

Planning Committee

MEMBERS: Councillor UNGAR (Chairman) Councillors COOKE, HEARN, HOWLETT
(as substitute for Jenkins) MIAH, MURRAY and TAYLOR

(Apologies for absence were reported from Councillor Jenkins and Councillor Harris)

54 Minutes.

The minutes of the meeting held on 8 January 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

55 Declaration of Interests.

Councillor Ungar declared a personal interest in Item 4, 68 Grove Road, being an acquaintance of a shop owner in the area. Councillor Ungar did not consider that the relationship gave rise to a prejudicial interest and fully took part in the discussion and decision.

56 Report of Head of Planning on Applications.

1) EB/2012/0370 - 5 Elmwood Gardens - Erection of 3 bedroom chalet bungalow with integral garage together with new vehicular access (amendments to vehicular access) – **LANGNEY**. A petition following each amendment (with a maximum of 16 signatures from 7 households – the latest revision signed by 6 residents) and objection letters from 11 households had been received.

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

The observations of Environmental Health, Highways Authority, Planning Policy, the Council's Cleansing Contracts Manager and Southern Gas were detailed within the report.

Councillor Shuttleworth, Ward Councillor, addressed the committee in objection stating that the scheme was inappropriate and out of keeping with the surrounding area. Councillor Shuttleworth stated that the spacing was inaccurate and that the neighbours would suffer a loss of privacy and the building would be intrusive.

Mr Stanbridge, Agent for the applicant, addressed the committee in response stating that the applicant had compromised on scale, appearance and density and that considerable consultation had been carried out with Development Control to mitigate impact on residents. The scheme would

sit comfortably within the site and the Highways Department had raised no issues with the scheme.

RESOLVED: (By 5 votes to 2) That permission be refused on the grounds that the proposed dwelling would result in a cramped form of development that would not relate well to the surrounding properties and would be of a scale and design that would be out of character with the locality and adjacent properties contrary to policies UHT1, UHT2, UHT4 and HO6 of the Eastbourne Borough Plan 2001-2011.

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.

2) EB/2012/0591 (FP) - 68 Grove Road - Conversion of second and third floors from office space to 10 residential flats, comprising 4No. 2 bed flats and 1No. 1 bed flats per floor, together with alterations to basement car park – **MEADS**.

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

The observations of the Conservation Officer, Policy, Environmental Health, Highway Authority, Cleansing and Economic Development were detailed within the report.

RESOLVED: (By 6 votes to 1) That permission be granted subject to the following conditions: 1) Time Commencement 2) Plans.

3) EB/2012/0636 (OL) - Garage block on south side of St James Road - Redevelopment of site including demolition of existing garages and erection of a terrace of three houses with associated parking (outline application) – **DEVONSHIRE**. Five letters of objection had been received.

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

The observations of the Environment Agency, Policy and Highways was detailed within the report.

RESOLVED: (Unanimous) That permission refused on the grounds that in the absence of detailed elevation plans, the proposed development is likely to have an adverse impact on the character of the surrounding area and established residential amenities of adjoining occupants with particular regard to loss of privacy, contrary to Policy UHT1, UHT4 and HO20 of the Borough Plan 2001-2011.

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.

4) EB/2012/0667 (FP) (CONS AREA) - 68 Grove Road - Change of use of part of ground floor from offices (B1) to retail (A1) together with new

shop front – **MEADS**. One letter of support and six letters of objection had been received.

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

The observations of the Conservation Officer, Environmental Health, Food Hygiene and Safety, Economic Development, Highway Authority and Policy were detailed within the report.

At their meeting on 20 November 2012 the Conservation Area Advisory Group raised Concerns with regard to the impact of the proposed shop front on the symmetrical appearance of the building and the character of the conservation area on a prominent junction with several listed buildings.

RESOLVED: (By 4 votes to 3) (For: Councillors Hearn, Miah, Murray and Ungar. Against: Councillors Cooke, Howlett and Taylor). That permission be granted subject to the following conditions: 1) Time Commencement 2) Submission of roof mounted equipment details 3) Noise levels 4) Opening Hours 5) Plan numbers.

5) EB/2012/0748 - Ridglands, 2 Upland Road - Erection of a detached two storey dwelling with garage and parking – **OLD TOWN**

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

The observations of the Highway Authority and Arboricultural Officer were detailed within the report.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Submission of reserved matters within three years 2) Commencement within three years 3) No development until existing access closed 4) No development until details of new access submitted and approved 5) No development until tree protection in place 6) No burning within site 7) No development until details of services/excavations submitted and approved 8) No development until landscaping details submitted and approved 9) Retention of conifer screen at height of 6m 10) No development until samples of external materials submitted 11) Restriction on hours of building works 12) Restriction of PD rights (windows and dormers) 13) Restriction of PD rights (curtilage buildings) 14) No development, hard surfaces or changes of ground level within 10m of beech tree.

