property and would therefore be harmful to the character and appearance of the site and surrounding area and would therefore conflict with policies 10a of the Eastbourne Core Strategy Local Plan 2013, policies UHT1 and UHT4 of the Eastbourne Borough Plan (Saved Policies) 2007.

**RESOLVED B (141225): (By 7 votes to 1)** That permission be granted subject to the following conditions: 1 – 5) Standard advert conditions 6) Limit hours of illumination to that stated in application form.

**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.

**121 Unit 1 Britland Estate  Application ID: 141316 (PPP).**

Change of use from indoor skate park (Sui Generis) to the storage and sale of timber & landscaping supplies and associated products (B8 -Storage and Distribution) – **ST ANTHONYS**. Two objections had been received.
The committee was advised that there was an extensive planning history for this site; the most recent of which was detailed within the report.

The observations of the Specialist Advisor (Planning Policy) and East Sussex County Council’s Development Control Manager were summarised within the report.

**RESOLVED: (Unanimous)** That permission be granted subject to the following condition: 1) Time Limit

122 **South Downs National Park Authority Planning Applications.**

None received.

The meeting closed at 8.44 pm

_Councillor Ungar (Chairman)_
### Executive Summary:
This application has been referred to Committee by the Chair of Planning so as to discuss the merits of the case with regard to the view of the number of HMO’s in Elms Avenue in particular in and the wider town centre area in general.

The proposal provides a level of occupancy that is deemed acceptable and comparable with other HMO’s in the area.

### Planning Status: Single private dwelling

### Constraints:
- **Conservation Area** Town Centre and Seafront Conservation Area

### Relevant Planning Policies:

**National Planning Policy Framework 2012**
Paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 17, 47, 50, 51, 65, 131, 134, 196 & 197

**Eastbourne Core Strategy Policies**
- Eastbourne Core Strategy Local Plan 2006-2027
- B1 Spatial Development Strategy and Distribution Sustainable Centre
- B1 Spatial Development Strategy and Distribution Sustainable Neighbourhood
- C1 Town Centre Neighbourhood Policy

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<td>141309 (PPP)</td>
<td>10 December 2014</td>
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<td>Sally Simpson</td>
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<th>Location:</th>
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<th>Applicant:</th>
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<td>Advert in paper deadline missed &amp; referred to committee by Chair at delegated 14/01/15</td>
<td>35 Elms Avenue, Eastbourne</td>
<td>Proposed change of use from single private dwelling to an 8 bedroom house of multiple occupation.</td>
<td>Miss Sarah Gent</td>
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Site Description:
This mid-terrace property is located on the North side of Elms Avenue, close to the junction of Elms Road, in the Town Centre and Seafront Conservation Area.

Relevant Planning History:

080266
Change of use from guest house to single private dwelling
Planning Permission Approved unconditionally 10/06/2008

131029
Proposed change of use from a residential dwelling to an HMO (House in Multiple Occupation) for 10 occupants, together with internal alterations.
Planning Permission Withdrawn 4 September 2014

Proposed development:
The applicant is seeking planning permission to change the use of the property from a single private dwelling to a house in multiple occupation (eight rooms some shared facilities) together with internal alterations.

Consultations:
Internal:
Specialist Advisor, Conservation
As the works are mainly internal, with the only external works being to the rear for the bin storage, a recommendation for approval has been advised. The officer concludes that with no external alteration to the front elevation the character and appearance of the building and the wider town centre and seafront conservation area would remain unaffected by this proposal.

Specialist Advisor, Planning Policy
Has advised that the proposal in acceptable in principle, subject to material planning considerations, as the property is located outside the Tourist Accommodation Area and will not be against policy guidelines.

Private Housing Team: At the time of writing the Council’s Private Housing Team are evaluating a HMO Licence application.

Neighbour Representations:
A site notice was put up outside the site and neighbour letters dated 15 October
2014 were sent to neighbouring properties as part of the planning consultation process. No letters of support or objection have been received to date.

Appraisal:
The main issue to take into account in determining this application is the impact on residential amenity.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:
A number of other properties within Elms Avenue have previously been granted lawful use certificates as HMO’s

The current application proposes to use the property as an HMO for 8 residents (5 with private bathrooms and 3 sharing bathrooms), there is also a communal store room and kitchen within the proposal.

In line with the Local Core Strategy this proposal would meet the criteria for policy C1 and D5 in that through the change of use to a HMO a residential development will be delivered, making an important contribution to the housing needs of the town centre as a sustainable centre within this low vale neighbourhood.

In order to maintain an attractive front elevation to Elms Avenue with its uniformed red brick, terraced rows in the “Arts and Crafts” style a condition that prevents the erection of any satellite dishes will be attached to any planning consent subsequently granted.

A further condition to discharge details of the proposed bin storage will also be attached to any planning permission that is granted.

Impact on character and setting of a listed building or conservation area:
This application is for a change of use and as such there are no changes to the external fabric of the building.

Human Rights Implications:
The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:
The proposed change of use from a single private dwelling to a HMO for 8 residents is recommended for approval, subject to conditions. The proposal is in accordance with policies HO2, HO14, HO20 of the Eastbourne Borough Plan 2001-2011 (Saved policies, 2007), B1, C1, D5 and D10 of the Eastbourne Core Local Strategy 2013, and the guidance outlined within the National Planning Policy Framework (2012).
**Recommendation:** Approve, subject to the following conditions

**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
   
   **Reason:** For the avoidance of doubt and in the interests of proper planning.

3. That the premises shall be used as a House in multiple occupation (HMO) with eight rooms (as outlined on the plans hereby approved) and for no other purpose (including any other purpose in Class 4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
   
   **Reason:** To control the precise use of the building in the interests of the amenities of the adjoining residents.

4. At no time shall satellite dishes be fixed to the front elevation of this property without prior approval from the Local Planning Authority.
   
   **Reason:** To ensure the satisfactory appearance of the streetscene and the Town Centre & Seafront Conservation Area.

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.
   
   **Reason:** To ensure the provision of satisfactory facilities for the storage of refuse.

**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**.
Executive Summary:

**Context:** This case was reported to Planning Committee in January with an officers 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 applicants submitted revisions to the scheme; these are being reported back to Planning Committee in order to assess whether they have overcome Members concerns with the proposals.

**Proposed Changes:** The revised plan received on 9th January shows the first floor additions to plots 1 – 4 have been removed and thereby proposes the an identical scheme in design/scale/appearance terms to that approved under permission EB/2011/0193. The 1 metre deep first floor additions to plots 5 and 6 remain unaltered on the plans and these dwellings have been substantially completed on site. It is the retention of these 1m additions at
first floor level and amendments to the roof over the plots that form the main material consideration to this application.

**Planning Assessment:** The changes to the scheme does not materially affect the design of the originally approved scheme.

There would be no significant additional overlooking or loss of privacy to the rear/occupiers of nos. 25-29 Dacre Road from the first floor amendment when compared to the previously approved scheme.

There would be no significant loss of sunlight, daylight or overshadowing than that caused by the scheme already approved.

It is considered therefore, that the variation to the scheme would constitute an acceptable minor material amendment.

Given that the very modest changes as outlined by this proposal do not give rise to any material/substantive harm to either the amenities of the occupiers of the adjacent/nearby properties nor to the character and appearance of the proposed dwellings then any refusal is likely to be challenged and successful at appeal.

Members should be aware that the NPPF clearly outlines that ‘sustainable development should be supported without delay’ this further supports the position that in this application there is a highly probable risk of an award of ‘Costs’ against the Council in any subsequent appeal process.

**An Award of Costs:** The National Planning Guidance outlines that Local Planning Authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example:

- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations
- failure to produce evidence to substantiate each reason for refusal on appeal
- vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis.
- persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable
- failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances

**Potential Enforcement Action:** Notwithstanding the above and if Members give different weight to the impacts of the proposed changes and
resolve to refuse the application then as Plots 5 and 6 are substantially complete then Members should also authorise enforcement action.

In respect of any enforcement action it is recommended that the Planning Committee resolve to ‘Under Enforce’ and require that Plots 5 and 6 are adapted/altered to comply with the approved scheme 120699.

Members should also be aware that the with any enforcement action there are a number of aspects under which an enforcement notice could be appealed; one of which is a Ground A appeal whereby the appellant claims that Planning Permission should be granted. As outlined above there are no substantive/material planning objections to the scheme and as such an enforcement notice appeal is likely to be successful with the Council at risk of an award of ‘Costs’ against it.

Consultation:- Surrounding residents were consulted on the amendment on 19th January for a period of 14 days. Any representations received will be set out in the Committee addendum sheet.

Recommendation:-

1. That the application should be conditionally approved.

2. In the event that Members resolve to refuse planning permission then the following reason should be followed:

   The proposed amendments to the houses to extend the first floor (rear), alterations to the roof and the incorporation of changes granted under planning permission ref: EB/2012/0753 (120699) would fundamentally change the nature of, and are substantially different from, the development approved under that consent. As such, the proposed amendments do not constitute minor-material amendments and therefore cannot be granted under section 73 of The Town and Country Planning Act 1990 (as amended).

3. In the event that Members resolve to refuse planning permission then Members should also authorise/endorse Enforcement Proceedings. In this regard it is recommended that the Senior Specialist Advisor be authorised to pursue enforcement proceedings to secure under enforcement in order that the dwelling on Plots 5 & 6 are adapted/altered to comply with those as approved under application EB/2012/0753 (120699).

Previous Report (As reported to January Planning Committee):- The officer report presented to the 6th January 2015 Committee meeting is set out below.

Planning Status:
Predominantly residential area.

**Relevant Planning Policies:**

- **National Planning Policy Framework 2012**
  1. Building a strong, competitive economy
  2. Ensuring the vitality of town centres
  3. Supporting a prosperous rural economy
  4. Promoting sustainable transport
  5. Supporting high quality communications infrastructure.
  6. Delivering a wide choice of high quality homes
  7. Requiring good design
  8. Promoting healthy communities
  9. Protecting green belt land
  10. Meeting the challenge of climate change, flooding and coastal change
  11. Conserving and enhancing the natural environment
  12. Conserving and enhancing the historic environment
  13. Facilitating the sustainable use of minerals

- **Core Strategy Local Plan 2013 Policies**
  - B1 – Spatial, Development, Strategy and Distribution
  - B2 – Creating Sustainable Neighbourhoods
  - C4 – Old Town Neighbourhood Policy
  - D5 – Housing
  - D10a - Design

- **Eastbourne Borough Plan Saved Policies 2007**
  - UHT1 - Design of New Development
  - UHT2 - Height of Buildings
  - UHT4 - Visual Amenity
  - HO1 - Residential Development within the Existing Built-Up Area
  - HO6 - Infill Development
  - HO20 - Residential Amenity

**Site Description:**

The application site is a backland site to the rear of 2 storey inter-war detached and semi-detached properties at nos. 2-8 Upwick Road, 18-34 Longland Road, 1-25 Dillingburgh Road and 25-29 Dacre Road. The rear gardens to these properties have relatively long back gardens.

The site is accessed via a service road to the east side of nos. 2-4 Upwick Road which is a semi-detached building containing two flats (2 and 4 Upwick Road).

The site is currently under redevelopment where previously the site was occupied by twenty-three garages arranged in two rows and the access is from Upwick Road.
**Relevant Planning History:**

100066
Demolition of the garages at the rear of 2-8 Upwick Road and the erection of 8 houses, car parking, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/4 Upwick Road to remove entrance door at side and form new entrance door at front.
Planning Permission
Refused
20/05/2010

110194
Demolition of the garages to the rear of 2-8 Upwick Road and the erection of 6 houses and garages, parking spaces, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/4 Upwick Road to remove the entrance door at the side and form a new entrance door at the front.
Planning Permission
Refused
18/07/2011
Allowed at appeal 7 March 2012

120699
Demolition of the garages at the rear of 2-8 Upwick Road and the erection of 2 x 3 bedroom detached houses and garages, parking spaces and access road from Upwick Road.
Planning Permission
Refused
20/03/2013
Allowed at appeal 11 December 2013

120912
Discharge of condition 11 of permission EB/2011/0193 (details of access road and turning area)
Approval of Condition
Withdrawn
13/02/2014

140155
Application for approval of details reserved by condition of original permission (EB/2011/0193(FP)). Condition 3: Samples of external materials; Condition 8: Protective fencing for trees; Condition 9: Details of wheel washing for construction traffic; Condition 11: Details of access road and turning area (including details of: finished surfacing materials, gradient and drainage).
Approval of conditions
Approved
14/05/2014
Application for approval of details reserved by condition No.10 (details of steps) of permission EB/2012/0753(FP).

Approval of condition
Approved
06/08/2014

Proposed development:
The application seeks a variation of condition 2 of EB/2011/0193 for a minor material amendment for a first floor rear extension to increase the first floor rear bedrooms of plots 1 - 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).

The amended scheme combines both permissions granted on appeal into a single comprehensive scheme together with an amendment to enlarge the first floor rear bedrooms of all 6 houses. The enlargement of the first floor would involve an extension outwards over the existing and previously approved ground floor footprints of all houses by 1 metre outwards bringing the first floor flush with the ground floor. The extension would measure 3.75 metres wide for plots 1-4 and approximately 4.3 metres wide for plots 5 and 6.

The development has already begun and has reached a stage where plots 5 and 6 are up to roof level and plots 1 – 4 are up to ground floor ceiling level.

Consultations:
Internal:
None

External:
None

Neighbour Representations:
3 objections and 2 general observations have been received and cover the following points:

- Overlooking of surrounding rear gardens.
- Development already close to rear garden boundary.
- Applicant has failed to comply with any conditions.
- Plots 5 and 6 are already overlarge for their plots.
- Any increase in size will exacerbate the impact on the existing neighbourhood.
- Would result in higher occupancy and greater car ownership.
- Reduce sunlight and daylight and increase overshadowing.
- Extension would increase overshadowing to the rear gardens of plots 5 and 6.
- Has the sewage system got capacity?
**Appraisal:**

**Principle of development:**
The principle of development has already been established by the 2 previous planning permissions granted at appeal for 6 houses (EB/2011/0193) in March 2012 and 2 houses (EB/2012/0753) in December 2013.

The main considerations relate to the acceptability of combining the 2 permissions into an amended scheme and the impact of the proposed enlargement of the first floor on the design of the houses and surrounding residential amenity.

**Design issues:**
Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

Policy D10a requires new development to make a positive contribution to the townscape and urban heritage.

The first floor extension to infill the first floor side recess is a minor addition to the houses. The design of the houses are not significantly affected by the alteration which now take on the appearance of a standard and traditional build and layout with a flush elevation at the rear. As such, it is considered that the amendment does not materially affect the design of the originally approved scheme and would accord with the aims of Policies UHT1 and UHT4 of the Eastbourne Local Plan and Policy D10a of the Eastbourne Core Strategy.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area:**
Policy HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity.

Policy B2 of the Eastbourne Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

The amendment would bring the first floor rear bedrooms of the houses closer to the rear garden boundaries and the rear windows of houses along Dacre Road and Longland Road by 1 metre.

The ground floor and first floor windows of plots 1 and 2 would be set 7 metres from the rear garden boundaries of Longland Road properties and plots 3 and 4 would be set 6.25 metres away. The rear windows of plot 5 would be 7.2 metres from the rear garden boundaries of Dacre Road and plot...
6 would be set 5.6 metres away. These distances are acceptable and have been considered to be acceptable distances through recent planning application approvals and appeal decisions for backland housing sites.

With regard to distances between the rear first floor windows of the proposed houses and the rear windows of existing houses, they would be as follows:

Distances to rear windows of 18 – 34 Longland Road:

Plot 1 – 25.35 metres
Plot 2 – 25.35 metres
Plot 3 – 24.7 metres
Plot 4 – 24.7 metres

Distances to rear windows of 25 – 29 Dacre Road:

Plot 5 – 22.75 metres
Plot 6 – 21 metres

These distances are considered acceptable given the pattern of development in the area. However, the main consideration is the impact of an additional 1 metre closer to the rear of these properties which is not a significant increase given the existing considerable separation distances. As such, it is considered that there would be no significant additional overlooking or loss of privacy from the first floor amendment than previously approved.

