Minutes of the meeting held on 13 December 2016.
The minutes of the meeting held on 13 December 2016 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

Apologies for absence.
There were none.

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.
There were none.

Site 3, Atlantic Drive, Sovereign Harbour. Application ID: 161092.
Fishing quay comprising buildings with fisherman’s working areas, storage and chiller space, and office accommodation on upper floors, with separate visitor centre and associated development. (Previous Application 130442)

RESOLVED: (Unanimous) That permission be granted subject to a S106 agreement covering local labour issues and the following conditions: 1) The development herby permitted shall begin before the expiration of three years from the date of permission. 2) The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 22nd September 2016

- B037.06A – General Site and Block Plans
- B037.07 – Pedestrian, Public Transport and Cycle Routes
- B037.08 - General Site Arrangement and Site Uses
- B037.09 – Building One and Visitors Centre Plans
- B037.10 – General Elevations Building One and Visitors Centre
- B037.11 – Building Two Plans
- B037.12 - General Elevations Building Two
- B037.14A – Full Elevations North and South Street Scene
- B037.16 – Waterfront Access Detail

3) No development shall take place until samples of the materials to be used in the external surfaces of the development hereby permitted have
been submitted to and approved in writing by the Local Planning Authority
4) The development shall be carried out in accordance with the approved
details++ 5) No development shall take place until details of the following
have been submitted to and approved in writing by the Local Planning
Authority:
   · The proposed methods of demolition, piling, recycling activities and
dust suppression and all other construction methods associated with
the development;
   · Noise and vibration monitoring arrangements - to be self-monitoring
by the applicants - for the key demolition and construction phases; and
   · Measures, methods of working and the means of screening the site
that will be employed to minimise disturbance to neighbouring
properties during all demolition and construction work++
6) No development shall take place until a construction environmental
management plan has been submitted to and approved by the Local
Planning Authority. The development shall thereafter be carried out in
accordance with the approved details ++ 7) Prior to demolition works
commencing on site a Construction Traffic Management Scheme shall be
submitted to and approved by the Local Planning Authority in consultation
with the Highway Authority. This shall include the size of vehicles, routing
of vehicles and hours of operation. (Given the restrictions of the access and
the approach road the hours of delivery/collection should avoid peak traffic
flow times)++ 8) No development shall take place within the application
site until the applicant has secured the implementation of a programme of
archaeological work in accordance with a written scheme of investigation
including a timetable for the investigation, which has been submitted by the
applicant and approved in writing by the Local Planning Authority and the
works shall be undertaken in accordance with the approved details+++ 9) No
development shall commence until details of a Phase II soil investigation
(as recommended in the submitted Preliminary Soil Investigation Report) is
submitted to and approved in writing by the Local Planning Authority. If
contamination is found to be present, then details of a remediation strategy
detailing how this unsuspected contamination shall be dealt with shall be
submitted to and approved by the Local Planning Authority prior to the
commencement of excavation work++ 10) No development shall
commence until full details of the proposed SUDS system shown in the
supporting Drainage Strategy is submitted and approved in writing by the
Local Planning Authority in consultation with Southern Water and the Lead
Local Flood Authority. The works shall be fully implemented in accordance
with the approved details+++ 11) No development shall commence until full
details of a lighting strategy is submitted to and approved by the Local
Planning Authority and thereafter implemented in accordance with the
approved details. The submitted scheme shall include details of times of
illumination of all lights, road lighting, floodlighting, security lighting,
signage and any variations in brightness. Thereafter the lighting shall
continue to be operated only in accordance with the approved details, and
no additional lighting shall be installed unless first approved in writing by
the Local Planning Authority+++ 12) No development shall commence until
full details of the refuse and recycling facilities have been submitted to and
approved in writing by the Local Planning Authority. The facilities shall be
provided in accordance with the approved details prior to the
commencement of the use 13) a) No works or development shall take
place until full details of both hard and soft landscape proposals have been
submitted to and approved by the Local Planning Authority. These details
shall include, as appropriate:
- Proposed finished levels or contours;
- Means of enclosure;
- Car parking layouts;
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials;
- Minor artefacts and structures (e.g. furniture, play equipment,
  refuse or other storage units, signs, lighting);
- Proposed and existing functional services above and below ground
  (e.g. drainage, power, communication cables, pipelines, etc.
  indicating lines, manholes, supports etc.);
- Retained historic landscape features and proposals for restoration,
  where relevant;
- Planting plans;
- Written specifications (including cultivation and other operations
  associated with plant and grass establishment);
- Schedules of plants, noting species, planting sizes and proposed
  numbers/densities where appropriate;
- Implementation timetables.

