

Tuesday, 19 July 2016
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Sabri (Deputy-Chairman) Councillors Choudhury, Jenkins, Miah, Murdoch, Robinson, Taylor and Hearn (as substitute for Murray)

28 Minutes of the meeting held on 21 June 2016.

The minutes of the meeting held on 21 June 2016 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

29 Apologies for absence.

Councillor Murray.

30 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.

31 Woods Cottages, development off Swanley Close. Application ID: 160150.

Outline planning application with all matters reserved for the demolition of two derelict cottages and construction of ten residential dwellings at Woods Cottages, Swanley Close, Langney Rise – **LANGNEY**.

The following comments from local residents were reported at the meeting:

'If both entrances were used then their property became an island surrounded by entrances to the development. The width of the road was not wide enough for large vehicles. It would be dangerous to increase traffic flow given children use the road for access to the local school. Pedestrian access showed no obstruction to prevent car access so it could become another vehicular access'.

'The road was not wide enough to cope with additional traffic. The proposed access was not wide enough for emergency vehicles. The resident also questioned the ownership of land and width of access path. The development impacts on their privacy given the proximity of the proposed new dwellings'.

'The area was mostly bungalows so the proposed development was out of keeping, and would be an overdevelopment. There were concerns regarding the impact on the environment, overshadowing, privacy and loss of light to existing residents and the loss of protected trees'.

'The number of dwellings was still too many which would impact on traffic and localised flooding'.

Ms St Clare addressed the committee in objection stating that the safety and upheaval during the development was still a concern particularly with regard to the construction vehicles. The proposed pedestrian entrance would need bollards to prevent vehicles using this as an access route. Introducing double yellow lines in Swanley close would remove visitor parking for those properties. Ms St Clare suggested the access route would be better placed through Langney Shopping Centre.

Mr Woods addressed the committee in objection stating that although the reduction in dwellings and increase in parking was a great improvement, the close was too narrow to be used as the main access route especially for larger vehicles and therefore the access would be better placed coming through the top of the site, via Langney Shopping Centre car park.

Mr Jaden agent addressed the committee in response stating that consultation had been carried out with a key parties including refuse collection and emergency services, who had not raised any objections to the proposed access route. The site had been derelict for 20 years and suffered ongoing vandalism.

Members agreed it was important to look at the site in more detail and requested a site visit. In addition the committee requested that the applicant explore alternative access routes.

RESOLVED: (By 5 votes to 1 with 2 abstentions) 1) That this application be deferred to allow officer's time to negotiate alternative access arrangements (potentially from the north of the site)
 2) That if and when alternative access arrangements are secured then Members to undertake a site visit to assess the merits of the alternative access.

32 4 St James Road. Application ID: 160562.

Change of use from light industrial unit, to a single 2 bedroomed dwelling – **DEVONSHIRE.**

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Development in three years 2) Development in accordance with approved plans 3) Layout to be built as per approved plans 4) Rear garden area to be built and set out prior to first occupation 5) Windows to be blocked out prior to first occupation 6) Windows as shown on the approved plans to be obscure glazed and fixed shut and be maintained in that condition thereafter 7) Permitted Development rights

removed (windows and extensions, roof etc.) amenity 8) Bin stores to be set out as per approved plans and maintained for lifetime of development.

33 The Courtyard, Wharf Road. Application ID: 160428.

Removal of condition 5 (Garages to be permanently retained for the occupiers of or visitors to the units hereby approved) of planning permission granted 27 May 1999 for the proposed change of use to form six dwellings with garages (Ref: EB/1999/0124) – **UPPERTON**.

RESOLVED: (Unanimous) That permission be granted.

34 Tennis in the Park. Application ID: 160570.

The replacement of one existing adult tennis court with one external children's tennis court and one indoor children's tennis court within a new single storey building to be used for indoor children's tennis and other compatible exercise related activities offered by third parties. Includes two new floodlights which are to be mounted on existing poles to light external children's tennis court (amended scheme) – **UPPERTON**.