With regard to any loss of sunlight, daylight and overshadowing, similarly to above, the minor addition to the first floor of the houses would not result in any significant loss of sunlight, daylight or overshadowing than that already approved.

It is considered therefore, that the variation to the scheme would constitute a minor material amendment which is acceptable and would impact significantly on surrounding residential amenity in accordance with Policy H020 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

**Human Rights Implications:**
The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Conclusion:**
The design of the houses are not significantly affected by the alteration which now take on the appearance of a standard and traditional build and layout with a flush elevation at the rear. As such, it is considered that the
amendment does not materially affect the design of the originally approved scheme.

There would be no significant additional overlooking or loss of privacy from the first floor amendment than previously approved and there would be no significant loss of sunlight, daylight or overshadowing than that already approved. It is considered therefore, that the variation to the scheme would constitute an acceptable minor material amendment.

**Recommendation:**
Approve conditionally

**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.
6) The approved wheel wash facilities (140155 - dated 14 May 2014) provided on-site shall be used and maintained until completion of construction.

7) 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.

8) The details of the access road and turning area shall be provided in accordance with the approved details (120912 - dated 13 February 2013) prior to first occupation of any dwelling on site.

9) 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.

10) 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.
**Executive Summary:**
It is considered that the design and appearance of the proposed building is acceptable, the scale and bulk is appropriate for the area and would not have an overbearing impact on surrounding occupiers.

It is considered the proposed houses would not result in any significant overlooking or loss of privacy to surrounding properties and would not result in any significant loss of sunlight or daylight. The proposed accommodation is satisfactory providing reasonably good sized accommodation and levels of sunlight and daylight.

The provision of 4 car parking spaces is considered acceptable and is unlikely to impact significantly on the existing on-street parking capacity.

As such, it is considered that subject to conditions, the proposed development would not cause any significant harm to the local area and would accord with local and national planning policy.

**Planning Status:**
Residential area

**Relevant Planning Policies:**
National Planning Policy Framework 2012
1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting green belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

Core Strategy Local Plan 2013 Policies
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C3: Seaside Neighbourhood Policy
D1: Sustainable Development
D5: Housing
D10a: Design

Eastbourne Borough Plan Saved Policies 2007
UHT1: Design of New Development
UHT4: Visual Amenity
HO1: Residential Development Within the Existing Built-up Area
HO2: Predominantly Residential Areas
HO6: Infill Development
HO20: Residential Amenity
TR11: Car Parking

Site Description:
A 2 storey post-war end of terrace dwellinghouse located on the southern corner of Baillie Avenue and Roselands Avenue.

The area is mainly characterised by 2 storey post war terrace and semi-detached houses with several in-fill blocks of flats on Roselands Avenue and to the corner with Seaside.

Relevant Planning History:
131023 – Erection of 3 dwellings
Withdrawn
7/2/2014
140364 – Erection of a pair of semi-detached houses fronting Roselands Avenue with off-street parking.
Approved conditionally
23/07/2014

141562 – Erection of 2 storey side extension to 1 Baillie Avenue.
Currently under consideration

**Proposed development:**
Erection of a 2 storey building with pitched roof fronting Roselands Avenue to provide 4 self-contained 1 bedroom flats (35sqm) and 4 off-street parking spaces.

Private rear garden areas would be afforded the 2 ground floor flats. The off-street parking spaces would be located to the front of the site, either side of the entrance path to the main front entrance door.

**Consultations:**
Internal:
Specialist Advisor (Planning Policy): No response received

External:
Highways ESCC: No objection subject to conditions.

Environment Agency: No objection subject to a condition.

**Neighbour Representations:**
Objections have been received and cover the following points:

- Overlooking and lack of privacy to rear garden.
- Cause additional on-street parking problems on a heavily parked road.
- Parking close to junction of Baillie Avenue and Roselands Avenue would be dangerous.
- Additional traffic.
- Design is bland and out of keeping with the surrounding area.

**Appraisal:**
**Principle of development:**
The principle of re-development of the site has been accepted through grant of planning permission dated 23 July 2014 for the erection of 2 semi-detached houses with off-street car parking.

The design, scale and bulk of the current proposal is substantially similar to that granted permission previously, the main difference being the provision of flats rather than houses and a different parking layout. As such, it is considered that the principle of the development is acceptable.
**Design and Appearance**

Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and use appropriate materials (preferably locally sourced). Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

Policy B2 of the Eastbourne Core Strategy seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character.

The design of the building is of a simple traditional style incorporating a pitched tiled roof with white UPVC casement windows and glazed double doors to the ground floor rear. The houses would be constructed of brick at ground floor and vertical hung tiles at first floor, similar to the houses adjacent to the east. The immediate surrounding area does not have a particular character or appearance and incorporates a mix of modern and period buildings and flat blocks. Details of the hard landscaping have not been provided but a condition is recommended requiring details of the materials to be used prior to commencement.

The overall scale of the building would be similar to that of surrounding the neighbouring houses on Baillie Avenue and adjacent on Roselands Avenue and would be appropriate for the site and locality. The site layout of the proposed development is appropriate which addresses the street and the dimensions of the site sufficiently.

As such, it is considered that the design, appearance, scale and bulk of the development is acceptable and would not cause harm to the character or appearance of the local area in accordance with Policies UHT1 and UHT4 of the Eastbourne Local Plan and B2 of the Eastbourne Core Strategy.

**Residential Amenity**

Policies HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity.

Policy B2 of the Eastbourne Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

The proposed flats would incorporate an internal floorspace area of 35 square metres which is reasonable area for a 1 bedroom flat. The ground floor flats would have direct access to a private rear garden. As such, it is considered that the proposed residential accommodation would be satisfactory.

With regards the impact on surrounding residential occupiers, objections have been received relating to overlooking and loss of privacy to rear gardens. The proposed development provides a standard layout and siting, addressing the street in a normal street pattern form.
The surrounding and adjacent houses are already overlooked by neighbouring and surrounding houses on the corner of Baillie Avenue and along the terrace of 13-17 Roselands Avenue. The proposal does not significantly increase any overlooking or loss of privacy due to the developments appropriate siting and layout.

Due to the orientation of the site and the siting of the proposed building within the site, it is considered that the proposed building would not result in any significant overlooking or loss of privacy to surrounding residential properties.

With regards refuse storage, a refuse and recycling storage area is proposed to be located within the north east corner of the site adjacent to the pavement providing easy access for the refuse collectors. A condition is recommended requiring further details of the design and specification of the refuse storage housing.

As such, it is considered that subject to conditions, the proposal would not result in any significant adverse impact on surrounding residential amenity and would accord with Policy HO20 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

**Impacts on highway network or access:**
Policy TR11 of the Eastbourne Local plan states that new development must comply with approved maximum car parking standards as set out in the East Sussex County Council Highways SPG parking standards.

This application would provide 1 parking space for each property. Having checked the ESCC Parking Calculator a development of this size and type would create a total demand for 5/6 spaces. The development would provide 4 spaces on site which although not ideal, does provide 1 space for each flat. It is noted that one space outside of Flat 1 is slightly shorter than ideal, however, it is large enough for most cars.

On street parking in the vicinity of the site is already well used and there is a concern about reducing the space available through construction of a large crossover. The land owner could install driveways without the need for planning consent, similar to any house owner in an unclassified road. The number of spaces involved is also low and lastly an application has already been approved which would have removed some on street parking.

A cycle storage area is proposed to be located within the front forecourt next to the refuse storage housing. A condition is recommended requiring full details of the design and specification of the proposed housing which would also be required to be secure and covered.

It is noted also that there are concerns about the safety of the nearby junction of Roselands Avenue & Baillie Avenue. Although there is on street
parking around this junction it is marked with a give way line. Having checked the police accident records there have been no recorded incidents in the last 10 years.

Ultimately any planning permission should be considered against paragraph 32 of the National Planning Policy Framework on highway impacts. This states that 'development should only be prevented on or refused on transport grounds where the residual cumulative impacts of development are severe'. Although there are concerns about reducing parking provision in the vicinity, they are not considered to be significant enough to have a severe impact on the highway network.

East Sussex Highways have been consulted on the revised proposal and raise no objections subject to conditions. A condition is recommended that the vehicular crossovers and parking areas for each house is provided prior to occupation of the proposed flats. Therefore, it is considered that the proposal accords with Policy TR11 of the Eastbourne Local Plan.

**Human Rights Implications:**
The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Conclusion:**
It is considered that the design and appearance of the proposed building is acceptable, the scale and bulk is appropriate for the area and would not have an overbearing impact on surrounding occupiers.

It is considered the proposed flats would not result in any significant overlooking or loss of privacy to surrounding properties and would not result in any significant loss of sunlight or daylight. The proposed accommodation is satisfactory providing reasonably good sized accommodation and levels of sunlight and daylight.

The provision of 4 car parking spaces is considered acceptable and is unlikely to impact significantly on the existing on-street parking capacity.

As such, it is considered that subject to conditions, the proposed development would not cause any significant harm to the local area and would accord with local and national planning policy.

**Recommendation:**
Approved conditionally
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. ++ Reason: To secure that the development is in harmony with the neighbourhood.

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. ++ Reason: in the interests of the visual amenities of the area.

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

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. Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

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).

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure compliance with the principles of the NPPF.

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.
Reason: For the avoidance of doubt and in the interests of the visual amenities of the area.

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.
Reason: In the interests of the amenities of the locality in general and adjoining residential properties in particular.

Informative:

1. 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.
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<td>29 January 2015</td>
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<td>Ward:</td>
<td>Langney</td>
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<td>Officer:</td>
<td>Leigh Palmer</td>
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**Site Notice(s) Expiry date:** 29 December 2014  
**Neighbour Con Expiry:** 29 December 2014

**Weekly list Expiry:**

**Press Notice(s):**

**Over 8/13 week reason:**

**Location:** 55 Friday Street, Eastbourne

**Proposal:** Demolition of existing garage and erection of 1no. two-storey 3-bedroomed detached dwelling house, with parking for 2no. cars and access from Sorrel Drive.

**Applicant:** Mr Stuart Bellwood

**Recommendation:** Refuse Permission

**Planning Status:**
The application site is located within a predominantly residential area.

**Eastbourne Core Strategy Policy**
Eastbourne Core Strategy Local Plan 2006-2027  
C9 Shinewater & North Langney Neighbourhood Policy  
D5 Housing Low Value Neighbourhoods  
B2 Creating Sustainable Neighbourhoods (seeks to protect the residential and environmental amenity of existing and future residents)  
D1 Sustainable Development  
D5 Housing  
D10A Design

**Borough Plan Policies**
Eastbourne Borough Plan 2001-2011  
HO2 Predominantly Residential Areas  
US4 Flood Protection and Surface Water  
HO2 Predominantly Residential Areas  
UHT1 Design of New Development  
UHT 4 Visual Amenity (states that proposals which have an unacceptable detrimental impact upon visual amenity will be refused.)  
HO2 Predominantly Residential Areas  
HO6 Infill Development  
TR2 Travel Demands  
TR11 Car Parking
Policy HO20 requires new development proposals and extensions to existing buildings respect residential amenity.

**Relevant Planning Policies:**
National Planning Policy Framework
Section 1 Building a strong and competitive economy
Section 6 Delivering a wide choice of high quality homes
Section 7 Requiring good design
Key paragraphs are considered to be 7, 11-14, 17, 56-61, 157-158, 186-187

**Site Description:**
Application plot relates to part of the garden/curtilage of the residential property at No 55 Friday Street. Currently the site comprises a garage building with hard standing/parking/turning area with an access onto Sorrel Drive.

The rear boundaries of the properties in this stretch of Friday Street abut Sorrell Drive and are form by a mature trees and soft landscape screen (in Council ownership and control). For this part of the Sorrell Drive save for the access to the applicants garage (application plot) the built form on the opposite side of the highway and this stretch remains undeveloped.

The wider area has development across both sides of Sorrel Drive.

The adjacent plots(properties in Friday Street have their main dwelling facing Friday Street with their gardens and domestic paraphernalia to the rear.

**Relevant Planning History:**
EB/1993/0113 Erection of a conservatory at the rear.
Granted (Five years).1993-05-14

EB/1982/0441 Single-storey extension at side and rear, to provide an enlarged lounge/dining room and a store. Granted (Five years).1982-11-26

EB/1981/0232 Erection of a two-storey extension at side to provide an enlarged bedroom, lounge and living area, together with an en-suite bathroom and store on the ground floor; 2 bedrooms and a store on the first floor, with a detached garage and workshop at rear. Granted, subject to conditions. 1981-05-12

EB/1980/0573 Erection of a detached three-bedroom bungalow, with a detached double domestic garage at rear, Granted, subject to conditions. 1980-10-14

EB/1980/0368 Erection of a detached one-bed c garage. Granted, subject to conditions. 1980-08-12

EB/1979/0539 Erection of one detached bungalow and one detached chalet-bungalow, with a detached pair of domestic garages and access from Shinewater Lane. Granted, subject to conditions. 1979-10-16

EB/1979/0396Erection of a detached three-bedroom bungalow, with a detached double domestic garage with access from Shinewater Lane. Granted (Five years).
1979-07-24

EB/1979/0044 Erection of a single-storey dwelling, and garage. Granted, subject to conditions. 1979-03-13

EB/1961/0268 Sub-division of land to form a separate private garden, adjacent to proposed dwelling house plot. Granted. 1961-05-04


EB/1960/0381 Use for the erection of a bungalow, and a domestic garage. Granted, subject to conditions. 1960-07-21

010329 Ground and first floor extension at rear. Planning Permission Approved conditionally 03/09/2001

01038 Proposed single storey extension at rear of dwelling. Planning Permission Approved conditionally 08/10/2001

020373 Erection of conservatory. Planning Permission Approved unconditionally 18/11/2002

080105 Erection of replacement double garage to the rear of the application Site Planning Permission Approved conditionally 15/04/2008

090210 Provision of dormer at rear. Planning Permission Approved conditionally 27/05/2009

131026 Construction of hard-standing for two car parking spaces and new private access. Householder Approved conditional 06/03/2014

950329 Erection of a conservatory. Planning Permission Approved unconditionally 25/07/1995

**Proposed development:**
Application relates to the demolition of the existing garage and the erection of a 3-bedroom chalet style property.

**Ground floor:** Main entrance, shower room, study, utility room and kitchen/living room.

**Garden area:** Bike and bin store, off street parking for two cars, side garden patio area of some 102sqm.

**First floor:** three double bedrooms and bathroom.

The internal size of the chalet style property is some 140sqm (1,500sqft). The height to the ridge of the property is some 6m.

The external appearance is to be formed from rendered walls under a pitched Roof. The roof incorporates 12 roof lights.
Consultations:

Internal:
Estate Manager
Specialist Advisor (Arboriculture) The applicant indicates the retention of the Council owned landscape belt which fronts Sorrel Drive, but has not provided an arboricultural report to support the intention. An Oak tree is located close to the site and without an assessment of the likely that there may be pressures placed for tree reduction to improve residential amenity/building/tree conflicts.

External:
North Langney Community Forum No response received

Highways ESCC:- Acceptable in highway terms as the scheme provides sufficient parking, however if to be supported then Planning Conditions be imposed requiring cycle parking and that the approved access and parking to the front of No 55 Friday Street shall be provided prior to any development commences with this scheme. The failure to do so would leave No 55 Friday Street would leave this property without any off street parking.

Neighbour Representations:
1 letter of objections has been received and cover the following points:

- Loss of privacy through direct overlooking
- Impact upon the peaceful enjoyment of their home and garden
- Already overlooked by the dormer to the rear of No 55 Friday Street, this scheme would result in property and gardens being overlooked by two properties
- Out of keeping with the character of the area
- Visually overbearing
- The majority of the properties are bungalows (single storey)
- Overdevelopment of the site
- Small back to back gardens
- Location of parking area will cause noise impacts
- Possible traffic hazards by vehicles reversing onto Sorrel Drive
- Increase in traffic would detrimental to the local environment
- Would set a precedent

Appraisal:

Principle of development:
Local plan policies and national guidance support the provision of sustainable development including the provision of new housing. However these same policies and guidance also requires that development should not result in harm to the natural, built and historic environment; further good design is indivisible from good planning.