b) All hard and soft landscape works shall be carried out in accordance with
the approved details and to a reasonable standard in accordance with the
relevant recommendations of appropriate British Standards or other
recognised Codes of Good Practice. The works shall be carried out prior to
the occupation of any part of the development or in accordance with the
timetable agreed with the Local Planning Authority. Any trees or plants
that, within a period of five years after planting, are removed, die or
become, in the opinion of the Local Planning Authority, seriously damaged
or defective, shall be replaced as soon as is reasonably practicable with
others of species, size and number as originally approved, unless the Local
Planning Authority gives its written consent to any variation 14) Prior to
occupation of the development, full details of the proposed boundary
treatment shall be submitted to and approved in writing by the Local
Planning Authority. The works shall be fully implemented in accordance with
the approved details 15) That any car parking and loading and unloading
area and access thereto shown on the approved plan shall be properly
constructed with a surface material to be agreed by the Local Planning
Authority and marked out and shall be available for use prior to the
use/development hereby approved being first occupied 16) The
development hereby permitted shall not be occupied until the cycle parking
facilities shown on the approved plans have been fully implemented and
made available for use. The cycle parking facilities shall thereafter be
retained for use by the occupants of, and visitors to, the development at all
times. 17) If during development, contamination not previously identified,
is found to be present at the site then no further development (unless
otherwise agreed in writing by the Local Planning Authority) shall be carried
out until the developer has submitted, and obtained approval for, an
addendum to the Method Statement. This addendum must detail how this
unsuspected contamination shall be dealt with 18) That, while the
development hereby permitted is being carried out, a suitable hard standing
shall be provided with wash-down facilities for cleaning the wheels of
vehicles and any accidental accumulation of mud on the highway caused by
such vehicles shall be removed without delay and in no circumstances left beyond the end of the working day 19) Notwithstanding the approved Noise Impact Assessment, external noise levels from items of new mechanical services and external plant equipment shall not exceed LAeq,T = 35dB at any time at a distance of 1 metre from the nearest residential dwelling 20) 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 21) There shall be no burning of any waste on site at any time 22) No development shall take place until details of the arrangements for the servicing of the site 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++ 23) The development hereby permission shall be carried out in strict accordance with the Flood Risk Assessment dated June 2013 22) Prior to the commencement of the approved development the details of all plant and machinery (e.g. air conditioning, refrigeration units, extraction system) including predicted noise level shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details++ 24) Prior to the commencement of the development hereby permitted details of the construction access to the site and locations and size of any temporary structures shall be submitted to and approved in writing by the Local Planning Authority, thereafter the works shall be undertaken in accordance with the approved details++ 25) Prior to the operational use of the development hereby permitted details of directional signage shall be submitted to and approved in writing by the Local Planning Authority prior to the display of any such advertisement, and shall be carried out as approved++ 26) Prior to the commencement of the development hereby permitted details of the proposed foundations to all buildings/structures shall be submitted to and approved in writing by the Local Planning Authority, thereafter the works shall be undertaken in accordance with the approved details++ 27) Prior to the commencement of the approved development details of temporary structures or hoardings shall be submitted to and approved in writing by the Local Planning Authority. The works/development shall be carried out in accordance with the approved details++ 28) Prior to the commencement of the approved development details of finished floor levels and details of any changes to the site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details++ 29) That, before the development hereby approved is commenced; details of measures for bird deterrent shall be submitted to and approved by the Local Planning Authority. The approved measures shall be implemented before the building is first brought into use and retained as such thereafter++ 30) The visitors Centre hereby approved shall not be open to customers/visitors outside the following times: 07.00am and 10.00pm Monday to Sunday including Bank Holidays

Informative:

1. The vegetation between the footway and the secure compound to the east of the vehicle access should be a type that will not grow or be kept at a height under 600mm to ensure adequate visibility.
2. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

3. Your attention is specifically drawn to the conditions above marked ++. These conditions require the submission of details, information, drawings, etc. to the Local Planning Authority prior to the commencement of any development on the site or, require works to be carried out prior to the commencement of the development or use. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may take appropriate enforcement action to secure compliance. You are advised that sufficient time for the Authority to consider the details needs to be given when submitting an application to discharge conditions. A period of between five and twelve weeks should be allowed. A fee of £97 is payable for each submission to discharge conditions.

