

Tuesday, 30 May 2017
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Murray (Chairman) Councillor Coles (Deputy-Chairman)
Councillors Choudhury, Miah, Murdoch, Robinson, di Cara (as
substitute for Taylor) and Metcalfe (as substitute for Jenkins)

1 Minutes of the meeting held on 25 April 2017.

The minutes of the meeting held on 25 April 2017 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

2 Apologies for absence.

Councillor Taylor and Councillor Jenkins.

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.

Councillor Coles advised the Chairman that she would withdraw from the room whilst applications 6 Central Methodist Church, Langney Road and 8 St Andrews United Reform Church, Cornfield Lane, were considered. In her previous role of Mayor of Eastbourne, Councillor Coles openly supported the proposal and therefore stated that she had predetermined her decision on this scheme.

4 Central Methodist Church, Langney Road. Application ID: 170036. LB:170033.

Conversion of existing meeting rooms and hall into 10no. one bedroom flats together with the retention of the existing worship space (to be read in conjunction with Listed Building Consent ref. 170033) – **DEVONSHIRE.**

Members were advised that this scheme promoted the conversion into ten self-contained units and was therefore below the affordable housing threshold. Given this Members agreed to amend recommendation 1 be amended to remove the reference to affordable housing requirement.

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

RESOLVED (A): (Unanimous) That permission be granted subject to a S106 agreement covering local labour employment initiatives and the following conditions: 1) Time limit 2) Approved drawings 3)

Schedule/specification of external repairs 4) Demolition and construction method statement outlining:

- Building/window recording prior to demolition
- How salvaged materials will be removed/stored and reused
- Hours of operation
- Site storage and welfare facilities
- Routes for demolition and construction vehicles
- Parking regimes for construction workers vehicles

5) Cycle parking provided and made available before use commences 6) Refuse/recycling before the uses commences

RESOLVED (A) LB 170033: (Unanimous) That Listed Building permission be granted subject to the following conditions: 1) Time limit 2) Approved drawings 3) Schedule/specification of external repairs 4) Demolition and construction method statement outlining:

- Building/window recording prior to demolition
- How salvaged materials will be removed/stored and reused
- Hours of operation
- Site storage and welfare facilities
- Routes for demolition and construction vehicles
- Parking regimes for construction workers vehicles

5) Cycle parking provided and made available before use commences 6) Refuse/recycling before the uses commences

5 93 Pevensey Bay Road. Application ID: 170239 (PPP).

Demolition of Existing 102 Bed Care Home, Erection of new 80 Bed Care Home – **ST ANTHONYS.**

RESOLVED (A): (Unanimous) That permission be granted subject to the case being referred to HSE for a 21 day period to ascertain whether they want to call the application in for Secretary of State approval.

RESOLVED (B): (Unanimous) That permission be granted subject to no call in being received from the HSE and a S106 agreement covering Local Employment initiatives and the following conditions: 1) Commencement of development within three years 2) Compliance with approved plans 3) Hours of operation (construction works) 4) Wheel washing facilities 5) Retention of tree/vegetation adjacent to Langney Sewer & protection during construction 6) Provision of landscape maintenance programme 7) Hedgerow removal outside of bird nesting season 8) Amphibian Mitigation strategy 9) Amphibian restoration strategy 10) Construction and Environment mitigation strategy 11) Surface water run off 12) details of attenuation tanks 13) Maintenance programme for surface water system 14) Details confirm implementation of surface water details 15) No development within 3m either side of the exiting sewers at the site 16) Foul water disposal details 17) Existing Access onto the Roundabout to closed up such that it cannot be used 18) Car parking in accordance with details 19) Cycle parking in accordance with details 20) Vehicle turning shall be provided prior to occupations 21) Highway construction management plan 22) Travel plan 23) Landscaping planting scheme implemented prior to occupation 24) Details of service runs in connection with retained trees 25)

Tree protection 26) Existing ground levels around saved trees shall not be altered 27) Development in accordance with the submitted FRA

6 St Andrews United Reformed Church, Cornfield Lane. Application ID: 170156 (PPP).

Demolition of St Andrews Church and Albury House behind retained facade to Blackwater Road. Construction of 3-4 Storey building comprising 36 residential units and 11 parking spaces accessed from Wish Road and Cornfield Lane – **MEADS**.