The application proposes an additional dwelling in the Langney Neighbourhood, contributing to the Councils spatial development strategy (Policy B1 of the Core Strategy). The proposed development will assist in meeting the identified housing delivery target for the neighbourhood. The development would conform to the North Langney and Shinewater Neighbourhood Policy (Policy C9 of the Core Strategy) in providing residential accommodation, and is therefore considered sustainable development.
The NPPF is clear that sustainable residential development should be granted planning permission to ensure greater choice of the housing in the local market and to meet local and national housing needs. The site has not been formally identified within the Councils Strategic Housing Land Availability Assessment, therefore would be classified as a windfall site. The Council relies on windfall sites coming forward as part of its spatial development strategy (policy B1 of the Core Strategy Local Plan).

Paragraph 17 of the NPPF states that Local Planning Authorities should encourage the effective use of the land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value.

It is considered therefore that the principle of residential development is acceptable subject to compliance with other relevant planning policies within the development plan.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area:**

It is considered that the creation of new dwelling with all of its domestic paraphernalia in the location proposed would result in an intrusive development that would be look incongruous in the particular local context.

The scheme introduces a new dwelling where there has not been one before and as such it introduces a degree of loss of amenity to the occupiers of the adjacent and adjoining properties through direct overlooking and overshadowing. It is accepted that the scheme has been designed to mitigate both of these issues, the reliance on the roof lights and the first floor accommodation primarily within the roof space.

Notwithstanding these design solutions the scheme, in the opinion of the Council results in substantive impacts upon the amenities of the occupiers of the adjoining properties. The gable windows will provide direct views into neighbouring plots/properties, it is accepted that these view will be oblique and in terms of the gable window to bedroom No 3 is mitigated to some extent by an existing garage on the boundary. In addition given the height of the building and the orientation of the plot it is considered that the new dwelling will to some degree impact upon the sunlight to the occupiers of the neighbouring plot, it is acknowledged that this degree of overbearingness is mitigated to some degree by the separation between the new building and the main garden of No 57 Friday Street along with the buffer of the garage in between.

It is considered that the amenity space, albeit located to the side/flank of the property is of an appropriate useable size (around 100sqm).

Notwithstanding the size of the garden area it is considered that the height of the existing tree cover adjacent to the development plot is likely to have a material impact upon the quality of this garden environment and thereby reducing its likely use as external amenity space. In addition it is considered that the proximity of the tree cover is also likely to have a material impact upon the front of the proposed property such that the internal living environment would be overly dark.
The impacts caused by the existing tree screen are such that the Council will be under undue pressure to reduce/remove the tree screen to improve and enhance the available light to the site and property. If the tree screen were reduced/removed it would have a marked impact upon the site and surrounding area.

In addition if this scheme is supported it would set a precedent that would make it difficult to resist other similar developments in the area which would further erode the mature landscaping along this stretch of Sorrel Drive and as commented elsewhere this mature landscaping belt makes a highly valued contribution to the site and surrounding area.

**Design issues:**
It is considered that the proposal is not of such high quality design to warrant an approval in and of itself.

It is acknowledged that the Friday Street properties possess individual character although the properties in Sorrell Drive and surround street are predominantly characterised by two storey properties sharing common architectural features. It is considered that the proposal would be out from the character and wider area and would thereby be intrusive.

**Impacts on trees:**
This stretch of Sorrell Drive does not have residential properties facing directly onto it and this proposal would be the first in this immediate stretch; if supported this scheme may place the remainder of the soft landscaping buffer along this threat as this scheme would set a precedent against which other applications could follow. If further application were to follow there would be an incremental loss of this landscape buffer which is considered to provide high landscape value and makes a significant contribution to the local townscape and amenity of the area.

**Impacts on highway network or access:**
This proposal would result in the existing property (55 Friday Street) not having any off street parking as it would be lost to this scheme. It is accepted that the owners have received planning permission for the creation of a new access directly onto Friday Street.

At the time of the site visit this had not been implemented. If support is given to this scheme then a condition should attached requiring that the new access and parking area to the front of Friday Street should be provided prior to the commencement of this scheme/development.

**Sustainable development implications:**
The development would be built using modern construction standards and built to current building regulations and as such would deliver a sustainable form of development.

**Human Rights Implications:**
The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.
**Recommendation:**

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**.
**App.No:** 141469 (RMT) | **Decision Due Date:** 29 January 2015 | **Ward:** Sovereign

**Officer:** Leigh Palmer | **Site visit date:** | **Type:** Reserved Matters

**Site Notice(s) Expiry date:** 29 December 2014

**Neighbour Con Expiry:**

**Weekly list Expiry:** 16 December 2014

**Press Notice(s):** 23 December 2014

**Over 8/13 week reason:**

**Location:** Sovereign Harbour, Eastbourne

**Proposal:** 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).

**Applicant:** Port Morseby Homes Ltd.

**Recommendation:** Approve the reserved Matters

**Planning Status:**

**Relevant Planning Policies:**

- National Planning Policy Framework
  1. Building a strong, competitive economy
  4. Promoting sustainable transport
  6. Delivering a wide choice of high quality homes
  7. Requiring good design
  8. Promoting healthy communities
  10. Meeting the challenge of climate change, flooding and coastal change
  11. Conserving and enhancing the natural environment
  12. Conserving and enhancing the historic environment
Eastbourne Core Strategy Local Plan Policies 2013
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C14: Sovereign Harbour Neighbourhood Policy
D1: Sustainable Development
D5: Housing
D8: Sustainable Travel
D9: Natural Environment
D10A: Design

Saved Borough Plan Policies 2007
NE4: Sustainable Drainage Systems
NE7: Waste Minimisation Measures in Residential Areas
NE14: Source Protection Zone
NE16: Development within 250 Metres of a Former Landfill Site
NE17: Contaminated Land
NE22: Wildlife Habitats
NE27: Developed/Partly Developed Coast
NE28: Environmental Amenity
UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
UHT6: Tree Planting
UHT7: Landscaping
UHT8: Protection of Amenity Space
UHT10: Design of Public Areas
HO1: Residential Development Within the Existing Built-up Area
HO2: Predominantly Residential Areas
HO6: Infill Development
HO7: Redevelopment
HO20: Residential Amenity
BI7: Design Criteria
TR5: Contributions to the Cycle Network
TR6: Facilities for Cyclists
TR7: Provision for Pedestrians
TR8: Contributions to the Pedestrian Network
TR11: Car Parking
TR12: Car Parking for Those with Mobility Problems
LCF4: Outdoor Playing Space Contributions
LCF20: Community Facilities
LCF21: Retention of Community Facilities
US3: Infrastructure Services for Foul Sewage and Surface Water Disposal
US4: Flood Protection and Surface Water Disposal
US5: Tidal Flood Risk
US6: Integrity of Flood Defences
Site Description:
The application site (Site 8 at the Outline Planning Application stage) is located at the northern edge of the North Harbour off Pacific Drive, within an area of mixed residential development. The site overlooks the Harbour and has extensive views across the water to the south west. It is currently undeveloped although accessible and used as a pedestrian connection between the existing Harbour walkways, for dog walking and general amenity. The plot falls gently from Pacific Drive to the Harbour side.

The planning brief for the site identifies residential development that will complete the Harbour edge and create a new public open space. There is an existing spur into the site from Pacific Drive for vehicle access which also provides access to a pumping station adjacent to the site. A cycle route runs alongside the site along the Pacific Drive pavement, and there are bus stops on either side of Pacific Drive next to the access road into the site. Pedestrian walkways along the north western and south eastern sides of the North Harbour link into the site and there is a combined stepped and ramped access at the head of Hobart Quay adjacent to the site boundary which links into the access road. The site is accessible and has the potential to contribute to the recreational and amenity uses within the Harbour.

The site sits in an area of mixed residential development with larger scale buildings alongside the Harbour. To the south west a string of large scale detached properties sit along the Harbour edge with private moorings. Along Hobart Quay on the north western side the properties are mainly three storey houses, and along the south eastern side are larger scale apartment blocks of between three and five storeys and with pitched roofs that give them greater presence. To the north east of the site, on the other side of Pacific Drive, the scale is more domestic with predominantly two storey detached and semi-detached houses arranged around a cul-de-sac road layout. Adjacent to the northern boundary, next to the access road there is a pumping station which is an open topped brick enclosure approximately 1500mm high.

Relevant Planning History:
Extensive planning history for Sovereign Harbour with the most relevant to this particular proposal is the Planning Brief and the outline planning permission:-

Sovereign Harbour SPD 2013

131002 Outline planning permission for the development of sites 1, 4, 5, 6,
7 and 8 at Sovereign Harbour, Eastbourne: Site 1 - up to 72 dwellings and access Site 4 - Commercial and employment uses (A1-A5 3,200sqm) (B1, C1 and D13,600sqm) Granted subject to the S106 agreement on 2nd December 2014

**Proposed development:**

- **Proposed Development:**
  - The development of Site 8 is for the provision of up to 8 dwellings, with a public open space overlooking the harbour and provision for potential future berth holder facilities. Within this submission the applicants also seek to discharge a number of conditions (requiring further details) that were attached to the outline permission.

  The scheme proposes 4 pairs of semi-detached dwellings comprising the following accommodation:-

  - **Lower Ground Floor:** Undercroft car parking (2 spaces), bin enclosure and utility room.
  - **Ground Floor:** Main pedestrian entrance from Pacific Drive, en-suite bedroom No 2, kitchen and day room.
  - **First Floor:** en-suite bedroom No 3, study and main living room
  - **Second Floor:** Bedroom No 1 with dressing room and roof terrace

  The dwellings are mirrored pairs (external appearance identical). When viewed from Pacific Drive the main façade is two storey with the upper storeys recessed from this main elevation.

  The height of the Pacific Drive façade is approximately 7m and comprises the main entrance to each dwelling with the main external treatment being formed by rendered and contrasting feature brickwork/weatherboarding.

  The height of the dwellings on the rear elevation is higher than the Pacific Drive elevation given additional storeys and also due to the change in levels. The maximum height to the top of building is approximately 11m and the height to the terrace level is some 8.3m.

  All of the units are to have the same accommodation and is accessed via an extension of the existing access to the site adjacent to the pumping station.

  The application plot follows the planning brief and the outline consent and is split into two part; one comprising the residential element of the development and the other forming an area of public open space. The split between the two plots is 50/50 to accord with the outline consent.
The main pedestrian access is to the front of each property facing Pacific Drive with a secondary access to the rear. Vehicle access is to the rear of the residential element of the plot with undercroft parking (2 spaces per dwelling). This undercroft provides access to the each homeowner’s bin/refuse enclosure, refuse collection will be taken from the front of the property in Pacific Drive.

There is also a parking court for a further 8 surface parking spaces.

The area of Public Open Space has been designed to reflect the characteristics of the a ‘beach’ with more intensive planting along the junction with/to the residential part of the plot. In addition there is an element of hard surface footpath providing pedestrian access along the harbourside; the scheme also proposes public benches and litter bins.

Adjacent to the proposed public open space is the proposed location for a berth holder facility.

**Consultations:**

**Internal:**
Specialist Advisor (Planning Policy): It is considered that this application is in accordance with policy and is consistent with the Sovereign Harbour SPD. Therefore there are no planning policy objections to this application.

The Vision for Sovereign Harbour in the Core Strategy is: ‘Sovereign Harbour will increase its levels of sustainability through the delivery of community infrastructure and employment development, ensuring that a holistic view is taken of development across the remaining sites’.

The application is considered to be in accordance with Core Strategy Policy C14.

Core Strategy Policy C14: Sovereign Harbour Neighbourhood Policy is supported by the Sovereign Harbour Supplementary Planning Document (SPD), which provides additional guidance on the uses considered to be appropriate for each of the remaining development opportunity sites, including details of the size, scale and form of development. The SPD was developed through a working group consisting of councillors, officers and the Sovereign Harbour Residents Association, and involved a significant amount of community involvement. It was adopted in February 2013.

The SPD identifies that Site 8 could accommodate a maximum of 8 homes, ranging in height from between two storeys fronting Pacific Drive and up to four storeys adjacent to the waterfront.

The SPD requires that 50% of the site should remain public open space, and that this should include a new harbour walkway linked to existing walkways, and an
allowance for the future provision of berth holder’s facilities. The scheme is in accordance with the SPD.

Vehicle access to the site was established at outline permission stage as being off Pacific Drive. The Design and Access Statement confirms that a 15m gap has been provided between the neighbouring pumping station and the nearest residential property.

**External:**
Southern Water No objections

Environment Agency No objections, access is maintained to the harbour. Officers comment that the wall will be maintained by Premier Marinas

Sovereign Harbour Residents Association No response received

Highways ESCC No response received

**Neighbour Representations:**
As part of the consultation regime for this application site notices were posted at the site and 220 individual householder letters were distributed. As a result of the publicity on this application 17 Objections/comments/responses have been received and cover the following points:

- Not in keeping with the area
- Finish is bland and should include brick and render
- Not much open space between properties
- Should introduce parking and speed controls in the area especially opposite Vancouver Way
- Far too high, 4 storeys is too much
- Out of keeping as all of the properties in the locality are brick and pitched roofs
- Overshadowing
- Possible access pedestrian safety issues if access is direct onto Pacific Drive
- Conflict with Cycle Path to the front of the site
- Area is prone to flooding, adequate drainage needs to be incorporated into the scheme
- This plot was part of the wider flood defences.
- Construction times should be controlled in the interest of residential amenity
- Give rise to potential overlooking issues from the front windows and terrace
- Dominating development
- Look directly into neighbouring bedrooms and thereby resulting in loss of privacy
- Looks like a municipal office block from the rear, a carbuncle of glass.
- Height of buildings may impact upon the efficiency of existing solar panels on nearby dwelling hosues
Appraisal:
Principle of development:
The application site is located within the Sovereign Harbour neighbourhood, as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013). The principle of the development of up to 8 dwellings on Site 8 has been agreed through the outline planning permission for Sovereign Harbour (planning ref: 131002 referred to above in the Planning History Section).

The principle of residential development on this site is accepted and the illustrative plan at the outline stage approved the redevelopment of the site as paired villas set out in four blocks with public open space to the rear (facing the harbour). This principle has been followed through to this reserved matter application.

The buildings will be located on the north eastern part of the site fronting onto Pacific Drive, with the public open space fronting onto the Harbour.

This reserved matter application addresses all of the constraints from the outline application stage; in the main these relate to the residential/open space proportion split, the overall height of the dwellings, the and the means of access thereto and the delivery of public access to the harbour side.

There are no planning concerns/issues with the residential redevelopment of the site.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The redevelopment of this site for residential purposes has been a long held aspiration and this principle has been followed through the SPD and also the granting of the outline planning. Set against this background it is considered that the principle of residential redevelopment has been established, notwithstanding this it is important to assess whether there are any specific design issues that may give rise to impacts upon the residential amenity.

The height of the dwellings accord with the parameters of the outline planning permission, in this regard there should not be any substantive overshadowing/overbearing impacts upon the occupiers of the adjacent/nearby properties. Issues if overlooking can be mitigated with appropriate conditions.

The Pacific Drive elevation is principally two storey height with study and bedroom windows facing the street. It is considered that the highway (Pacific Drive) affords sufficient protection to the occupiers of the dwellings opposite the development site. The scheme does include terraces however the terrace to the front of the dwelling is of a size/depth that would only be likely to be used for maintenance purposes and as such it does not impact upon the amenities of the
occupiers of dwellings opposite to the site in terms of direct overlooking. On the rear elevation further terraces are proposed, these are considered to be acceptable in principle and are a common design feature for properties that overlook the harbour. Where there is the potential for a degree of overlooking the scheme promotes privacy screens, the precise details of these are controllable via planning condition.