93 Local Development Scheme 2017-2020.

The committee considered the report of the Director of Regeneration and Planning seeking the Planning Committee’s views on the Local Development Scheme 2017-2020 due to be considered by Cabinet on 8 February 2017.

Members were advised that the Local Development Scheme (LDS) was the Council’s timetable for the production of planning policy documents. It covered a three year period from 2017 to 2020 and outlined the policy documents to be produced with the key dates and milestones.

Local Planning Authorities were required to produce a LDS under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS must specify (among other matters) the documents which, when prepared, would comprise the Local Plan for the area. The LDS must be made publicly available and kept up-to-date. The current LDS was approved in February 2016 and progress against the LDS was monitored on an annual basis through the Authority Monitoring Report (AMR). The AMR had recognised that some documents identified in the LDS were no longer being produced and that there had been some minor slippage in the preparation of the Local Plan. The Government had recently introduced monitoring the progress of local plan preparation. This monitoring would take place against the LDS and it was therefore necessary to amend the current LDS by April 2017.

Eastbourne’s current Local Plan, the Core Strategy, was adopted in 2013. The National Planning Policy Framework (NPPF) was clear that housing policies should not be considered up-to-date if the local planning authority could not demonstrate a five-year supply of deliverable housing sites. As at 31 October 2016, Eastbourne was only able to demonstrate a 3.47 year supply of housing land. The lack of a five-year housing land supply in Eastbourne meant that the Council’s Local Plan policies could not be considered as up-to-date, as outlined in the NPPF.
The implications of not having an up to date Local Plan was that the Council may lose control over what development takes place in the Borough. The Five Year Housing Land Supply was a material planning consideration in the determination of planning applications, and if the Council was unable to demonstrate a five year supply of housing land there was a significant risk that refusals of planning permission for residential development could be overturned on appeal.

The report further detailed the progress against the 2016 LDS including the current progress on the new plan. The new LDS covering the period from 2017 to 2020 was provided at appendix 1 to the report.

The timetable for the preparation of the new Local Plan in the updated LDS was as follows:

- Evidence gathering and on-going engagement: July 2016 – July 2017
- Issues and Options Consultation: October – November 2017
- Publication: September 2018
- Submission: January 2019
- Examination: May 2019
- Adoption: November 2019

RESOLVED: That Cabinet be advised that the Local Development Scheme 2017 to 2020 is supported and endorsed by the Planning Committee.

94 Tourist Accommodation Retention Supplementary Planning Document.

The committee considered the report of the Director of Regeneration and Planning seeking Members views on the Tourist Accommodation Retention Supplementary Planning Document (SPD) due to be considered by Cabinet on 8 February 2017.

The draft Tourist Accommodation Retention SPD had been presented to Planning committee previously on 21 June and 30 August 2016 and had been published for consultation between 23 September and 4 November 2016. A total of 17 representations were submitted from 10 respondents. It was not considered that any of the representations raised any major issues, although some minor amendments were proposed to the SPD.

The committee was advised that there was a need for a change of planning policy approach to tourist accommodation as a result of changes in the tourism market and visitor behaviour since the policy was adopted.

The committee was advised that a Tourist Accommodation Consultative Group, had been established, consisting of representatives from the Eastbourne Hospitality Association, Council officers and a local property agent, which would help provide a trade perspective on future proposals and ensure the quality and standard of applications for the loss of tourist accommodation so that they could be determined more swiftly.
The SPD would need to be adopted by Full Council before it could be used in the determination of planning applications. The Assessment of Financial Viability of Tourist Accommodation SPG, which the new SPD would replace, would also need to be revoked.