Mr Jones addressed the committee in objection stating concern regarding the lack of car parking, waste collection and access to the lane.

Mrs Williams addressed the committee in objection stating concern regarding traffic and access to Wish Lane, the lack of car parking and waste collection.

Mr Hollobone addressed the committee stating that he liked the retention of the front façade and that the roof should be retained as is. He raised concern about the lack of parking and access during the development.

Mr Winch, architect, addressed the committee in response stating that all concerns could be dealt with via condition and that the bin storage location could be reconsidered.

Members were advised that the following information had been received: Transport Statement: An updated transport assessment of the impact of the proposal had been received and drew the following conclusions:

- A parking survey had been undertaken which found that parking stress on the roads surrounding the site was low at 55%. During the parking survey, there were a total of 191 free car parking spaces which comprised 109 resident permit bays, 48 single yellow line parking spaces and 34 unrestricted parking spaces.
- Refuse collection would be from the kerbside in the same manner as other existing properties.
- Town Centre location and was highly sustainable, close to goods and services and other modes of transport.
- Proposed flats would result in vehicle trips of less than one vehicle every eight minutes and less than the existing lawful use as a church.
- In NPPF terms the impacts of the scheme could not be regarded as severe.

A letter of support had been received as follows:

I am pleased to see residential in lieu of dilapidated church, given small dwellings are unlikely to have the same car needs as families.

A letter of objection had also been received as follows:

'My major interest in this application is as the adjoining land and business owner of a long established and well known specialist motor sales and repair business.

My property lies close to the development and in general I welcome the renovation of the empty church premises and the improvement of a deteriorating building

I welcome the refurbishment within the existing building envelope, and that redevelopment is not being considered. But I have three main concerns which I would like to express, and for them be taken into account in making your decision tonight.

Firstly, I am very concerned that full vehicular access to my business is maintained throughout the construction period. Obviously, unimpeded street access is critical, and even a brief interruption would be unacceptable and lead to a potential loss of trade from passing custom as well as booked appointments.

Secondly, I am concerned at the number of units which are planned. 36 units seems to be a large number of units to fit into this building, and this may give rise to significant pressures on services and parking in a sensitive high quality mixed use area.

My third important concern is the risk to the continuation of my business following occupation of the new residential units. Increasingly, new residents are objecting to existing neighbouring businesses which they regard as causing a nuisance.

Notwithstanding that we open for regular workshop hours, there are occasions when access is required at anti-social hours, and experience elsewhere indicates that residents' complaints this can cause serious disruption to an existing business, however long established, even to the extent to forcing the business to close.

I would request that serious consideration is given to a planning condition, or advisory statement on any consent granted, if a condition is not possible, to alert new residents to the presence of local business activity, to prevent the possibility of an inappropriate objection to a long established local independent business'.

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

RESOLVED: (By 5 votes to 2) That permission be refused on the grounds that the proposed development by reason of the number of flats proposed represents a gross over development of this restricted site, this has manifested in a parking density significantly below prescribed standards and the layout is such that the proposed garages are of a size/location that would inhibit ease of use; this may lead to a further reduction in available car parking at the site.

The lack of off-street parking proposed by this scheme would be likely to increase indiscriminate on street parking in an area of acknowledged parking stress. This increase in on street parking may lead to highway and pedestrian safety issues.

The scheme would therefore fail policies 10A of the Eastbourne Core Strategy, Policies TR11 of the Eastbourne Borough Plan as well as paragraphs 32, 56 -68 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.

7 Update on Housing Delivery.

The committee considered the report of the Director of Regeneration and Planning providing Members with an update on recent housing delivery at the end of the 2016/2017 financial year.

The Core Strategy (adopted 2013) planned for the delivery of 5,022 net additional dwellings between 2006 and 2027. As of the end of 2016/17, a total of 2,576 units had been delivered since the start of the plan period. This left 2,446 units to be delivered until the end of the plan period at an annual average of 244.6 units per year.

Falling housing delivery rates over recent years had meant that the total number of units that had been delivered was now less than the cumulative target. At this point in the plan period, 2,640 units should have been delivered, so actual delivery was 64 units short of the number of houses that should have been delivered at this point in the plan.