It is accepted that the scheme promotes greater height to the rear of the properties facing the harbour, this greater height includes large elements of glazing and also a terrace/amenity area/balcony to the ground/first & second floor levels. It is accepted that the scale of the development accords with the parameter plans as set out at the Outline Planning stage, however these plans did not include terraces.

It is considered that the degree of overlooking from the terraces is not sufficient to substantiate a reason for refusal. The degree of overlooking is mitigated by the distance to the properties in Hobart Quay and that these properties face the development site and hence suffer a degree of overlooking from public vantage points. In addition the properties within Long Beach View have themselves balconies and given the disposition and distances involved it is considered that there should not be any substantive material loss amenity through direct overlooking.

Given the longstanding aspiration for the development of this site and also the grant of outline planning permission the issues over the loss view/outlook have previously been considered/evaluated. Notwithstanding this it is considered that the dwellings maintain a degree of separation between the pairs and thereby affording extensive glimpses through/to the harbour beyond.

The scheme delivers the Public Open Space that was a requirement from the outline planning stage and also maintains the footpath access to and around the harbour wall, these features help to maintain the character and appearance of the site and surrounding area.

**Design/Layout Issues:**

The residential dwellings propose an external form that is reflective of and influenced by a 1930 aesthetic. This has manifested itself in the inclusion of large areas of render and glazing under flat roofs with ironwork balustrades.

The residential properties are mirrored pairs of semi-detached dwelling and propose principally 2 storey facing Pacific Drive and 4 storey on the harbour side.

On the Pacific Drive elevation the 3rd and 4th storey are recessed from the principle elevation and are viewed as subservient additions to the dwellings when viewed from Pacific Drive, conversely the harbour side elevation seeks to
maximise the benefits of the short and longer range views of the harbour as well as maximising the ability for solar gain by large areas of glazing over four storeys.

The mirrored pairs of dwellings create a strong street frontage with the gaps between giving views across the Harbour. The layout creates internal living areas and external private amenity space overlooking the Harbour with a south west aspect. These will provide a high level of surveillance and sense of security to the open space. The change in level across the site to meet flood protection requirements also means the external amenity spaces will be raised above the Harbour level, creating a clear threshold and privacy for the occupiers of the new dwellings.

The proposed dwellings have significant floorspace, some 207sqm GIA (2,228sqft) over four floors excluding the external terraces. Whilst this size of property is not common in the locality is does drive a scale of development that in and of itself helps to create a landmark development that along with the public open space would create a destination and a local ‘way marking’ development.

It is accepted that the design and appearance of the dwellings are different in their form and design from the properties that adjoin and abut the site, it is acknowledged that this form of design reflects buildings in other parts of the wider parts of Sovereign Harbour area, given this it is considered that the design/appearance of the dwellings is not objectionable in principle. It is considered that the form of the dwellings in providing a contrasting architectural style/aesthetic adds to the range of the properties available within Sovereign Harbour. It is considered therefore that resisting this application on design/appearance of the proposed buildings could not be substantiated.

A key element of the design plan and also the outline application was the recognition that this site could/should deliver an elements of public open space. Within this scheme the applicants are proposing to create a an element of public open space with ‘beach’ feel/appearance. The design, siting and layout of this public open space will afford deliver an element of high-quality public realm that given its aspect is likely to benefit from direct afternoon sunlight and also uninterrupted views across the harbour. The scheme also delivers a public pedestrian walkway adjacent to the harbour.

It is considered that the design and layout issues of the scheme are considered to be acceptable.

Impacts on highway network or access:
Access for vehicles uses the existing roadway with a restricted access into the public open space. Parking for the houses also takes advantage of the change in level across the site with cars tucked beneath the dwellings (under croft) and screened from the Harbour.
The parking requirement for the residential dwellings, based on 2 allocated spaces for each dwelling is 16 spaces, the scheme delivers this amount of parking, also a number of in curtilage visitor spaces are also proposed. It is considered that the parking density and the arrangement is acceptable.

Cycle parking is provided with the scheme to meet current standards.

The scheme proposes low front garden walls, this would address any concerns over potential conflict between access to/from the properties and other users of the cyclepath.

Sustainable development implications:
The scheme would utilize modern construction techniques/materials and would meet building regulations. It is considered therefore that shame would deliver a sustainable form of development that would not give rise to significant construction waste and provide a highly energy efficient dwelling.

Other matters:
The timing and the delivery of the community centre:

Regarding the provision of the community centre, the SPD states ‘The facility must be built as a priority in the phasing of the overall development of the Harbour and should therefore be provided prior to commencement of development of any of the remaining residential development sites.’

Members will be aware that the negotiations on the section 106 at the Outline Planning stage removed all triggers so that the development of the community centre could be developed out from any other site. This reserved matter application does not necessarily mean that development will start on site (Site 8) prior to the commencement of the community centre.

Members are advised that this issue is not determinative in the assessment of this application and should not be pursued through to a reason for refusal.

Members are advised that issues relating to highway safety/cycle path were determined and evaluated at the Outline Planning Application stage. It is clear that the parameter plans indicated pedestrian access directly onto Pacific Drive. Given that the specific design issues within the scheme have addressed this issue a refusal based on this issue could not be substantiated and should not be pursued through to a refusal.

Members are advised that the principle of residential development at this site has been accepted and a refusal based on the principle/density of the development could not be substantiated and should not be pursued through to a refusal.

Human Rights Implications:
The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact
on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Recommendation:**

Members should be aware of the conditions attached to the outline planning permission; these comprise an extensive list and cover all construction issues, the design and appearance of the proposed buildings and the public open space.

Conditions as attached below relate only to issues not covered by the conditions at the outline stage.

**Conditions:**

**Issues the reserved matters subject to the following conditions**

1. Time limit  
2. In accordance with the approved plans  
3. No development shall commence before details of the boundary treatment (including privacy screens) for the building plots hereby approved are submitted to and approved in writing by the Local Planning Authority.
4. Prior to its installation at the site details of the location, design and appearance of any external plant and machinery associated with the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site be retained as such thereafter.

**Appeal:**

Should the applicant appeal the decision the appropriate followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations.**
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Executive Summary:
The application is a re-submission with minor amendments to application ref: 143311 previously refused at committee for the following reason:

The previous proposal by reason of the location, size and design of the proposed external flue would represent a prominent feature that would be intrusive and detrimental to the local street scene as well as having the potential to have an adverse impact upon the amenities of the residential properties in the area by reason of noise and fumes.

CURRENT SCHEME:
The applicant has submitted a revised design to address the reasons for refusal at committee, which incorporates a more sensitively designed and positioned arrangement for the external flue and associated duct work.

RECOMMENDATION:
The proposed scheme, a revision of a previous application is recommended to be approved as it is considered to overcome the previous reason for refusal, and does not present any additional issues not already considered previously at Planning Committee.

Planning Status: Ground floor retail unit currently empty for more than 2 years, with residential flat above.

Eastbourne Core Strategy Policies
C7: Hampden Park Neighbourhood Policy
D5: Housing Low Value Neighbourhoods
D10: Historic Environment Archaeological Notification Area
D10a: Design

**Borough Plan Policies**
UHT1: Design of New Development
UHT4: Visual Amenity
HO2: Predominantly Residential Areas
HO20: Residential Amenity
NE18: Noise
US5: Tidal Flood Risk

**Environment Agency Flood Zones**
Flood Zone 2 Tidal Models
Flood Zone 3 Tidal Models

**Environment Agency Flood Defences**
Areas Benefiting from Defences

**Relevant Planning Policies:**
*National Planning Policy Framework 2012*
Paragraphs 6, 7, 11, 12, 13, 14, 17, 19, 21, 58, 60, 61, 64, 65, 66, 203 & 206

**Site Description:**
The application site is located in a large corner plot, fronting Mountfield Road and with the side elevation on Lottbridge Drive within the Hampden Park area of the town and consists of a ground floor vacant retail space, with separate residential accommodation located on first floor.

Located on the end of a predominantly residential terrace, the locale is characterised by its mixed use of residential retail and food establishments.

With a wide variety of residential properties, community facilities, schools and open spaces, exist for the area making Hampden Park a sustainable location for continued growth.

**Relevant Planning History:**

141134
Proposed change of use from Class A1 (retail) to Class A3 (restaurant/café) and Class A5 (hot food takeaway)
Refused at committee – 30/10/2014 reason for refusal outlined above.

130022 (Related to 1 The Hydneye)
Change of use from laundrette to A3/A5 takeaway with installation of new extraction ducting to the rear elevation and minor alterations.
Refused at committee – 26/04/2013
Allowed on appeal with new conditions 17/12/2013

**Proposed development:**
The applicant is seeking planning permission to change the current use from A1 (retail) to Class A3 (restaurant/café) and Class A5 (hot food take away). The ground floor retail
unit, previous Computer HQ shop has been empty for a period of 2 years is proposed to become a Turkish meze restaurant with takeaway.

The footprint of the existing premises will not change as a result of the proposed change of use, with following proposed external changes:

- Installation of extraction ducting on flat roof above residential unit
- Replacement of an existing ground floor kitchen window on the West elevation, with side hung ‘escape’ type window
- Installation of enlarged deck and steel access stair to replace existing timber deck serving the upper floor residential unit.

The main difference to the previously submitted scheme is the positioning of the extraction vent and ducting which would be required in conjunction with the proposed use.

The new arrangement would see the majority of ducting contained within the application premises and running up through a newly constructed fireproof and acoustically insulated duct in the location of an existing cupboard within the residential flat on the upper floor which is proposed for use as the manager’s flat in the event of the scheme being approved.

It is proposed that for the flue to run up through the duct and out of the flat roof above the residential unit to a more sympathetically sited extraction unit toward the West flank of the building, facing away from the adjacent dwellings on Mountfield Road. The flue will project 1 metre upward from the flat roof (60cm above that of the 40 cm parapet height which run along the East and West side elevations).

The applicant has proposed a slight reduction to the previous scheme and the proposed hours of operation from Monday to Saturday. Proposed opening hours for both A3 and A5 uses to be:

- **MONDAY – SATURDAY 11:00 – 23:00**
- **SUNDAY & BANKHOLIDAYS 13:00 – 23:00**

**Consultations:**

**Internal:**

Specialist Advisor (Environmental Health) was consulted in a memo dated 23 December 2014. Response dated 06/01/15 Recommends that should the grant of consent be issued, that planning conditions should be added covering:

- Installation of equipment to suppress and disperse fumes and/or smell be installed to the satisfaction of the Local Planning Authority prior to the commence of the new use.
- Recommended maximum day and night noise level ratings to be imposed.

Specialist Advisor (Planning Policy) Rec’d 02/01/2015:

- The site is not located within a designated shopping area the loss of an A1 unit is deemed to be acceptable in principle.
External:

Highways:
- Located within walking distance of a large number of residential properties
- 2 Parking spaces available on site
- A1 use could lead to similar patterns to A5 use with regard to short-term parking
- Impact not considered severe and breach of nearby parking restrictions are enforceable

Building Control:
Awaiting comments from Building Control at the time of writing this report. Any comments received will be verbally reported at Committee.

Fire Safety Officer:
Awaiting comments from the County Fire Safety Officer at the time of writing this report. Any comments received will be verbally reported at Committee.

Neighbour Representations:
At the time of writing the report 2 objections have been received, both requesting to speak at committee, covering the following points:
- Opening Hours and the possibility of alcohol
- Anti-Social behaviour
- Extractor Issues
- Parking Difficulties
- Position of Kitchen makes escape from fire difficult for above residential unit
- Proximity of proposed A5 to school

In addition to the representations received to-date, it must be noted that the previous scheme, refused at Planning Committee included a petition with approximately 150 signatures which carried with it further comments including:
- There are already 11 take-aways in Hampden Park
- Existing problems with rubbish from existing premises
- Issue of noise and litter
- The positioning of the flue (outside window of flat above).
- Opening hours
- The extraction duct will restrict access to the residential flat
- Existing residential access to flat unsafe, especially in the dark
- Concerns regarding cooking smells and the noise of the fans

Appraisal:

Principle of development:
There is no objection in principle to this change of use from A1 (retail) to A3 (restaurant) and A5 (hot food take-away) and associated works in what is a predominantly residential area, provided it would not have an unacceptable adverse impact on the amenities of the nearby residents and is designed to respect the established character of the area. In addition external changes should not have an unacceptable adverse effect on visual amenity and would accord with the policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007 and the National Planning Policy Framework (2012).
Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The applicant has attempted to address the reasons for refusal for the previously submitted proposal, the grounds of impact to visual and residential amenities.

Residential Amenity:

Following consultation with The Council’s Environmental Health Specialist Advisors, no objections were raised to the Change of Use on the grounds of unacceptable impact to residential amenity, but have recommended conditions in order to add safeguards.

Policy NE18 concerning noise states that attenuation measures will be required where development is considered likely to generate inappropriate noise and/or vibration levels for residential and other noise sensitive areas.

Therefore in the event of an approval being given to the permission it is recommended that a condition be applied for the provision of information to demonstrate that any installed extraction equipment does not reach unacceptable of noise that would harm residential amenity to adjacent occupiers, and that of the manager’s flat above the restaurant.

The repositioned extraction flue is situated at a distance of over 5 metres from the adjacent residential unit next door at 35 Mountfield Road and is facing away from the shared boundary to help alleviate any impacts from fumes released by extraction equipment.

In addition, as is standard with this type of use in an area with nearby residential accommodation, it is recommended to impose a condition regarding the required installation of and equipment to suppress and disperse fumes and/or smell produced by cooking and food preparation in line with advice received from Environmental Health and to ensure the proposal accords with planning policy in protecting the amenities of nearby occupiers.

New residential accommodation on the opposite side of Mountfield road on the site of the former public house is considered to be sufficient distance from the proposed point of the extraction flue so as not to suffer any unacceptable loss of residential amenity.

Design issues:

The remaining grounds for refusal regarded the impact on visual amenity.

Visual Amenity:

The revised submission has significantly reduced its visual impact by way of internally locating the majority of the duct work for the extraction system and running it up through the both the ground floor and the first floor residential unit.

The remaining flue will be positioned on top of the flat roof, set back from the road toward the Western flank where it will sit partially covered by a parapet running along the external demise of the Eastern and Western flank elevations.

The ducting, at 1 metre in height, is considered not to have an unacceptable visual impact, as it is sensitively positioned back from the road, and of an appropriate size and
scale for the host building and is considered to accord with Policies UHT1 and UHT4 in
that there is considered to be no erosion of local distinctiveness as a result of the
proposal which is also considered to harmonise with the appearance and character of the
local environment.

There are no concerns to visual amenity from the remaining proposed external changes,
which included the redesign of the landing platform and stairway for use by the
residential flat on first floor level, which although is enlarged from the existing, is
considered to be appropriate in its size and use of materials, and will provide an
improved access and for the residential unit.

Impacts on highway network or access:
The applicant has provided plans which show the provision of public parking areas in
close proximity to the application site and considers that it is sufficient to serve the
restaurant in addition to available parking on site.
It is acknowledged that the premises sit on a busy roundabout, but it is not considered
that the proposed Change of Use would be significantly impacted by it.

37 Mountfield Road is located within 200 metres of Hampden Park railway station and is
situated close to a bus stop which is served by regular buses. In addition the site can
easily be reached on foot by a large populous, further reducing the need for private
transport to reach the site.

Sustainable development implications:
It is considered that the change of use of the application site complies with policy C7 of
the Core local strategy:
‘the ambition for Hampden Park is to increase its levels of sustainability by
improving the attractiveness of the built environment and reducing levels of
deprivation in the neighbourhood by providing more opportunities for local
people to access housing and employment in their neighbourhood.’

The location is considered sustainable due to its proximity to its excellent public
transport links, and reasonable walking distances as detailed previously in the report.

By bringing an empty unit back in to use, the applicant is seeking to offer employment
opportunities in the area with the creation of 3-4 jobs. The existing unit had been empty
for over 2 years, and the lack of occupation has previously led to amenity issues at the
site which have been addressed following involvement from The Council.