It was reported to committee that appendix 1 of the report ‘Representation TAR_SPD/02’ recommended that the threshold for ‘lifestyle’ businesses be eight letting bedrooms. This had been contested by the Eastbourne Hospitality Association (EHA) suggested that the threshold should be set at 15 letting rooms. Officers were happy to accept the views of the EHA and amend the final document to include the threshold for ‘lifestyle’ businesses as being 15 letting rooms.

Members agreed that good quality accommodation was an essential part of the tourism offer in Eastbourne. Some Members raised concerns regarding the loss of bed spaces particularly in light of the enhanced conference facilities currently being developed at the Devonshire Park site.

RESOLVED: That Cabinet be advised the Tourist Accommodation Retention SPD is supported and endorsed by the planning committee.

Summary of Performance for the Planning Service for 2016.

The committee considered the report of the Senior Specialist Advisor for Planning which provided a summary of performance in relation to key areas of the Development Management Services for 2016.

Given the many varied types of planning applications received, central Government required all Councils to report performance in a consistent and coherent manner. To this end the many varied applications were combined together into three broad categories Major, Minor and Other. Government had recently amended the criteria for the assessment of the Council’s performance which was detailed in the section regarding special measures within the report.

The report detailed the following elements:

- **Special Measure Thresholds** – This looked at new government targets.
- **Planning Applications** – This compared the volumes of delegated applications and the approval rates.
- **Pre Application Volumes** – A comparison by type and volume over time.
- **Refusals of Applications** – A comparison of ward and decision level.
- **Appeals** – An assessment of the Council’s appeal record over time.
- **Planning Enforcement** – An assessment of volumes of enforcement related activity.

Members were aware that Government had recently introduced new National performance criteria (Nov 16 on speed and quality) against which all Council’s would be judged. Failure to perform against these targets ran the risk of the Council be designated as ‘Non-Performing’ and special measures would initiated by Government. The assessment of the draft against this new ‘special measure’ threshold had two sections - Speed of decision and Quality of decision - and would be reviewing the Council’s
performance on a backward rolling two year basis, the detail of which was highlighted in paragraph 2.2 of the report.

If the Council were identified as not complying with these standards/criteria they would be declared as ‘non performing’ and formal designation would follow. In terms of formal designation there were two potential outcomes:-

- Major applications the applicant would have the ability to bypass the Council and go straight to the Planning Inspectorate for determination. This would mean that the Council would lose determination control until such time as the designation was lifted.

- Non-Major applications the Council would have to submit the Central Government an action plan addressing the areas of weakness that it had identified as having contributed to the underperformance.

Speed of Decision - It was evident that the decisions taken for the survey period were currently above the special measures threshold. It was considered that there was significant headroom against those targets and as such the risk of Special Measures for Non-Performance was low.

Quality of Decision - This section looked at appeal decisions and specifically the number that had been allowed or overturned at appeal. This performance indicator was a reflection on the relevance of an up to date local plan and that the decision makers made correct and informed decisions. Members noted that from the criteria given and the very low volumes of major applications progressed/determined within the survey period; meant that a small number of appeal decisions could have a significant impact upon performance and therefore there was a very high risk of the Council falling under special measures in this category. An example of this was given in paragraph 2.9 of the report.

Members acknowledged that for the last quarter of 2016 that the percentage of applications determined at delegated level had significantly increased; this was reflective of the changes recently made to the scheme of delegation. The committee would receive a report highlighting the benefits of this change in terms of the costings to the Council and the speed of decision for the applicant at a future meeting.

The committee noted that the Council had refused fewer than 10% of the applications received, with the overwhelming majority being refused at delegated level. For 2016: - 49 cases were refused at delegated level and seven were refused at Planning committee level. As with all applications that were refused there was the potential for appeal by the applicant. The Council for the year 2016 had received 28 appeal decisions which had been reported to committee throughout the year. The total cost for appeal for costs claims was £5500.

RESOLVED: That the report be noted.

96 South Downs National Park Authority Planning Applications.

There were none.
97 Appeal Decisions.

1) East Beach Hotel. The Inspector dismissed the appeal.

The meeting closed at 6.38 pm

Councillor Murray (Chairman)