

Planning Committee

MEMBERS: Councillor UNGAR (Chairman) Councillors COOKE, HEARN, JENKINS, MIAH, MURRAY and TAYLOR.

(An apology for absence was reported from Councillor Harris)

39 Minutes.

The minutes of the meeting held on 2 October 2012 were submitted and approved and the Chairman was authorised to sign them as a correct record.

40 Declaration of Interests.

Councillor Jenkins declared an interest in items 3 and 4, 74 Beach Road having a family member living in close proximity to the site, Councillor Jenkins stated that the interest was not prejudicial and remained in the room and voted thereon.

41 Report of Head of Planning on Applications.

1 & 2) EB/2012/0507 & EB/2012/0432 - Kilkenny Court, 13 Appledore Close - Demolition and redevelopment of site with 9 three bedroom houses together with communal parking – **LANGNEY**. Five objections had been received for the original scheme of 11 houses, Following consultation on the revised plans for nine houses, a further four additional objections were received. One further letter of objection from Councillor Shuttleworth relating to loss of light, parking and proximity to neighbouring properties, was reported at the meeting.

Helen Mathews, resident, addressed the Committee in objection stating that the development would increase the local population by 67%, and raised concerns about community facilities available to the new residents. Ms Mathews also felt that the scheme would be overbearing, result in a loss of privacy and loss of light. The development would be too close to neighbouring properties and increase the parking issues in the area.

Karl Smith, Architect, addressed the Committee in response stating that new housing was needed and that the scheme was designed to enhance the area and blend into the surroundings. A crime prevention design consultant had been involved in the design to create a safe environment. The scheme was close to a bus route and retention of trees had been considered in the landscaping of the site. The scheme had been designed to minimise loss of light and privacy for existing residents. The relevant planning history for the site was detailed within the report.

The observations of Strategic Housing, Highways, Planning Policy, Arboriculturalist and Environmental Health were summarised within the report.

RESOLVED A: (Unanimous) EB/2012/0507 That permission be granted subject to the following conditions: 1) Method statement (to include nature of demolition, equipment to be used, recycling streams and access routes for demolition vehicles) 2) Wheel Washing Facilities 3) Site/welfare compound 4) Hours of demolition

RESOLVED B: (Unanimous) EB/2012/0432 That subject to all parties entering into a S106 agreement to deliver the flood attenuation contribution, then planning permission should be granted subject to the following conditions: 1) Time limit 2) Materials to be submitted 3) Foul and surface water details to be submitted 4) Car parking prior to occupation in accordance with approved layout 5) Car park details to be supplied incorporating details to prevent surface water running onto the footway 6) Cycle storage prior to occupation in accordance with approved layout 7) Tree Protection: General 8) Tree Protection: Fencing 9) Tree Protection: Earthworks 10) Details of floor levels 11) Construction and demolition times 12) Removal of PD rights 13) Refuse and recycling facilities to be submitted 14) Means of enclosure to be submitted 15) In accordance with approved plans, 16 Notwithstanding the details shown on the plans hereby approved the first floor flank window to plot No 10 shall be fitted with obscure glazing and fixed shut at all times. The window shall be retained as such thereafter

3) EB/2012/0438 - 74 Beach Road - Change of use from public house (A4) to a day nursery (D1) together with internal and external alterations including the provision of an acoustic screen on the flat roof to form an external play area at first floor level - **DEVONSHIRE**. 10 letters of objection to the original scheme had been received. A further five letters of objection and 16 emails of support had been received in response to the revised scheme. The relevant planning history for the site was detailed within the report.

The observations of the Environment Agency, Planning Policy, Highway Authority and Council's Noise Consultant were summarised within the report.