Under paragraph 17 of the NPPF LPA’s are to
‘proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs’ and ‘promote mixed use developments’

Paragraph 18 states:
‘The Government is committed to securing economic growth in order to create jobs and prosperity’

Paragraph 19 states:
‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore
significant weight should be placed on the need to support economic growth through the planning system.’

**Impact on other local businesses:**
It is noted that within a fairly small area in Hampden Park adjacent to the railway line and know locally as ‘the village’ 11 other food outlets exist. It is considered that there are a variety of different offerings amongst these units, and the proposed introduction of a Turkish meze restaurant with takeaway use adds some further variety, although it must also be noted that once a use has been granted, there would be no control over the type of food offered by future occupants.

There is a mixture of hours of operation and provision of seating with service, amongst the existing food outlets in Hampden Park, so as to consider the proposed scheme a suitable addition to the area, which will bring back an empty unit in to use.

**Other Impacts:**
Comments received by an objector state concerns as to the proximity of an A5 use in close proximity to Heron Park Community Primary School and also the concentration of A5 uses within the area.

At this time, The Council do not have any planning policy relating directly to either of these factors and therefore cannot form the basis for the restriction of the grant of consent.

The site is located within an Archaeological Notification Area and within a Area of Flood Risk. However, as no invasive ground works are proposed at the location, and as there will be no change to internal floor levels, there are no concerns as to any impact to these considerations.

**Human Rights Implications:**
The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Conclusion:**
The proposed extension is recommended for approval, subject to conditions as it is considered to have minimal impact in terms of visual amenity and an acceptable impact to the amenities of adjacent occupiers and therefore complies with UHT1, UHT4, HO2, HO20 of the Eastbourne Borough Plan (Saved Policies) and Policy 10a of the Eastbourne Core Strategy Local Plan (2013 - 2026) and the guidance outlined within the National Planning Policy Framework (2012).

**Recommendation:** Approve, subject to the following conditions

**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:
   1) Discharge of Condition of pre-commencement conditions

**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.**
Executive Summary

Application proposes the retention of the external fire-escape and terrace area. The host property retains a number of historical architectural features and is located within an area of High Townscape Value.

The fire-escape structure affords direct views into the neighbouring plots/properties such that there is a material loss of amenity through direct overlooking. In addition it is considered that the ground floor terrace is considered to be a discordant feature and thereby damaging to the character and appearance of the host property in particular and the wider area in general.

Application is recommend for refusal with authorisation sought to pursue enforcement action.

Planning Status: Residential

Constraints: Area of High Townscape Value
Convenants: Trustees of The Chatsworth Settlement

Source Protection Zones: 2
Relevant Planning Policies:
National Planning Policy Framework 2012
Paragraphs 7-14, 56 – 65, 125, 126, 131, 150-152, 169 & 186-190

Eastbourne Core Strategy Policies
Eastbourne Core Strategy Local Plan 2006-2027
B1 Spatial Development Strategy and Distribution Sustainable Centre
C1 Town Centre Neighbourhood Policy
D5 Housing Low Value Neighbourhoods
D10 Historic Environment Area of High Townscape Value

Borough Plan Policies
Eastbourne Borough Plan 2001-2011
UHT4 Visual Amenity
UHT16 Area of High Townscape Value
HO20 Residential Amenity
NE14 Source Protection Zone

Site Description:
The application site consists of a four-storey semi-detached single private dwelling with rooms in the roof. The property is located on the north side of Blackwater Road, opposite Devonshire Park Tennis Centre in an area of High Townscape Value.

The dwelling is set within a block of 7 properties, which all have a frontage of similar character, together with front boundary walls that form an important and valued architectural asset which contributes significantly to the street scene.

Relevant Planning History:

140788
Creation of a driveway for one car and crossover from public highway to access driveway, with associated drainage. Widening the opening in the existing boundary wall, replacing the existing dilapidated pillars with replica pillars.
Householder Refused 31/07/2014

Proposed development:
The applicant is seeking retrospective planning consent, following an enforcement complaint (ref: Service Request 116267), for the retention of a fire escape staircase and walkway, giving access to the rear garden.

Consultations:

Neighbour Representations:
43 letters dated 10 December were sent to neighbouring properties.
No letters of objection have been received following the statutory consultation period. However, the owners of the application site have also sent out a proforma letter to their neighbours (the total number of letters delivered is not known) and as a result 11 letters supporting the retention of the escape stairway and platform/walkway, including one from the original complainant, have been received.
The original complainant is now supporting the proposal as the applicants have confirmed in writing that they do not intend to use the platform for sitting out either now or in the future.

**Appraisal:**
The main issue to consider in determining this application is the impact of the fire escape and platform on the visual and neighbourhood amenity.

As the property is in an area of high townscape value the contribution of this development to this area in general will also be considered.

10 Blackwater Road is a single private dwelling, housing a family with children in the main house and extended family of grandparents living at the lower ground floor level.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area:**

There is a change of levels from the front to the rear of the plot, this has resulted in the ground floor on the front elevation being at street level but at the rear of the building the ground floor is one storey above garden level.

The proposed fire escape cascades from the upper floor to a larger platform area at the ground floor level. From this platform area access stairs to the garden level are centrally located. This stairway is to allow direct access to the garden for the family.

The escape stairway with their turning platforms at first floor and second floor levels, extend from the rear elevation by 1.17m and across by 2.03m, creating a floor space of 1.63m². In comparison the platform at ground floor level extends from the rear elevation by 1.57m and across by 5.56m, creating a floor space of 7.98m². It is my opinion that this would be sufficient floorspace for a bistro style table and chairs to be used on what would become a balcony rather than a means of escape.

Whilst there is no issue with having a satisfactory means of escape in a single private dwelling, it is the ground floor platform/walkway that is excessive in terms of scale and its overbearing nature on the host dwelling and the loss of privacy that may affect existing and future residents in this property, particularly at the lower ground floor level of the site, and the immediate neighbourhood.

The platform affords direct views into the neighbouring plots/properties resulting in a material loss of residential amenity. It is accepted that in relation to the public consultation on this application no objections were received however in terms of maintaining the ongoing amenities of residents in the area it is considered that this assessment should be given significant weight in the assessment of this application.

The applicants have confirmed that they have no intentions of using this area as an outside amenity area, however this would be difficult to enforce going forward.

In addition the platform area, given is location and size creates a shadow to the lower ground floor windows, this degree of overshadowing is considered to create an inhospitable living environment for the occupiers/users of these rooms.
This stairway and platform fails to comply with policies in the Eastbourne Borough Plan and Eastbourne Core Strategy Local Plan in that it does not harmonise with the appearance and character of the local environment and the scale is inappropriate, it has a negative effect on the visual amenity, as it causes unacceptable loss of privacy as there is overlooking from the platform which also is considered to cause loss of light/overshadowing to the rooms in the lower ground floor.

**Impact on character of the Area of High Townscape Value:**

The proposal is located in a highly prominent location and is visible from a number of public vantage points. It is considered that whilst the wider area including flats hotels and commercial properties does have fire escapes however this proposal does include the large terrace at ground floor level, this is considered to be out of scale and character with the host property and as such would be contrary to the wider character of the area.

Although this particular area of Blackwater Road does not fall within a conservation area and protected by statute, it is recognised by the Council as being within an area of High Townscape Value. Properties are recognised in this particular section as they retain their original design, character and symmetry.

Despite the stairway and platforms being located on the rear of the dwelling, they can be seen from certain vantage points and for this reason it is considered that the means of escape materially affect the character of the building and have a detrimental impact for neighbours in terms of privacy and overlooking and have a negative impact on this area of high townscape value.

Guidance in the Townscape Guide (GuidelineE4) confirms that when changes are proposed consideration should be given to scale, proportion, harmony and rhythm. The platform and stairway are considered to affect the architectural integrity of the building as the platform at ground floor level is too dominant visually and is unsympathetic to the host dwelling.

The stairway and platform fail to comply with development plan policies as it does not complement, preserve or enhance this area of High Townscape Value.

**Human Rights Implications:**
The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Recommendation:**

Refuse Planning Permission and Authorise 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.
Reason for Refusal
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

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.
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App.No: 141594
Decision Due Date: 18 February 2015
Ward: Old Town

Officer: Mr Toby Balcikonis
Site visit date: 13 January 2015
Type: Planning Permission

Site Notice(s) Expiry date: 20 January 2015
Neighbour Con Expiry: 20 January 2015
Weekly list Expiry: 19 January 2015
Press Notice(s): N/A

Over 8/13 week reason: The application is within date

Location: 20 Albert Parade, Green Street, Eastbourne

Proposal: 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).

Applicant: Mr D. Photiou

Recommendation: Approve with conditions

Executive Summary:
The current application has been submitted further to planning approval for application ref: 140057 for the Change of Use of the unit at 20 Albert Parade for use as a takeaway to enable the restaurant to expand internally to incorporate the floor space of the area formally used as the takeaway.

As part of the previous application, permission was also given for an extension to the rear of 20 Albert Parade to form a kitchen and food preparation area for use with the restaurant and takeaway.

This current application proposes to increase the depth/width of the rear extension by 1.4 metres than what was previously approved and enlarging the footprint to incorporate an extended area to the rear of 21-23 previously granted permission under reference 080576.

Planning Status:
The application has been referred to committee due to the prominence of the host building in its location, and the progressive incremental growth of the business present in the premises through various planning applications.
The development for which consent is sought has already commenced (at the risk of the applicant) with initial works started in accordance with the permission granted under referenced 140057.

In assessing the current application, it is recommended that the current application be granted approval subject to conditions.

**Relevant Planning Policies:**
National Planning Policy Framework 2012

1. Building a strong, competitive economy
7. Requiring good design
8. Promoting healthy communities

Core Strategy Local Plan 2013 Policies
B1: Spatial Development Strategy and Distribution (Sustainable Neighbourhoods)
C4: Old Town Neighbourhood Policy
D4: Shopping (Albert Parade) District Shopping Centre
D10a: Design

Eastbourne Borough Plan Saved Policies 2007
UHT1: Design of New Development
UHT4: Visual Amenity
HO20: Residential Amenity
SH7: District Local and neighbourhood centres
D4: Shopping

**Site Description:**
The application relates to adjoining commercial units (20 & 21 Albert Parade) on the ground floor with residential use on the upper floors, situated in Albert Terrace, a Parade of shops on Green Street in the Old Town area.

The former ground floor use for 20 Albert Parade (Fish & Shellfish Co.) is as a fishmongery, with a dedicated access to the shop via a recessed doorway set in to predominantly glass fronted facade. The upper floors split in to flats, are accessed from the pavement via an adjacent dedicated access door.

20-23 Albert Parade occupies the South Eastern corner of the Albert Terrace parade of shops at the road junction of Green Street and Chamberlain Road which has been used as a number of years to house a successful Fish restaurant with takeaway known as The Trident.

The restaurant with takeaway has recently been enlarged through the Change of Use of the commercial unit at number 20 (former Fish and
Shellfish Co shop) to incorporate a re-positioned takeaway element to the business, to allow for a re-design of the restaurant area of the business.

To the rear of the rear of the application site lies an access road known formally as Albert Terrace running along the rear of the commercial units 13 - 23 commonly utilised for deliveries to the various stores.

Beyond Albert Terrace, located to the North East of the application site lies 1 Chamberlain Road, a Semi-detached residential dwelling on the Western side of Chamberlain Road.

Other nearby residential units include, the flat above 19 Albert Parade, 2 Chamberlain road on the opposite side of the road, and Cheriton Court, sheltered accommodation for the elderly on the opposite side of Green Street.

**Relevant Planning History:**

140057
Proposed Change of Use at no. 20 Albert Parade from A1 to A3 (including takeaway) in conjunction with existing restaurant at no. 23. Extension at the rear to form kitchen and food preparation area, together with replacement shopfront. Re-positioning of entrance staircase to existing first floor maisonette (no. 21) from front to rear of property.
Planning Permission - Approved conditionally 26/03/2014

141224
New shopfront with amendments to windows and openings on front elevation to include new fixed planters, decorative screens and gate to external demise line, installation of an ATM and other associated works. with new external lighting.
Planning Permission – Refused at Committee – 07/01/2015

141225
Main restaurant signage to include: 2no. fascia signs Halo illuminated formed lettering (Trident Restaurant) on an aluminium signage fascia, 1no. projecting sign box with internal spotlight over entrance and internally illuminated menu totem sign. Signage for takeaway to include 1no. projecting sign and 1no. Halo illuminated formed lettering on an aluminium signage fascia. Also proposed is the installation of new retractable awnings to front (Green Street) and side (Chamberlain Road) elevations along Advertisement.
Approved at Committee – 07/01/2015
080576
Proposed single storey flat roof extension with rooflight at side to enlarge restaurant, together with extension at the rear to form enlarged kitchen and improved customer toilet facilities.
Planning Permission - Approved conditionally - 28/10/2008

940326
Change of use from bank to fish and chip restaurant and take-away together with new shop front and doorway and replacement windows to groundfloor.
Planning Permission - Approved conditionally 27/06/1994

**Proposed development:**
The applicant seeks permission for an extension to the rear of the entire premises which consists of numbers 20-23 Albert Parade. The extension to the rear of 20 Albert Parade (the site of the new takeaway for the business) will see this element project approximately an extra 1.4 metres (to 8.75 metres) from that of the rear elevation granted permission under ref: 140057 but with a re-design to the fire escape and access to the residential accommodation on the upper floors of 20 Albert Parade.

In addition, the applicant proposes to enlarge the rear extension to project also from the rear of the remaining part of the premises 21-23 Albert Parade providing an additional 80 sqm of floor space on ground floor level for use as a kitchen and food preparation area and for the improvement of the customer toilet facilities for use at the business.

The redesign of the external access stairway / fire escape serving the residential accommodation above 20 Albert Parade would see the access stairway providing a fire escape for use to the rear of the restaurant and serving the rear of the food preparation area.

**Consultations:**

**External:**

Local Highway Manager:
- Relates to extension of toilets and food prep/kitchen
- No additional impact on highway as a result
- Remaining area of hard standing large enough to park car in

**Neighbour Representations:**
21 letters of consultation have been sent to surrounding neighbours with 1 objections received covering the following points:
- Overshadowing of property
- Parking Issues
Appraisal:

Principle of development:
There is no objection in principal to extending the property to the rear so long as it does not have unacceptable impact on the amenities of nearby occupiers, and respects the character of the area and does not have an unacceptable negative impact on the street scene.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Notwithstanding previously granted recent consents, it is considered that the extension/although sizeable is acceptable in terms of its mass, scale, position and impact to neighbouring properties.

There is considered to be no impact in terms of loss of light or overshadowing to properties at Cheriton Court and 2 Chamberlain, although it is acknowledged, that there may be some impact to 1 Chamberlain Road to the North, and the properties at 19 Albert Parade.

The rear access to the residential property on the upper floors at 19 Albert Parade is located adjacent to the proposed extension. Once entered, the residential accommodation is reached via an internal stairway leading up to a landing within the flat.

Although the doorway with glazing panel, will suffer from a loss of light and overshadowing as a result of the proposed extension, the affect is considered to be acceptable as it does not serve a main habitable room, and the effect is certainly not significantly worse than that already granted by the live planning permission.

The proposed rear extension, albeit large in size remains subservient to the host property and not out of character with the site and surrounding area. The objector has commented about the impact to their dwelling at 1 Chamberlain Road, but it is considered that the size of the extension and the distance to the property will mean that there will be limited impact by way of overshadowing.

It is acknowledged that there may be some impact from the most Easterly part of the rear extension in the winter months when the sun is lower in the sky, although it is considered to be for a small fraction of the day in the early afternoon, after which the rear of the property is shadowed by the existing building which is considerably taller than the proposed rear addition.

As a result of the current application, the rear elevation of the development will be approximately 1.4 metres closer (within 9.4 metres at its closest point) of the building at 1 Chamberlain Road. The revised scheme however repositions the rear stairway access / fire escape away from this part of the
development and relocates the stairway to the rear of 21-23 from its previously location similar to that of the new proposed elevation.