6) EB/2012/0781 - Land to the rear of 391 Seaside - Demolition of lock up stores (formerly garages) and erection of terrace of 5 No. 2 bedroom houses together with the provision of 5 parking spaces – **DEVONSHIRE**. Six letters of objection had been received.

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

The observations of Planning Policy, Highways Authority, Environmental Health and the Environment Agency were detailed within the report.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time Commencement 2) Samples of Materials 3)

Provision of surface water drainage details 4) Provision of cycle parking 5) Provision of parking area 6) Comply with FRA 7) Provision of washing facilities 8) Floor levels setting 9) Hours of work on site 10) Restriction of windows at first floor 11) Restriction of buildings within the curtilage 12) Plan numbers.

7) EB/2012/0785 - The Waterfront, Sovereign Harbour - Display of additional side/return hoarding to existing hoarding on approach road to the Waterfront Sovereign Harbour, with new illuminated double sided sign immediately in front of car park entrance - **SOVEREIGN**.

Highways had no objections to the scheme.

RESOLVED: (Unanimous) That express consent be granted subject to the following standard conditions: 1) – 5) Standard Conditions 6) Plan numbers

57 South Downs National Park Authority Planning Applications.

None reported.

NOTED.

58 Town Centre Local Plan (formerly known as Eastbourne Town Centre Area Action Plan).

The committee considered the report of the Senior Head of Development and Environment seeking Members' views on the request to Cabinet to consult on the proposed modifications to the Eastbourne Town Centre Local Plan prior to examination by the Planning Inspector.

Members noted that On 14 December 2011, Cabinet approved the Submission Eastbourne Town Centre Area Action Plan (TCAAP) and Sustainability Appraisal and gave authority for the documents to be submitted to the Secretary of State in January 2012.

After formally submitting the AAP (at the same time as the Core Strategy) on 31 January 2012, the appointed Inspector wrote to the Council on 22 February and described the document as "*mainly a suite of development management policies which relate specifically to the TC [Town Centre] area*". She noted that there needed to be more detail of action taking place to progress identified schemes and additional information about implementation. The Inspector considered that the role of an AAP was to take forward and provide more detail of the Core Strategy and concluded that the submitted AAP seemed more akin to a Supplementary Planning Document (SPD).

In April 2012, the Inspector gave a more detailed summary that reiterated her concerns about the TCAAP and provided specific areas of the document that she considered required additional information. The Inspector's main areas of concern were detailed within the Cabinet report.

The Inspector was informed that the Council proposed to carry out additional work and DLA have been working with Officers in order to

overcome the Inspector's concerns. This has resulted in an amended document.

Members were advised that Cabinet would be requested to give authority to consult on the proposed modifications to the Eastbourne Town Centre Local Plan prior to examination by the Planning Inspector. Members are asked to consider the attached report and any comments would be considered and reported verbally to Cabinet when they meet on 6 February 2013.

RESOLVED: That Cabinet be advised that Planning committee support the request to consult on the proposed changes to the Town Centre Local Plan, prior to examination by the Planning Inspector.

59 Eastbourne Core Strategy Local Plan.

The committee considered the report of the Senior Head of Development and Environment seeking Member's views on The Eastbourne Core Strategy Local Plan before being considered at Cabinet on 6th February, 2013.

The Eastbourne Local Plan or LDF Core Strategy had been shaped over the last 5 years by extensive consultation with local people and community groups. The Council had also worked closely with Wealden District Council, to ensure that the research that had informed this plan was complementary for both of the administrative areas. What had grown out of all that work was a holistic plan that would shape the future development of Eastbourne for the next 15 years. It was intended as a guide for the community to show where and how the town would grow and develop in the future. It would also be a guide for decision makers and developers about what was likely to be acceptable by way of proposed developments.

Members were advised that the Cabinet report sought approval of the Eastbourne Core Strategy Local Plan for adoption by Full Council on 20 February, 2013. Planning Committee were asked to consider the attached report and any comments would be considered and reported to Cabinet when they meet on 6th February, 2013.

RESOLVED: That Cabinet be advised that Planning committee support the request to endorse the Eastbourne Core Strategy Plan including its publication and adoption by Full Council.

60 Sovereign Harbour Supplementary Planning Document.

The committee considered the report of the Senior Head of Development and Environment seeking members' views on the Sovereign Harbour Supplementary Planning Document (SPD) before being considered by Cabinet on 6 February 2013

Members noted that the completion of the Sovereign Harbour development is long overdue and that the area was missing the social and economic infrastructure that was required for it to become a sustainable community. The Sovereign Harbour Supplementary Planning Document (SPD) had been prepared to guide development and ensure that new and improved community facilities are at the heart of future building plans.

The draft SPD was approved for public consultation by Cabinet on 18 April 2012. It was published for consultation for a 12-week period between 1 May and 24 July 2012.

Amendments had been made to the Sovereign Harbour SPD as a result of representations received during the public consultation, and as a result of the receipt of the Inspector's Report on the Eastbourne Core Strategy Local Plan, which the Sovereign Harbour SPD had to conform with. These amendments were outlined in the report.