RESOLVED: (Unanimous) That subject to the prior conclusion of a section 106 agreement requiring the applicant to contribute to parking concessions at the Fishermans Green Car Park for staff parking and drivers dropping off and collecting children from the Nursery, in addition a pedestrian refuge in highway in consultation with East Sussex County Council , permission be granted subject to the following conditions: 1) Commencement of development within 3 years 2) Development in accordance with the approved plans 3) Development not brought into use before the provision of the traffic island 4) No development until a revised Transport Statement is submitted 5) Hours of building works 6) Use operational 0800hrs to 1800hrs on Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays. 7) No more than 16 children shall use the outside play area at any one time 8) The side area/alley not to be used as a recreation or play area by staff or pupils at any time 9) Windows

on the first floor of the annexe to the rear of 72 Beach Road to be obscure glazed and fitted with restrictors 10) Provision of the acoustic screen before use commences 11) Samples of the fencing to the forecourt and the acoustic screen to be submitted including colour

4) EB/2012/0439 - 74 Beach Road - Display of two externally illuminated fascia signs – **DEVONSHIRE**.

RESOLVED: (Unanimous) That permission be granted subject to the following condition: Standard advert conditions (1) to (5)

5) EB/2012/0573 - 42 The Rising - Erection of two storey extension to the side – **ST ANTHONYS**. Two objections had been received. Three further letters of objection were reported at the meeting,

Mrs Coleman addressed the Committee in objection stating that the development would result in a loss of light and privacy.

Councillor Mattock, Ward Councillor, addressed the Committee in objection stating that the new extension would bring the blank wall closer to the neighbouring properties and would impact on the residents' outlook.

Matthew Philips, applicant, addressed the Committee in response stating that the neighbours would not suffer loss of sunlight due to the sun path, and that the neighbours current view of the blank wall would remain the same should permission be granted. The scheme has been designed to be in keeping with neighbouring properties and did not encroach on any boundaries.

RESOLVED: (By 5 votes to 1 with 1 abstention) That permission be granted subject to the following conditions: 1) Time limit 2) Materials to match existing 3) Removal of PD rights 'windows' in side elevation 4) In accordance with approved plans

6) EB/2012/0576 - 83-85 The Rising - Erection of two storey detached building containing two self-contained flats – **LANGNEY**. Two objections had been received. The relevant planning history for the site was detailed within the report.

The observations of Environmental Health, Highways Authority and Policy were summarised within the report.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time Limit 2) Hours of work on site 3) Details of cycle and refuse storage 4) Restrictions to openings on flank elevation, first floor 5) Materials to match 6) Fencing & wall restrictions 7) In accordance with plans

7) EB/2012/0610 - Land within the curtilage of 15 Upper Carlisle Road - Erection of detached house with integral garage to the side of 15 Upper Carlisle Road (outline application) – **MEADS**. Four letters of objection had been received. The relevant planning history for the site was detailed within the report.

The observations of Highways and Borough Arboriculturalist were summarised within the report.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Approval of the details 2) Time Limit 3) Matching materials 4) Retention & protection of trees 5) Restriction of bonfires 6) Provision of hard standing for wheel washing 7) Surface water drainage details 8) Hours of work on site

8) EB/2012/0623 - Land within the cartilage of 10 Spring Lodge Close - Outline application for the erection of 2 no three bedroom terrace houses, together with the creation of 7 no car parking spaces off Spring Lodge Close **LANGNEY**. Four representations had been received.

The relevant planning history for the site was detailed within the report. The observations of Environmental Health and Highway Authority were summarised within the report.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Approval of reserved matters to be sought 2) Submission of reserved matters 3) Submission within 3 years 4) Commencement of development 5) Approved plan numbers 6) Submission of a swept path analysis 7) Provision of parking before occupation of dwellings 8) Compliance with Site Safety Plan 9) Hours of operation 10) Samples of materials 11) Submission of ground contamination investigation/remediation 12) Floor levels and roof height to match terrace 13) Tree protection during construction 14) Obscure glazing to front first floor windows of unit 10B 15) No other windows than those approved 16) Submission of details of boundary treatment 17) Site construction statement

9) EB/2012/0631 - 2 Priory Road - Demolition of existing bungalow and erection of block of eight flats together with eight parking spaces – **ST ANTHONYS**. One letter of objection had been received. Five further letters of objection relating to noise, traffic, overdevelopment and loss of privacy, were reported at the meeting.

Mrs Wells, resident, addressed the Committee in objection stating that the development would be higher than the surrounding buildings, and that the external appearance was out of keeping with the surrounding area. There would be a lack of parking, loss of privacy and overlooking for the neighbouring properties.