As per the previous submission to extend to the rear, it is recommended that the rear window of the food preparation area be conditioned to be obscurely glazed (and retained as such thereafter) in order to preserve the amenities of the nearby residents to the rear and to ensure that there is no adverse impact as to any loss of privacy.

The proposed works would also see a reconfiguration of the access to the upper floor flat at 20 Albert Parade, to that previously granted consent. The new arrangement will see the occupant access their property from a staircase to the rear of 21-23, and along the rear of the property on a walkway created above the new flat roof of the extension.

The walkway is positioned away from the extremities of the new rear extension so as to allay any concerns as to the loss of privacy from its use. In addition, walkways provided a transitory function further reducing any impact to loss of privacy through its use.

On balance, it is considered that the submitted proposal accords with Policy HO20 in that it does not have an unacceptable impact to the amenities of the surrounding residential units, and for this reason is considered to be acceptable.

**Design issues:**
The Trident fish restaurant occupies a building formerly used as a bank, which dominates its corner plot and provides a visual focus for this end of the parade of shops.

It is considered that the proposed rear extension respects the existing form when viewed from Green Street and to a lesser extent from Chamberlain Road. The proposed rear additions in the Eastern side of the building are stepped in and staggered to re-enforcing the hierarchy of the main building to the addition, and respecting its visual form, lessening its impact on the host property and the street scene.

At its furthest point, the projection to the rear is proposed to be no greater than which exists at 16 Albert Parade, given permission consent under permission EB/1972/0026 and on balance is considered to accord with Policies UHT1 & UHT4 of the Borough Plan and D10a of the Eastbourne Core Strategy Local Plan.

The extension is proposed to be finished in render, the colour of which is not noted. The rear of the other buildings along the parade are red brick, with any additional building constructed also of red brick to match the host building. At present no other rear elevations are rendered.
It is noted that development to the rear, not in the public realm is not particularly uniform in terms of its style, size and scale and lacks rhythm. To ensure that development would harmonise with its surrounding, it is recommended to condition the proposed finish to ensure its suitability.

**Impacts on highway network or access:**
There should be no adverse impact to the safety of persons using the adjacent highway as a result of the proposed extension. The submitted planning application states that there will be no change to the number of parking spaces available on site (with existing spaces labelled as 0).

Despite the view by the applicant that no parking spaces exist at the premises, this is not a view held by the officer. However, notwithstanding the loss of some of the area to the rear which has the potential to be used for parking, the remaining land to the rear at 3.1 x 9 metres would still leave an area large enough for a single parking space to the rear for use by the business.

Although not ideal, given very low traffic flows and speeds in Albert Terrace this would be acceptable as it will not create a significant impact on the highway network.

There will be no increase in user traffic and therefore parking as a direct result of the development proposed under this application, which will not in and of itself attract more customers, added to the fact that the parade is served by regular buses to and from the location, it is recommended that the grant of planning consent is not restricted due to any impact to parking as a direct result of the proposed development.

**Other:**
The current refuse storage is located to the rear of the premises, which will be impacted by the proposed extension. The resulting development will lead to the creation of a void to the rear underneath the ground floor level (as established by the front elevation fronting Green Street) which would provide adequate provision for the siting of refuse storage. The submitted drawings do not indicate the proposed position of the refuse storage, and it is suggested that a condition by proposed to ensure a suitable location is established.

**Human Rights Implications:**
The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.
Conclusion:
The proposed rear extension and re-configured fire escape is considered to be acceptable in that the it is considered to be in harmony with the host property and street scene and will not lead to an unacceptable impact to visual or residential amenities and therefore accords with policies D10a of the Core Strategy Local Plan, and policies UHT1, UHT4 an HO20 of the Eastbourne Borough Plan Saved Policies and the NPPF.

Recommendation:
It is recommended to approve the application with the following conditions:

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:
1) Pre Commencement conditions
Agenda Item 14

Executive summary:
EBC are being consulted on a planning application submitted to East Sussex County Council for their determination.

The proposed permanent use of the MUGA for an additional one hour in the evenings until 9pm on Mondays to Fridays is considered appropriate for the site and the surrounding area.

Planning Status:
Educational establishment
Classified road

Relevant Planning Policies:
National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013
B2: Creating Sustainable Neighbourhoods
C5: Ocklynge & Rodmill Neighbourhood Policy
D1: Sustainable Development

Eastbourne Borough Plan Saved Policies 2007
HO20: Residential Amenity
LCF18: Extension of Educational Establishments
Site Description:
Ocklynge School occupies a large site in Victoria Drive, surrounded by residential properties in Farlaine Road, Stuart Avenue and Baldwin Avenue. A Multi Use Games Area (MUGA) was constructed in the west corner of the site in 2011-2 adjacent to the junction with Victoria Drive and Baldwin Avenue.

Relevant Planning History:
100653
Provision of a Multi Use Games Area (MUGA) with lighting.
(County Council consultation)
Approved conditionally 25 March 2011

130575
Variation of condition 8 of EB/2955/CC to allow the use of the MUGA until 21.00 hours Monday to Friday.
(County Council consultation)
Approved conditionally (one year consent) 18 October 2013

Proposed development:
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 trialling a finish time of 2100 hours, permission is now sought to make this a permanent finishing time for Mondays to Fridays.

Consultations:
Neighbour Representations:
A copy of an objection to ESCC has been received from a resident of Victoria Drive, who appears to believe that the MUGA is not permitted to be open on Sundays or bank holidays. Their objection is that they can hear existing noise and bad language from the MUGA, particularly through their daughters bedroom window, and therefore does not wish to be subject to the noise and disturbance for longer periods. A parking issue in Baldwin Avenue is also mentioned.

Appraisal:
The main issue to take into consideration in determining the current application is the impact on the amenities of nearby residents.

The MUGA is located in the corner of the site closest to the main road. As with all schools, there are periods of quiet and others of intense activity, such as playtimes, when noise can carry quite some distance. The activity associated with the MUGA, by its nature, is on a smaller scale, although it may be more noticeable when background noise is lower. Over the last year, during the trial period of the extended hours, there have been no recorded complaints to this Council, nor have there been any other complaints regarding the MUGA since its construction. East Sussex County Council (as the local planning authority) has also confirmed that no complaints have been received during this trial period, and at the time of writing this report, only the one objection (as detailed above) had been received.
Given that the extension of time is only for one hour on Mondays to Fridays, and there have been no complaints during the trial period, it is considered that the proposal is acceptable in terms of its impact on residential amenity and there are no grounds for refusal.

**Human Rights Implications:**
The human rights considerations have been taken into account fully in balancing the planning issues, and it is considered that the proposals would not result in any breach of the Equalities Act 2010.

**Conclusion:**
The proposed permanent use of the MUGA for an additional one hour in the evenings until 9pm on Mondays to Fridays is considered appropriate for the site and the surrounding area.

**Recommendation:** No objections be raised.
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COMMITTEE: PLANNING
DATE: 3 February 2015
SUBJECT: Adoption of the Eastbourne Community Infrastructure Levy (CIL) – Charging Schedule
REPORT OF: Senior Head of Development

Ward(s): All
Purpose: To advise Planning Committee Members of the intention to adopt the Council’s Community Infrastructure Levy.

Contact: Craig Steenhoff, Specialist Advisor (Planning), 1 Grove Road, Eastbourne
Tel no: (01323) 415345
E-mail: craig.steenhoff@eastbourne.gov.uk

Recommendations: 1. That Planning Committee recommend to Cabinet and Full Council their full support for the adoption of the CIL Charging Schedule.

1.0 Introduction
1.1 This is a covering report to introduce the Cabinet report which is attached below.
1.2 The Cabinet Report recommends to endorse the CIL Charging Schedule, in line with the recommendations of the Examiners Final Report, and recommends that at Full Council it is approved for adoption to come into force from 1 April 2015.
1.3 Members should be aware that prior to the 1st April 2015 (adoption date) a training/guidance session will be held to inform/explain in more detail the implications and operational implications of the new CIL regime.

Background Papers:

The Background Papers used in compiling this report were:

- Cabinet Report – 4 February 2015
- Community Infrastructure Levy Regulations (2010) [as amended]
- Eastbourne Community Infrastructure Draft Charging Schedule (April 2015)
- Eastbourne Draft Regulation 123 Infrastructure List (April 2015)

To inspect or obtain copies of background papers please refer to the contact officer listed above.
1.0 Introduction

1.1 The Community Infrastructure Levy (CIL) allows local authorities in England and Wales (defined as Charging Authorities) to raise funds from developers undertaking new building projects. It effectively replaces much of the existing process of planning obligations commonly known as 'Section 106' agreements. The primary use of CIL is 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. CIL places a charge per square metre on development. It will not be the sole funding source for all infrastructure delivered, but will supplement other public sector revenue streams.

1.2 CIL has a number of significant advantages over the current system of Section 106 agreements, including:

- Payment is non-negotiable, which helps speed up the planning process;
- The CIL charge is transparent and predictable, meaning that applicants will know their CIL liability prior to submitting a planning application;
- All liable developments will contribute to the cost of infrastructure provision, not just large scale development;
- A proportion of CIL will be available to spend on local infrastructure priorities;
- From 1 April 2015, CIL will be the main mechanism for securing developer contributions for infrastructure to support growth. Section 106 planning agreements will be significantly scaled back after this date. The Government has already (28 November 2014) removed the ability to collect tariff-based developer contributions on developments of 10 or less dwellings through Section 106 or other planning obligations.
1.3 The money raised from CIL will be used to pay for infrastructure to support development, ensuring that new development bears a proportion of the cost of delivering the new infrastructure required. CIL can be spent on any community infrastructure required to support growth, provided the infrastructure is contained within the Council’s published Regulation 123 list. The Regulation 123 list is provided alongside the Council’s CIL Charging Schedule. (Appendix 2)

2.0 **The Charging Schedule**

2.1 The Council has prepared a Community Infrastructure Levy (CIL) Charging Schedule which is proposed for adoption (Appendix 1). This document has undergone extensive public consultation in line with the CIL Regulations, and has 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. (Appendix 3)

2.2 The Charging Schedule states the types of development that will be liable for a CIL charge and the relevant charge (£) per sq m. of development. It is supported by a comprehensive evidence base which includes a detailed viability assessment. The viability assessment document examines the levels of CIL that can be achieved across the Borough without affecting the overall viability of development identified in the Eastbourne Core Strategy Local Plan. Only developments that are shown to be viable have been charged CIL, therefore the charges are fully justified by the evidence.

2.3 The Charging Schedule is also supported by a revised Infrastructure Delivery Plan and a Funding Gap Analysis document, to demonstrate that there is 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 justifies the position of the Council to move forward with CIL as an appropriate tool for collecting developer contributions.

3.0 **The CIL charges**

3.1 The Charging Schedule outlines that only dwellings (C3 Use Class) excluding residential apartments, and retail (A1-A5 Planning Use Class) are liable for a CIL charge at the following rates:

<table>
<thead>
<tr>
<th>Type of Development (Use Class Order 1987 as amended)</th>
<th>CIL rate/sq. m for net additional floorspace</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings* (C3) other than residential apartments</td>
<td>50</td>
</tr>
<tr>
<td>Retail (A1-A5) #</td>
<td>80</td>
</tr>
<tr>
<td>All other uses</td>
<td>0</td>
</tr>
</tbody>
</table>

* Where there is a net gain in dwellings

# Where the development is 100 sq. m. or greater.

3.2 The Examiner’s Report recommends a modification, which has now been made to the Charging Schedule, to exempt residential apartments from CIL liability as it was felt that the evidence demonstrated that the CIL charge would affect the viability of apartment development, which would in turn prevent that type of residential development coming forward for development.
3.3 **Phasing** - The Council consider that if a planning application is large enough to be delivered through appropriate phases, then CIL payments should be linked to these phases to ensure that development remains viable overall. The Council will negotiate relevant phasing on major applications during the determination of the planning application. Set phases and their relevant land use descriptions will need to be confirmed in an accompanying Section 106 agreement and these phasing stages will be linked to CIL liability. Therefore, the CIL charge will be calculated at each phase of the development, and will be liable for payment on commencement of each relevant phase.

4.0 **Resource Implications**

4.1 The Council has an agreed budget for progressing CIL through to adoption, which includes the support by planning consultants in the preparation of viability evidence and support at Examination. IT software provided by Civica, to manage the CIL liable planning cases, has already been purchased by the Council.

4.2 **Financial**

The cost of the publication and publicity for the Charging Schedule will be met from within the existing service budget. The cost of additional Civica software to deal with CIL planning case has already been agreed and this will be fully operational from 1 April 2015.

4.3 **Legal**

The Charging Schedule has been prepared in accordance with the CIL Regulations 2010 (as amended) and takes account of best practice guidance related to the recent examination of CIL Charging Schedules.

4.4 **Staff Resources**

Officers will manage the publicity and publication of the Charging Schedule. A part-time CIL Monitoring Role (which also includes monitoring section 106 contributions) has been identified as a service growth item, and being addressed through the Service and Financial Planning process.

4.5 **Equalities and Fairness Impact Assessment**

A streamline assessment has been made as the CIL Charging Schedule is a technical planning document. The assessment demonstrates that there are no impacts on equalities and fairness and there are no human right issues.

5.0 **Governance**

5.1 Governance around spending the CIL contributions will need to be put in place and there is time to agree this. It will take a while for CIL to build up a pot of monies that is sufficient and can then be spent on infrastructure projects. For example approximately £12,000 is expected to be collected each year from residential development. Also infrastructure projects must accord with those identified in the Council’s Regulation 123 list (see Appendix 2). It is inevitable that there will be bids from infrastructure providers that exceed the monies collected at any one time and some prioritisation will need to be made. It is proposed that a separate report is brought to Cabinet later in the year on options to manage the prioritisation and the
recommended decision making process.

6.0 Conclusion

6.1 The Charging Schedule has been prepared appropriately, in line with CIL Regulations and has been found sound at Examination, subject to the included modification. The proposed rates are justified by evidence and ensure that they do not compromise the ability for the Council to deliver its spatial development strategy. It is in the interest of the Council to adopt the Charging Schedule on 1 April 2015, at which date further significant restrictions are placed on Section 106 agreements.

6.2 Cabinet are recommended to endorse The CIL Charging Schedule in line with the recommendations of the Examiners 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.

Craig Steenhoff
Specialist Advisor (Planning)

Background Papers:

The Background Papers used in compiling this report were as follows:

Community Infrastructure Levy Regulations (2010) [as amended]


Accompanying Reports/Documents (attached separately):

Appendix 1 - Eastbourne Community Infrastructure Charging Schedule (April 2015)

Appendix 2 - Eastbourne Regulation 123 Infrastructure List (April 2015)

Appendix 3 – Examiners Final Report

To inspect or obtain copies of background papers please refer to the contact officer listed above.
Members of Planning Committee requested at its September Committee that the results of the public consultation into the Councils Local Validation List be reported to Planning Committee so that any changes could be ratified prior to formal adoption.

**Purpose of this report:**
The purpose of this information item is for Members to note the content of this report and endorse the Local Validation List for adoption following the consultation period.

The LVL is prepared by the Local Planning Authority to clarify to Applicants what information is usually required for planning applications of a particular type, scale or location. The LVL will be available to members of the public through our website.

In addition to being specified on an up-to-date LVL information requested with a particular planning application must be:

- Reasonable having regard, in particular, to the nature and scale of the proposed development; and
- About a matter it is reasonable to think will be a material consideration in the determination of the application.

The statutory tests are set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 29(4) (bb) of the Town and Country Planning (Development Management Procedure) (England) Order 2010.
SUMMARY OF CHANGES

There has been very few comments (2 emails) received from interested parties in relation to the LVL consultation, these responses related to clarification of elements of the LVL. In conversations with our regular planning agents however, there was an overwhelming support for the proposed LVL list as it is seen as reducing the requirements for supporting documentation and thereby reducing the burden upon applicants.