17 further letters of objection were reported at the meeting commenting on the following issues:

- Unsightly
- Overdevelopment
- Impact from noise (general activity and from doors and windows opening)
- Impact from floodlighting
- The free tennis courts had become neglected
- Impact upon other park users
- Difficulty controlling use of building
- Prevention of quiet enjoyment of home (human rights impacts)
- Lack of parking
- Children's toys spilling out into the park
- New building could be used as toy play space
- Other courts should be used
- Increase in traffic
- This was a private business in the park and should not be encouraged
- No sporting changing facilities
- This was a café for mums and not a sporting facility.
- May impact upon the ability to host tournaments
- No need for another indoor tennis facility
- Character of the park would be adversely affected
- Breach of their licence in terms of their opening times
- Increased security threat/risk by creating a blind spot behind the building

The following further information had been supplied by Dr Bloor, local resident:

- 1) A visual representation of the proposed scheme which was displayed during Dr Bloor's address.

- 2) 10 emails of correspondence addressed to Dr Bloor supporting his objection from various individuals.
- 3) 14 further objections from various individuals on a pro-forma, which included images. The main areas of concern were as follows:
 - Commercialisation of the park
 - Visual impact car parking
 - Effect of trees
 - Increase risk of crime
 - Child safety
 - Noise issues
 - Nuisance from floodlighting.
- 4) A document containing further details to be covered during the Planning Committee meeting and summarised as follows:
 - Supports the need for children's tennis
 - Children's tennis was noisier than adult's tennis and the application site was close to residential properties
 - Most neighbours agreed that the western courts would be a more acceptable site due to the distance from residential properties
 - There were significant and multiple errors of fact and omissions from which a valid recommendation should not be made
 - The integrated transport policy stated facilities should be at site of need, i.e. focus on young children should be sited where young children and families live
 - Policy TR6 stated applicants should provide changing and showering facilities for cyclists, which should be provided for all members in the clubhouse
 - Policies TR11 and TR12 required more spaces for disabled in the event of acknowledged parking pressures
 - Child safety had been omitted from report – children were left unsupervised in the park would become more of a problem
 - The area adjacent to the café was used as an unlicensed outdoor children's playing area
 - The area adjacent to the café was being used as a play-space
 - There had been multiple objections from local people
 - The toys should be kept within the café boundaries
 - Discrepancies with regards to consultation
 - No comment in report about fear of crime
 - Number of disabled parking spaces should be increased as a condition of development

Dr Bloor addressed the committee in objection stating that he was concerned about the potential increase in noise. There was also concern for child safety. Dr Bloor suggested that the facility would be better placed on the western side of the courts, further away from the properties surrounding the park.

Councillor Tutt, Leader of the Council, addressed the committee in support stating that the current facilities had renovated and transformed the

formerly run down building. The LTA hold the facility in high regard and fully support the proposals.

Mr Mackie applicant addressed the committee in response stating that the proposals had the backing of the LTA and support of the local community. The proposals would give young people the opportunity to continue playing tennis through the winter months. The building would be used as a tennis facility and not as a play centre. The building had been designed to be in keeping with its surroundings and would benefit the community as a whole.

The committee discussed the points raised and were advised that the relocation to a more western court could potentially cause light pollution for neighbours. If the current 'adult' courts were relocated they would be lit until 22.00pm rather than the 19.00pm for the 'children's' courts proposed on the same site.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time 2) Drawings and lighting assessment 3) Construction method statement – protection of trees 4) Matching materials (to include fencing) 5) Floodlights - hours of operation, 15:00pm – 19:00pm 6) Non-opening roof lights 7) Non children's tennis uses of new building - hours of operation 19:00 – 22:00 pm 8) The external finish of the building shall be stained timber and retained as such in perpetuity 9) The building hereby approved shall only be used for tennis and tennis related activity and shall not be used for any other purpose/activity (including children's general play (non-tennis) at any time.