RESOLVED: That Cabinet be advised that Planning committee support the request to endorse the Sovereign Harbour Supplementary Planning Document including its publication and adoption by Full Council.

61 Sustainable Building Design Supplementary Planning Document.

The committee considered the report of the Senior Head of Development and Environment regarding the Sustainable Building Design Supplementary Planning Document and the request for its approval for formal adoption.

The Sustainable Building Design Supplementary Planning Document (SPD) provided detailed guidance on the acceptable design of domestic and commercial development. It expanded on new sustainability policies introduced in the Eastbourne Plan (Core Strategy). Specifically the SPD included a new checklist to be submitted with all new planning applications, to ensure energy reduction measures and renewable energy technologies were designed into new development. The SPD sought to minimise water consumption as well as reduce the risk of flooding and surface water run-off in new developments. Other sustainable design issues covered in the SPD include: waste recycling; air quality; transport; and the provision and protection of wildlife habitats.

RESOLVED: That Cabinet be advised that Planning committee support the request to endorse the Sustainable Building Design Supplementary Planning Document including its publication and adoption by Full Council.

62 Eastbourne Park Supplementary Planning Document.

The committee considered the report of the Senior Head of Development and Environment regarding the Eastbourne Park Supplementary Planning Document and the request for its approval for formal adoption.

The Eastbourne Park Supplementary Planning Document (SPD) had been prepared to set out a clear strategy for the future management of Eastbourne Park as an ecological, archaeological and leisure resource. It would be used as a guide to developers and as a material consideration in the determination of planning applications within the Park.

The decision to prepare an SPD for Eastbourne Park arose as a result of an increased recognition by the Council of the need to protect it for existing and future generations. Whilst the Park already functioned as an important flood plain and an area of significant archaeology, ecology and leisure/recreation, it had been acknowledged that the Park was an under-

utilised resource, which required additional protection and a clear vision and framework for its future use.

RESOLVED: That Cabinet be advised that Planning committee support the request to endorse the Eastbourne Park Supplementary Planning Document including its publication and adoption by Full Council.

63 Revocation of S106 Order – 24 Enys Road.

The committee considered the report of the Lawyer to the Council considering the request of the owner of 24 Enys Road regarding the revocation of the S.106 Agreement completed in 1996 relating to the property, and to consider amendments to Scheme of Delegation to Officers

Members were advised that Application EB/95/0306 was submitted in June 1995 for the erection of a 3 story extension at the side of 24 Enys Road and conversion of the existing house in multiple occupation to three self-contained one bedroom flats, six studio flats and one dwelling. It was approved on 3 September 1995 subject to the completion of a S.106 Agreement requiring the allocation of the six studio flats in the conversion as affordable housing. The S.106 Agreement was completed on 28 August 1996 but the allocation of the affordable units was never taken up by the Council. In 2011 and 2012 two applications for Lawful Development Certificates (LDCs) were submitted to verify the fact that the six units in question had been occupied since completion without complying with the obligations in the S.106 Agreement. The two LDC applications were supported by substantial evidence and were both approved under delegated powers.

The owner of the property has now requested that, following the granting of the LDCs, the original S.106 agreement should be revoked and removed from the Local Land Charges register as it was no longer enforceable.

Further to this the committee considered that under the Council's Scheme of Delegations to Officers the negotiation of and entering into planning or other agreements regulating or controlling the use or development of land was delegated to the Lawyer to the Council. Normal practice, however, was for the need for a S.106 Agreement to be flagged up by the planning officers early on in the application process. If the application was reported to Committee and a s.106 Agreement was required it would be dealt with in the officer's report and the Committee's resolution. Where an agreement was required on a delegated application, the policy justifying the agreement would be referred to in the delegated report and the officer's decision would include the requirement to enter into the agreement.

Other than a delegation in the Scheme of Delegations to the Lawyer to the Council authorising that officer to make minor amendments to planning or other agreements regulating or controlling the use or development of land, there is no specific reference to the modification, discharge and revocation of Section 106 agreements. As a result, all such applications were currently referred to the Planning Committee. In order to cover this gap in the scheme and bring it more closely into line with the desired practice outlined above, it was proposed that:

1) That the power to negotiate S.106 Agreements be delegated to the Senior Head of Development and Environment in consultation with the Lawyer to the Council.

2) That the power to revoke, modify or discharge any agreement associated with an application determined under delegated powers be delegated to the Senior Head of Development and Environment in consultation with the Lawyer to the Council and the Chair of Planning Committee

RESOLVED: 1) That the S.106 Agreement relating to 24 Enys Road dated 28 August 1996 be revoked and removed from the Local Land Charges register. 2) That the proposed amendments to the Scheme of Delegation set out above be recommended to full Council for approval.

The meeting closed at 8.00pm.

**Councillor UNGAR
(Chairman)**