The main change made from the initial draft LVL identifies 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.

Recommendation:-

1. That the Local Validation List be adopted and used for validation purposes incorporating the changes to the affordable housing thresholds as referred to in this report.

2. That the Senior Specialist Advisor (Planning) be given delegated authority to make changes to the LVL 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.
1 Background

Members will be aware that together we deal with a whole host of planning applications covering a range of differing forms of development.

Given the many varied types of planning application received Central Government require that all Councils report the performance in a consistent and coherent manner. To this end and for reasons the many varied applications are clumped together into three broad categories Major, Minor and Others.

In broad terms the types of application falling into these categories are outline below.

<table>
<thead>
<tr>
<th>MAJOR DEVELOPMENT</th>
<th>MINOR DEVELOPMENT</th>
<th>OTHER DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>10+ Dwellings / Greater .5Ha</td>
<td>1-9 Dwellings/ greater .5Ha</td>
<td>Householder applications</td>
</tr>
<tr>
<td>Office/light industrial greater 1000sqm/ 1Ha</td>
<td>Office /light industrial up to 999sqm under 1Ha</td>
<td>Change of use</td>
</tr>
<tr>
<td>General industrial greater 1000sqm / 1Ha</td>
<td>General Industrial up to 999sqm under 1 Ha</td>
<td>Adverts</td>
</tr>
<tr>
<td>Retail greater 1000sqm / 1Ha</td>
<td>Retail up to 999sqm under 1 Ha</td>
<td>Listed Building</td>
</tr>
<tr>
<td>Gypsy &amp; Traveller 10+ Pitches</td>
<td>Gypsy &amp; Traveller 0-9 Pitches</td>
<td>Conservation Area Applications</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Certificates of Lawfulness</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Notifications</td>
</tr>
</tbody>
</table>
In analysing the performance for the processing of these differing types of application the Government do allow 13 weeks for the processing major applications and 8 weeks for processing the Minor and Other categories.

The figures below give the development control performance figures against these categories and for the calendar year 2013 and the first three quarters of 2014/15.

In addition this report also includes information about the recent appeal decisions and Members should note that any decision made to refuse an application opens the potential for an appeal by the applicant to the Planning Inspectorate.

As Members will be aware the majority of the applications received are granted planning permission, however for those that are refused and challenged through to an appeal it is considered important to analyse the appeal decisions in order to determine and evaluate whether lessons need to be learnt, or interpretations need to be given different weight at the decision making stage.

In addition the evaluation of the appeal decisions will also go some way to indicate the robustness and the correct application of the current and emerging policy context at both a local and national level.

2 Special Measures

Members will be aware that along with all Councils our performance has to be reported to Central Government and where authorities are deemed to be underperforming then they will be placed in ‘special measures’.

As from June 2014 the Government have imposed two criteria against which Councils will be assessed, these are:-

- Where Councils have received more than 10 major applications over a rolling two year period then no more than 40% should take longer than 13 weeks to deal with.
- Where Councils have received more than 10 major applications over a rolling two year period 20% of decisions on major applications are overturned at appeal.

Members will note therefore that it is important to keep abreast of all decisions with regard to maintaining performance above the ‘special measure’ thresholds

2 All Decisions

It is clear therefore that with the regular (quarterly) reporting of this this
report to Planning Committee issues, trends and pressures could readily be identified. The figures in Tables 1-3 below include the data from the Government return (currently excludes ‘Notifications and Certificates of Lawful development.)

TABLE 1

<table>
<thead>
<tr>
<th>2013 Whole Year</th>
<th>TYPE</th>
<th>NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>All determined</td>
<td></td>
<td>574</td>
</tr>
<tr>
<td>Delegated</td>
<td></td>
<td>510 (89%)</td>
</tr>
<tr>
<td>Granted</td>
<td></td>
<td>521 (91%)</td>
</tr>
<tr>
<td>Refused</td>
<td></td>
<td>49 (9%)</td>
</tr>
</tbody>
</table>

| 2014 Q1 (Apr – Jun)      | All determined | 166     |
| Delegated                | 143 (86%)     |
| Granted                  | 156 (94%)     |
| Refused                  | 10 (6%)       |

| 2014 Q2 (Jul - Sep)      | All determined | 146     |
| Delegated                | 125 (86%)     |
| Granted                  | 129 (88%)     |
| Refused                  | 17 (12%)      |

| 2014 Q3 (Oct - Dec)      | All determined | 137     |
| Delegated                | 121 (88%)     |
| Granted                  | 128 (93%)     |
| Refused                  | 9 (7%)        |

| 2014 Q4 (Jan - Mar)      | All determined | All determined | 100 |

TABLE 2

<table>
<thead>
<tr>
<th>2014 All Q’s Running Total</th>
<th>TYPE</th>
<th>NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>All determined</td>
<td></td>
<td>449</td>
</tr>
<tr>
<td>Delegated</td>
<td>389 (87%)</td>
<td></td>
</tr>
<tr>
<td>Granted</td>
<td>413 (92%)</td>
<td></td>
</tr>
<tr>
<td>Refused</td>
<td>36 (8%)</td>
<td></td>
</tr>
</tbody>
</table>

It is clear from the tables above that the volume of the cases determined during Q1 – Q3 (Table 2 above) have percentage levels consistent with the whole year (2013) percentage.

It is considered that in granting planning permission for 92% of all
applications received that the planning services of Eastbourne Borough Council have supported/stimulated the local economy and also helped to meet the aspirations of the applicants and only where there are substantive material planning considerations is an application refused.

The table below highlights the speed of decision against the three Government categories (Major Minor and Other).

It is clear from the table below that the team are performing over the National PI threshold and that there are, at this time, no special measure issues.

### TABLE 3

<table>
<thead>
<tr>
<th>TITLE</th>
<th>Q1 (Apr - Jun) 14/15 %</th>
<th>Q2 (Jul - Sep) 14/15 %</th>
<th>Q3 (Oct - Dec) 14/15 %</th>
<th>Q4 (Jan - Mar) 14/15 %</th>
<th>Year in total (Rolling Performance)</th>
<th>TARGET PI %</th>
<th>SPECIAL MEASURES PI</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAJOR</td>
<td>50 (4/2)</td>
<td>57 (7/4)</td>
<td>60 (5/3)</td>
<td>56</td>
<td>60</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>MINOR</td>
<td>76 (63/48)</td>
<td>79 (47/37)</td>
<td>84 (43/36)</td>
<td>79</td>
<td>65</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>OTHER</td>
<td>87 (99/87)</td>
<td>86 (98/84)</td>
<td>92 (89/82)</td>
<td>89</td>
<td>80</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

### PRE-APPLICATION ADVICE

In addition to the formal applications received the Council offer a free pre application advice service. The table below indicates the numbers of pre-application enquiries received by the Council for the year.

<table>
<thead>
<tr>
<th>NAME</th>
<th>NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRE APP</td>
<td>53</td>
</tr>
<tr>
<td>PRE APP HOUSEHOLDER</td>
<td>123</td>
</tr>
<tr>
<td>PRE APP MEDIUM</td>
<td>107</td>
</tr>
<tr>
<td>PRE APP MAJOR</td>
<td>17</td>
</tr>
<tr>
<td>TOTAL</td>
<td>300</td>
</tr>
</tbody>
</table>

This information is considered to be relevant given that it is a barometer as to the workload of the team and members should note that our returns to central government are based a pre-described application categories and they do not necessary highlight the volume of work going through the Planning section of the Council.

Appendix No1 includes further application data by ward.
4 Refusals

Members requested further information on the number and break down of the refusal issued for the calendar year 2014. This information is highlighted within tables 4&5 below.

Member should be aware that in common with other years we refuse fewer than 10% of the applications received.

TABLE 3
REFUSALS BY WARD

<table>
<thead>
<tr>
<th>Ward</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>DV</td>
<td>9</td>
</tr>
<tr>
<td>HP</td>
<td>4</td>
</tr>
<tr>
<td>MD</td>
<td>15</td>
</tr>
<tr>
<td>OT</td>
<td>5</td>
</tr>
<tr>
<td>RN</td>
<td>9</td>
</tr>
<tr>
<td>SA</td>
<td>4</td>
</tr>
<tr>
<td>SV</td>
<td>4</td>
</tr>
<tr>
<td>UP</td>
<td>9</td>
</tr>
</tbody>
</table>

(Blank)

Grand Total 59

TABLES 4&5

REFUSAL BY DECISION LEVEL

COMMITTEE

<table>
<thead>
<tr>
<th>Committee ID</th>
<th>Date</th>
<th>Decision Committee</th>
<th>Application Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>130976 CCC</td>
<td>13/09/2016</td>
<td>Planning Committee</td>
<td>Display of Freestanding Totem signs, Post and Panel signs and Digital</td>
</tr>
<tr>
<td>140108 CCC</td>
<td>14/01/2016</td>
<td>Planning Committee</td>
<td>Two storey extension to form self-contained unit adjoining the</td>
</tr>
<tr>
<td>140119 CCC</td>
<td>14/01/2016</td>
<td>Planning Committee</td>
<td>Outline application (For Access, Appearance, Layout and Scale) for</td>
</tr>
<tr>
<td>140177 CCC</td>
<td>14/01/2016</td>
<td>Planning Committee</td>
<td>Proposed single storey rear extension, together with an increase in</td>
</tr>
<tr>
<td>140420 CCC</td>
<td>14/04/2016</td>
<td>Planning Committee</td>
<td>Proposed loft conversion, including hip to gable roof enlargement with</td>
</tr>
<tr>
<td>140425 CCC</td>
<td>14/04/2016</td>
<td>Planning Committee</td>
<td>Proposed loft conversion, including hip to gable roof enlargement with</td>
</tr>
<tr>
<td>140451 CCC</td>
<td>14/04/2016</td>
<td>Planning Committee</td>
<td>Proposed 2-storey extension to provide 10 additional residents</td>
</tr>
<tr>
<td>140682 CCC</td>
<td>14/06/2016</td>
<td>Planning Committee</td>
<td>Change of Use from a Bed &amp; Breakfast (Class C1) to a House for</td>
</tr>
<tr>
<td>140740 CCC</td>
<td>14/07/2016</td>
<td>Planning Committee</td>
<td>Erection of a two storey, two bedroom attached dwelling.</td>
</tr>
<tr>
<td>140781 CCC</td>
<td>14/07/2016</td>
<td>Planning Committee</td>
<td>Erection of two detached single storey dwellings.</td>
</tr>
<tr>
<td>141168 CCC</td>
<td>14/11/2016</td>
<td>Planning Committee</td>
<td>Change of use of public amenity land to private garden within the</td>
</tr>
<tr>
<td>141167 CCC</td>
<td>14/11/2016</td>
<td>Planning Committee</td>
<td>Two storey side &amp; rear extension to house, recessed from</td>
</tr>
</tbody>
</table>

Page 91
<table>
<thead>
<tr>
<th>Delegated List ID</th>
<th>Delegated List Type</th>
<th>Description</th>
<th>Location</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>141064 DDD</td>
<td>Delegated List</td>
<td>Full width single-storey flat-roof extension to north-east elevation,</td>
<td>SV</td>
<td>Sovereign 8 Lundy Walk</td>
</tr>
<tr>
<td>131011 DDD</td>
<td>Delegated List</td>
<td>Erection of steel framed balcony with timber floor, balusters and</td>
<td>DV</td>
<td>Devonshire 119 Royal Parade</td>
</tr>
<tr>
<td>140040 DDD</td>
<td>Delegated List</td>
<td>Proposed ground floor extension</td>
<td>RN</td>
<td>Raton 2 Warburton Close</td>
</tr>
<tr>
<td>140167 DDD</td>
<td>Delegated List</td>
<td>Replacement windows, to replace the existing timber windows with</td>
<td>MD</td>
<td>Meads 3 Grange Gardens</td>
</tr>
<tr>
<td>140306 DDD</td>
<td>Delegated List</td>
<td>Display of 1 x externally illuminated totem sign on grass verge (App)</td>
<td>RN</td>
<td>Raton Lindfield Road</td>
</tr>
<tr>
<td>140308 DDD</td>
<td>Delegated List</td>
<td>Single storey plan roof extension</td>
<td>HP</td>
<td>Hampden Park 9 Wilton Avenue</td>
</tr>
<tr>
<td>140355 DDD</td>
<td>Delegated List</td>
<td>Proposed loft conversion to rear with mansard roof</td>
<td>UP</td>
<td>Upperton 71 Grey Road</td>
</tr>
<tr>
<td>140497 DDD</td>
<td>Delegated List</td>
<td>Provision of internal stairs and rooflight to provide access on to</td>
<td>UP</td>
<td>Upperton 26 Upperton Road</td>
</tr>
<tr>
<td>140559 DDD</td>
<td>Delegated List</td>
<td>Proposed new end of terrace two storey dwelling to extend the existing</td>
<td>SA</td>
<td>St Anthonys 29 Filder Close</td>
</tr>
<tr>
<td>140568 DDD</td>
<td>Delegated List</td>
<td>Erection of first floor addition to rear and side (North West)</td>
<td>RN</td>
<td>Raton 8 Lodge Avenue</td>
</tr>
<tr>
<td>140570 DDD</td>
<td>Delegated List</td>
<td>Construction of 2no. dormers, to the front and rear of the property,</td>
<td>RN</td>
<td>Raton 3 Eridge Road</td>
</tr>
<tr>
<td>140626 DDD</td>
<td>Delegated List</td>
<td>Replacement windows to basement flat.</td>
<td>UP</td>
<td>Upperton 9 Upperton Gardens</td>
</tr>
<tr>
<td>140628 DDD</td>
<td>Delegated List</td>
<td>Alterations to existing garage block to form new pitched roof to</td>
<td>MD</td>
<td>Meads 2 Silverdale Road</td>
</tr>
<tr>
<td>140640 DDD</td>
<td>Delegated List</td>
<td>Construction of a ramp and bridge to access the first floor of the</td>
<td>UP</td>
<td>Upperton Station Parade</td>
</tr>
<tr>
<td>140649 DDD</td>
<td>Delegated List</td>
<td>Erection of balcony to the rear elevation at first floor level.</td>
<td>OT</td>
<td>Old Town 7 Peppercombe Road</td>
</tr>
<tr>
<td>140665 DDD</td>
<td>Delegated List</td>
<td>Proposed change of use of ground floor shop unit to 2no.</td>
<td>DV</td>
<td>Devonshire 118-120 Seaside</td>
</tr>
<tr>
<td>140680 DDD</td>
<td>Delegated List</td>
<td>Two-storey side extension to form an additional 3no. self-contained</td>
<td>MD</td>
<td>Meads 13 College Road</td>
</tr>
<tr>
<td>140748 DDD</td>
<td>Delegated List</td>
<td>Retrospective application for permission to erect decking at rear on</td>
<td>DV</td>
<td>Devonshire 87 Longstone Road</td>
</tr>
<tr>
<td>140784 DDD</td>
<td>Delegated List</td>
<td>Erection of dormers to side and rear, with 3 rooflights, to create</td>
<td>RN</td>
<td>Raton 230 Willingdon Road</td>
</tr>
<tr>
<td>140788 DDD</td>
<td>Delegated List</td>
<td>Creation of a driveway for one car and crossover from public highway</td>
<td>MD</td>
<td>Meads 10 Blackwater Road</td>
</tr>
<tr>
<td>140813 DDD</td>
<td>Delegated List</td>
<td>Demolition of existing conservatory and replacement with proposed</td>
<td>DV</td>
<td>Devonshire 18 Cavendish Avenue</td>
</tr>
<tr>
<td>140810 DDD</td>
<td>Delegated List</td>
<td>Replacement of one timber-framed window, to front, with PVC double</td>
<td>MD</td>
<td>Meads 15 Darley Road</td>
</tr>
<tr>
<td>140839 DDD</td>
<td>Delegated List</td>
<td>Proposed single storey extension which would extend beyond the rear</td>
<td>HP</td>
<td>Hampden Park 7 Wilton Avenue</td>
</tr>
<tr>
<td>140867 DDD</td>
<td>Delegated List</td>
<td>Display of one painted wooden sign illuminated by Existing LED</td>
<td>MD</td>
<td>Meads 89 Meads Street</td>
</tr>
<tr>
<td>140845 DDD</td>
<td>Delegated List</td>
<td>Proposed two storey extension to existing side elevation to form</td>
<td>UP</td>
<td>Upperton 9 Moat Croft Road</td>
</tr>
<tr>
<td>140869 DDD</td>
<td>Delegated List</td>
<td>Proposed single storey extension which would extend beyond the rear</td>
<td>OT</td>
<td>Old Town 13 Greenfield Road</td>
</tr>
<tr>
<td>140948 DDD</td>
<td>Delegated List</td>
<td>Application for approval of details reserved by conditions 7</td>
<td>UP</td>
<td>Upperton Kings Drive</td>
</tr>
<tr>
<td>140992 DDD</td>
<td>Delegated List</td>
<td>Demolition of existing conservatory and replacement with proposed</td>
<td>DV</td>
<td>Devonshire 18 Cavendish Avenue</td>
</tr>
<tr>
<td>140991 DDD</td>
<td>Delegated List</td>
<td>3m DEEP SINGLE STOREY REAR EXTENSION WITH LEAN-TO TYPE ROOF AND 3m</td>
<td>SV</td>
<td>Sovereign 8 Admiralty Crescent</td>
</tr>
<tr>
<td>141025 DDD</td>
<td>Delegated List</td>
<td>Single storey extension at side and change of use from garage to</td>
<td>UP</td>
<td>Upperton 4 Enys Road</td>
</tr>
<tr>
<td>141029 DDD</td>
<td>Delegated List</td>
<td>Alterations to front to provide new access to lower ground floor flat</td>
<td>MD</td>
<td>Meads 10A Hyde Gardens</td>
</tr>
<tr>
<td>141038 DDD</td>
<td>Delegated List</td>
<td>Proposed single storey extension which would extend beyond the rear</td>
<td>SV</td>
<td>Sovereign 73 Princes Road</td>
</tr>
<tr>
<td>141091 DDD</td>
<td>Delegated List</td>
<td>Proposed single storey extension which would extend beyond the rear</td>
<td>RN</td>
<td>Raton 64 Selmerston Road</td>
</tr>
<tr>
<td>141134 DDD</td>
<td>Delegated List</td>
<td>Proposed change of use from Class A1 (retail) to Class A3</td>
<td>HP</td>
<td>Hampden Park 37 Mountfield Road</td>
</tr>
<tr>
<td>141201 DDD</td>
<td>Delegated List</td>
<td>Proposed single storey rear ground floors extension and conversation</td>
<td>SA</td>
<td>St Anthonys 20 Boswell Walk</td>
</tr>
<tr>
<td>141226 DDD</td>
<td>Delegated List</td>
<td>Rear ground-floor extension with raised decking and steps to ground-</td>
<td>SA</td>
<td>St Anthonys 68 St Philips Avenue</td>
</tr>
<tr>
<td>141235 DDD</td>
<td>Delegated List</td>
<td>Rear extension at ground floor level, above existing lower ground</td>
<td>UP</td>
<td>Upperton 12 Carew Road</td>
</tr>
<tr>
<td>141400 DDD</td>
<td>Delegated List</td>
<td>Single storey extension to the front.</td>
<td>OT</td>
<td>Old Town 15 Gorse Close</td>
</tr>
</tbody>
</table>
5 Appeals