In the 2016/17 year, a total of 203 net additional dwellings had been completed, compared to an annual target of 240 new dwellings per year. Those 203 net dwellings were provided across 48 sites. The highest number of dwellings was completed in Quarter 4. During the 2016/17 financial year, a total of 305 net additional units were granted permission across 79 sites. By comparison, a total of 246 units were committed in 2015/16.

Of the 305 units granted permission, 91 units were committed through changes of use of office to residential at 20 Upperton Road (56) and 2 St Anne's Road (35). 64 sites (81%) were granted permission of less than 5 unit, with 33 sites (42%) being granted permission for just one additional unit.

It had been identified that a total of 173 net additional units across 25 development sites were refused planning permission in 2016/17. A list of these refusals was attached to this report within Appendix 2. Members recognised that not all of the units granted permission would be built. Evidence over the Core Strategy plan period (since 2006) suggested that 76% of units granted permission were completed. At a 76% delivery rate, meeting the Core Strategy target of 240 units per year would require 316 units to be granted permission each year.

Members were advised that the Housing White Paper proposed the introduction of a new Housing Delivery Test on local authorities from November 2017. The test would identify the number of houses built against the housing target over a rolling three year period

If during the first assessment period the delivery of housing fell below 95% of the target, local authorities would be required to publish an action plan setting out an understanding of the key reasons for the situation and the actions that could be taken to get home-building back on track. Where local authorities were delivering less than 85% of their housing target action would also be required to add a 20% buffer to their Five Year Housing Land Supply calculation.

An analysis of housing delivery over the first assessment period shows that 576 units were delivered against a target of 720, which equated to 80% delivery. This meant that from November 2017, the Five Year Housing Land Supply buffer will be increased to 20% and an action plan on housing delivery would need to be produced.

National planning policy placed considerable weight on the delivery of new housing, and the five year housing land supply was a material consideration in the determination of planning application.

Eastbourne currently had a housing land supply equivalent to 839 units, which represented 2.8 years supply of land, including the 20% buffer required as a result of persistent under-delivery of housing and the housing delivery test. Therefore a five year housing land supply could not be demonstrated, which meant local plan policies relevant to the supply of housing were out of date and could not necessarily be relied upon to refuse development.

The process for identifying additional sites was currently underway through the Strategic Housing & Employment Land Availability Assessment. This study was due to be completed over the summer 2017, and would inform the production of a new Local Plan. The more sites identified as developable through this process, the closer to the Five Year Housing Land Supply requirement would be. This would give Members better control over approvals and greater comfort that refusals would not be overturned on appeal.

RESOLVED: That the report be noted.

8 Summary of performance of the Planning Department Quarter 1 2017 (Jan - Mar).

The committee considered the report of the Senior Specialist Advisor for Planning which provided a summary of performance for the first quarter of 2017 (January to March).

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 – Looking at new government targets

Planning Applications – Comparing volumes/delegated and approval rates

Pre Application Volumes – Comparison by type and volume over time

Refusals of Applications – Comparison of ward and decision level

Appeals – An assessment 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 against which all Council's would be judged. Failure to perform against those targets ran the risk of the Council be designated as 'Non- Performing' and special measures would be 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. Members noted that the Council still had the BT Site Moy Avenue appeal to be determined and depending on the outcome of the appeal this may have a significant impact upon performance.

Members noted that in common with other years, the Council had refused fewer than 10% of the applications received, with the overwhelming majority being refused at delegated level. For 2017:- 9 cases were refused at delegated and 0 were refused at Planning Committee level.

RESOLVED: That the report be noted.

9 South Downs National Park Authority Planning Applications.

There were none.

10 Eastbourne Pier.

Members were advised that some additional painting works had been undertaken by the owner of Eastbourne Pier. The painting was over and above that which had been granted permission at a previous planning committee.

Members were advised of the options to address the situation and agreed that a Listed Building notice giving 21 days to return the areas of concern to their former condition and consider prosecution for the unauthorised works. The two actions agreed may run concurrently.

RESOLVED: That delegated authority be given to the Senior Specialist Advisor for Planning to deliver the following:

- 1) Issue a Listed Building notice requiring the subject areas be returned to their to their former condition and
- 2) That the necessary paperwork be prepared, in consultation with Legal Services, with a view to secure prosecution for the unauthorised works.
- 3) That should the works to return the areas to their former condition be carried out within a reasonable period then no further action would be taken.

The meeting closed at 7.25 pm

Councillor Murray (Chairman)