Councillor Warner addressed the Committee in objection stating that the scheme would be an overdevelopment on a small site. Councillor Warner felt that the development was too high and would result in overshadowing and loss of privacy.

Mr Benn, applicant, addressed the Committee in response stating that the scale was similar to nearby plots and that the views would be diagonally to any neighbouring gardens by design and that balconies would have frosted glass. The car park area would have a boundary fence and the parking was deemed sufficient by County Highways. The scheme was to the north of

existing properties to prevent loss of light. Adequate drainage and soak away would be provided, and the scheme complied with Council policies.

The observations of Archaeological Services, Trees and Downland Team, Planning Policy and Highways were summarised within the report.

The Committee discussed the application in relation to the height, scale and overlooking of neighbouring properties. The Committee also considered deferring the application pending further consultation with the applicant on height and reduction in the number of dwellings. A motion to defer was lost 2 votes to 5.

RESOLVED: (By 5 votes to 2) That permission be refused on the grounds that the proposal by reason of the size, scale, appearance and layout would result in an unneighbourly and overbearing form of development with neighbouring residential properties, giving rise to a material loss of residential amenity and privacy. As outlined in the National Planning Policy Framework (2012), in order for development to be supported it must first comply with local plans. The proposal conflicts with policy UHT1 and HO20 of the Eastbourne Borough Plan (Saved policies, 2007)

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

42 South Downs National Park Authority Planning Applications.

None reported.

NOTED.

43 Tree Preservation Order 153 Land at Elmwood, 5 Arundel Road.

The Committee considered the report of the Senior Head of Development and Environment and Lawyer to the Council seeking confirmation of a tree preservation order on the above land. One objection had been received and the officer's response was detailed within the report.

RESOLVED: That the Eastbourne Borough Council Tree Preservation Order (Land at Elmwood, 5 Arundel Road, Eastbourne, East Sussex) No. 153 (2012) be confirmed without modification.

44 Section 106 Database and Monitoring.

The Committee considered the report of the Development Planning Manager informing and updating members of the current position in respect to Planning Obligations received since 1990.

Members were advised that Planning obligations were legal agreements entered into generally between the local planning authority and the applicant, developer and or any others who had an interest in the land. As outlined above they were mechanisms to ensure that matters required to make a development acceptable were secured.

From the 700 – 800 planning applications per year that were determined by Eastbourne Borough Council, only a handful required planning obligations. Once completed, obligations were registered as a Local Land Charge and were typically enforceable against those persons – organisations who had entered into the obligation as well as any subsequent owner of the site.

Planning obligations could be in a unilateral or mutli-lateral form, and all types of agreement as outlined above were entered into under Section 106 of the Town and Country Planning Act 1990. Planning obligations can cover any number of topic areas which were detailed within the report.

In broad terms the S106 fund stands at approximately £2.6m. However as highlighted by Table 2 within the report, about £1m was committed to specific projects. Of the £1.6m remaining the majority (c£1.4m) was earmarked, although not formally committed to, the two large projects which were likely to come forward in the near future and for which monies were specifically collected. These projects were:-

Flood Mitigation (£65k) – a new lake/wetland area as part of the emerging Eastbourne Park and Employment Space (£75k) – to assist with the starting new business in Eastbourne (currently being considered to deliver at Sovereign Harbour)

The contributions yet to be committed were therefore the Open Space/Play monies which amounted to £177k and were largely collected during the last year including payments received from McCarthy and Stone at Jevington Gardens for £109,530 and the other was from Pembury Road (EBC partnership scheme now called Cranbrook) for £27,242. Projects using this funding would be put forward as bids in the Capital Budget prioritisation procedure as part of the Service and Financial Planning Process.

The Public Open Space topic area had seen a high volume of commitments over the last couple of years with many projects completed and delivered with the assistance of this money, the most recent of which could be seen in Table 2 of the report. It is important to understand that there remains a Public Open Space commitment of £27K within the Sovereign Ward.

The meeting closed at 8.34 pm.

Councillor Ungar
(Chairman)