As commented above all applications that are refused have to the potential to be appealed by the applicant. The Council for the calendar year 2014 have received 14 appeals; some of these appeals have not yet been decided but all appeals received are reported below.

Appeals received by ward/count & Appeal by development type/application

<table>
<thead>
<tr>
<th>TABLE 6&amp;7</th>
</tr>
</thead>
<tbody>
<tr>
<td>DV Devonshire 3</td>
</tr>
<tr>
<td>HP Hampden Park 1</td>
</tr>
<tr>
<td>MD Meads 3</td>
</tr>
<tr>
<td>RN Ratton 2</td>
</tr>
<tr>
<td>UP Upperton 5</td>
</tr>
<tr>
<td><strong>Grand Total</strong> 14</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TABLE 8</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADV Advertisement 1</td>
</tr>
<tr>
<td>HHH Householder 3</td>
</tr>
<tr>
<td>OSR Outline (some reserved) 1</td>
</tr>
<tr>
<td>PAP Prior Approval 1</td>
</tr>
<tr>
<td>PCJ Prior Notification Class J 1</td>
</tr>
<tr>
<td>PPP Planning Permission 6</td>
</tr>
<tr>
<td>RMT Reserved Matters 1</td>
</tr>
<tr>
<td><strong>Grand Total</strong> 14</td>
</tr>
</tbody>
</table>

APPEAL SUMMARIES

<table>
<thead>
<tr>
<th><strong>ADV Advertisement</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>140867</strong> The Pilot, 89 Meads Street, Eastbourne</td>
</tr>
<tr>
<td>Display of one painted wooden sign illuminated by Existing LED</td>
</tr>
<tr>
<td>Dec Level Delegated</td>
</tr>
<tr>
<td>Officer Recommendation Refuse</td>
</tr>
<tr>
<td>Appeal decision Appeal decision expected</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>HHH Householder</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>131058</strong> 19 Sydney Road, Eastbourne</td>
</tr>
<tr>
<td>Retrospective application for the installation of decking and guardrails to flat roof at rear, with removal of bedroom window, to be replaced with access door to decking.</td>
</tr>
<tr>
<td>Dec Level</td>
</tr>
<tr>
<td>-------------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>140108</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>140748</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>OSR Outline</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>PAP Prior Approval</strong></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
**PCJ Prior Notification Class J**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>131057</td>
<td>Test Record</td>
</tr>
</tbody>
</table>

**PPP Planning Permission**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
</table>
| 130175    | 1-6 The Courtyard Wharf Road  
Variation of condition 4 of permission EB/1999/0124 to permit the installation of gates across the entrance to the courtyard.  
Officer recommendation: Approve  
Dec Level: Planning Committee  
Appeal decision: Appeal Dismissed ‘scheme would not harmonize with the local environment and would not respect its distinctiveness’ |
| 130329    | 25 Gordon Lodge Twinn Language School  
Construction of a three storey extension at rear and conversion of the existing building to provide 11 no. residential flats together with landscaping, waste and cycle storage, including the removal of the existing rear external escape gantry and single storey lower ground side addition.  
Officer recommendation: Approve  
Decision Level Committee  
Appeal Decision: Dismissed ‘No S106 to cover the deliver of affordable housing’ |
| 130424    | 2-3 Beverley Court  
Officer Recommendation: Refused  
Decision Level: Delegated  
Appeal Decision:- Allowed ‘good design and the energy efficiency of the windows would outweigh the modest harm to the character of the Conservation Area.’ |
<table>
<thead>
<tr>
<th>130786</th>
<th>15 Hartfield Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erection of 1 No. 3 bed detached chalet bungalow.</td>
<td></td>
</tr>
<tr>
<td>Officer Recommendation: - Refused</td>
<td></td>
</tr>
<tr>
<td>Decision Level: Delegated</td>
<td></td>
</tr>
<tr>
<td>Appeal Decision: - Dismissed ‘Overlooking would impact upon the living conditions of the future occupiers of the unit; development would neither preserve nor enhance the character of the Conservation Area.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>140167</th>
<th>Flat 4, 3 Grange Gardens, Eastbourne</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replacement windows, to replace the existing timber windows with matching upvc windows.</td>
<td></td>
</tr>
<tr>
<td>Dec Level  Delegated</td>
<td></td>
</tr>
<tr>
<td>Officer Recommendation Refuse</td>
<td></td>
</tr>
<tr>
<td>Appeal decision Dismissed replacement windows in this instance would be harmful to the character and appearance of this building within the conservation area.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>140451</th>
<th>Inglewood Nursing Home, 9-9 Neville Avenue, Eastbourne</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed 2-storey extension to provide 10 additional residents</td>
<td></td>
</tr>
<tr>
<td>Dec Level  Committee</td>
<td></td>
</tr>
<tr>
<td>Officer Recommendation Approve</td>
<td></td>
</tr>
<tr>
<td>Appeal decision Appeal Dismissed ‘Development failed to show that extension was subservient and was intrusive into the street scene’</td>
<td></td>
</tr>
</tbody>
</table>

**RMT Reserved Matters**

<table>
<thead>
<tr>
<th>130468</th>
<th>Land East Of Kings Drive, Kings Drive, Eastbourne</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for approval of reserved matters (Details of the Committee)</td>
<td></td>
</tr>
<tr>
<td>Officer Recommendation Approve</td>
<td></td>
</tr>
<tr>
<td>Appeal Decision Withdrawn</td>
<td></td>
</tr>
</tbody>
</table>
The above table 9 identifies the relevant decision permutations and it is acknowledged that the appeal volume is reducing when compared to the proviso year. There may be a number of reasons for this; it could be applicants benefiting from the free reapplication advice and thereby improving the quality of the schemes that are being submitted; it could also be the Government’s introduction of the ‘larger residential extension’ scheme that allows for homeowners to extend greater depth than would formerly be allowed without the need for a planning application. The appeal rate/volume will continue to be monitored going forward.

It is accepted that Eastbourne due to the nature and type of the borough statistically receive few major applications and as such we may not get above the commencement survey threshold of more than 10 applications. Notwithstanding this it is considered important to review and analyse all appeal decisions across all application types as an indicator that we have applied a sound planning judgement at both delegated and planning committee level.
Officer recommendation for approval – Member overturned – Appeal Allowed (Officers right Members were wrong)  It is important to keep a watching brief on this column as this is often the scenario where costs are awarded against the Council. Notwithstanding this at the time of reporting it is acknowledged that the % of cases in this column has fallen significantly compared to the previous year.

It is accepted that at times there are differences of opinion between officers and Members however for the appeal decision received to date there have been no instances this year where this scenario has occurred.

In some way this could be an indication that all parties are aligned in their thinking and are consistent with established policy and National Advice.

Officer recommendation for approval – member overturned – appeal dismissed (Officers were wrong and Members were right) This is also a category where appeal costs can be awarded. This shows that officers are not always right, but the volume of cases in the category is modest.

Officer recommendation for refusal – Member support for refusal (committee or delegated) – Appeal allowed – Officers and Member were wrong. This shows that officer and Members are in tune but the officers have been over zealous with their recommendation and it has not been supported by the planning Inspectorate. The volume in this category remains low but again this needs to be monitored as it is an indication that Officers may not follow planning policy/advice and skewing recommendations following neighbour concerns or trying to second guess the outcome of planning committee.

In essence it is important that officers do not shy away from making difficult recommendations if the recommendation is in accordance with national and local advice/policies.

Officer recommendation for refusal – Member support for recommendation (committee or delegated decisions) – appeal dismissed (officers and Members were right). This column shows when Officers and Members are in tune and supported by the Planning Inspectorate. The Higher the % the better, Members will note that this category is usually by far the largest.
**Appeal Costs**
As members will be aware the appeal process can award costs of the appeal to any party where the counter party has acted in an unreasonable manner. During the survey period the Council received two awards of costs:-

No issues to report.

**Appeal Analysis Table 10**

As commented earlier Eastbourne may not trigger the special measures threshold for Government intervention due to the number of major applications received. Notwithstanding this for the first nine months of 2014 Eastbourne has had 1 major application going through to an appeal decision and this was overturned resulting in 100% of cases being overturned.

**Planning Enforcement**

As outlined in the Planning Enforcement Policy Statement previously reported to committee regular reporting of the enforcement function to Planning Committee is considered important as keeps members aware of the cases and issues that are live in their area and would it assists in:-

- Tackling breaches in planning control which would otherwise have an unacceptable impact on the amenity of the area;
- Maintaining the integrity of the decision-making process;
- Helping to ensure that the public acceptance of the decision making process is maintained.

As it has been a significant period since we last reported the planning enforcement function the table below provide a position statement of the performance for the entire year to date. Going forward it is the intention to provide the statistics on a quarterly basis with an annual review.

Members please note that going forward the data will become more robust as we have greater data to analyse. In addition members will also note that some of the information fields are blank; this is work in progress and going forward the number of blank fields should reduce.

The planning enforcement function has only been operating with the new Civica back office product for a number of months, prior to this the enforcement data was held in a stand alone ‘Access’ database where there was limited potential for the interrogation of the data.

Members will note some of the data places high volumes in the Devonshire ward, this reflects the focus given with/by the Difficult Property Group
through S215 (Untidy Sites) legislation and also emphasises the support for the ‘Driving Devonshire Forward’ policy document.

Table 11
Enforcement Live Case for End of Q3 2014

<table>
<thead>
<tr>
<th>Location</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Devonshire</td>
<td>25</td>
</tr>
<tr>
<td>Hampden Park</td>
<td>32</td>
</tr>
<tr>
<td>Langney</td>
<td>11</td>
</tr>
<tr>
<td>Meads</td>
<td>18</td>
</tr>
<tr>
<td>Old Town</td>
<td>11</td>
</tr>
<tr>
<td>Ratton</td>
<td>12</td>
</tr>
<tr>
<td>Sovereign</td>
<td>12</td>
</tr>
<tr>
<td>St Anthonys</td>
<td>12</td>
</tr>
<tr>
<td>Upperton</td>
<td>14</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>155</strong></td>
</tr>
</tbody>
</table>

Table 12
Closed Cases for 2014 (246) Received (364)

- Enforcement Cases Closed Q1 2014 (33) Received (107)
- Enforcement Cases Closed Q2 2014 (38) Received (72)
- Enforcement Cases Closed Q3 2014 (95) Received (92)
- Enforcement Cases Closed Q4 2014 (87) Received (92)

It is clear from the above tables/information that the volume of cases closed has significantly increased in the second and third quarters of the calendar year 2014. This rate of closure reflects an upturn from approximately 10-15 cases per month (Q1&2) to approximately 25-30 cases per month (Q3&4).

It is important to note that the closure rate is now matching the volume of received cases and as such there should not be an expanding backlog of live cases. On this issue Members should note that the volume of cases on the over 6 months old list has remained fairly static at 30 cases.

Table 13 Enforcement Closed Cases by Complaint Type for 2014

<table>
<thead>
<tr>
<th>Complaint Type Code</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breach in Planning Conditions</td>
<td>35</td>
</tr>
<tr>
<td>General enquiry</td>
<td>2</td>
</tr>
<tr>
<td>Land Deprivation to Amenity Area</td>
<td>40</td>
</tr>
<tr>
<td>Minor damage</td>
<td>23</td>
</tr>
<tr>
<td>Unauthorised Adverts</td>
<td>8</td>
</tr>
<tr>
<td>Unauthorised Change of use</td>
<td>27</td>
</tr>
<tr>
<td>Unauthorised Op Development (Build Wks)</td>
<td>19</td>
</tr>
<tr>
<td>Works in Conservation Area</td>
<td>10</td>
</tr>
<tr>
<td>Works to Listed Building</td>
<td>9</td>
</tr>
<tr>
<td>Works to Protected Tree</td>
<td>10</td>
</tr>
<tr>
<td>(blank)</td>
<td></td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>249</strong></td>
</tr>
</tbody>
</table>
4 Human Resources

As members are aware the Customer First team within which the planning function rests, has undergone significant change during the last 2 years. However there has been a period of stability over this survey period with the roles/responsibilities of the Case Workers and Specialist Advisors becoming embedded.

The planning function now has a full compliment of staff with their knowledge base being supported by a comprehensive training/mentoring programme facilitated by internal and external trainers.

5 Legal

Save for the potential costs claim that could follow an appeal there are no other legal issues arising from this report.

APPENDIX No 1

Planning Application Type/Ward for calendar year 2014 to date:- Appendix 1 Table 11 & Appendix Table 12. (Note these

Appendix 1 Table 11

Calendar Year 2014 Applications Received

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### Appendix1 Table 12.

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