35 Wood Winton, Silverdale Road. Application ID: 160226.

Demolition of existing dwelling, erection of 3 no. detached dwellings with parking and garages together with lengthening existing access drive (outline planning permission: Access and Layout all other matters reserved for subsequent approval) – **DEVONSHIRE.**

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time limit 2) Development in accordance with approved plans 3) Reserved matters:

- Appearance
- Landscaping
- Scale

4) Plans and particulars of the reserved matters 5) Materials – all new doors and windows 6) Samples – facing materials and roof tiles 7) Elevation of proposed replacement entrance to Silverdale Road 8) Details of means of enclosure/boundary treatments to be submitted 9) No occupation of the development until works to the highway to facilitate access agreed with the local highway authority 10) Location of all windows including type of glazing 11) Foul and surface water details to be submitted 12) Details of Widening of access 13) Access not used until turning space within development and parking provided 14) Gradient of access road 15) Refuse and recycling facilities to be submitted 16) Retaining access to public sewers 17) Construction method statement (trees) 18) Detailed plans of services in relation to trees 19) Protection of existing trees 20) Protection of retained trees.

Informative:

- The applicant is advised that this is CIL liable development
- Connection to the public sewerage system
- Investigation if a sewer found during construction
- Waste collection arrangements

36 Upperton United Reform Church, Upperton Road. Application ID: 160590.

Demolition of existing United Reformed Church and construction of new church and community centre – **UPPERTON**.

Mrs Burgess addressed the committee in objection stating that the tower would be overbearing. She expressed concern regarding the roof garden and potential overlooking and noise levels from the crèche. Mrs Burgess also stated that the proposals would increase the traffic issues an and around the site.

Mr Gill addressed the committee in objection stating that the tower would result in overshadowing and loss of light. He also expressed concern regarding the material to be used, how the tower would be lit and suggested the scale of the building was too large for the site.

Mrs Angelinetta addressed the committee in objection stating that she was concerned about the noise and pollution from the under croft parking and the noise from the roof gardens.

Mr Lloyd addressed the committee in support stating that the development would have a positive impact on the neighbourhood, and in amalgamating four churches to this site, other land would be freed up for essential housing development.

Mr Yule applicant, addressed the committee in response stating that the design proposals had been the subject of much consideration to ensure the building was fit for purpose. The amalgamation of the four churches was a practical solution as the buildings were dilapidated and in need of a considerable amount of investment to improve to the standards now required. It was therefore considered that a new building would be the best solution. The proposed onsite parking would improve the current parking issues and a transport plan would be put in place.

RESOLVED: (By 7 votes with 1 abstention) 1) That subject to a S106 agreement for Local Employment initiatives and a mechanism for the delivery of the vacant church building/plots (other sites across the town) into alternative uses, permission be granted subject to the following conditions: 1) Time 2) Approved drawings 3) Construction method statement to include (hours of demolition and construction) 4) Samples of materials (to include green roofs and renewables) 5) Lighting strategy 6) SuDs - geotechnical investigation 7) Programme of archaeological works (in accordance with WSI) 8) Details of reconfigured access (incl. drainage) 9) Gate positioned 5.5m back from highway 10) Construction traffic

management plan 11) Details of surface water drainage (Highways) 12) Vehicle wheel washing equipment 13) Cycle parking 14) Turning space for vehicles 15) Hours of operation – use of the building for church and ancillary uses 16) Garden terrace – nursery use only 17) Garden terrace – hours of operation 18) Garden terrace - privacy screen 19) external plant equipment 20) Rear boundary wall protection 21) Full landscaping details 22) No contaminated materials

Informative:

- 1) Connection to mains sewer
- 2) Licence for Highways Crossover

37 36 Beatty Road. Application ID: 160617 (PPP).

Change of use from class A1 (Bakery), to A3 & A5 (restaurant & takeaway) – **SOVEREIGN.**

An additional comment had been received supporting the proposal stating there was plenty of parking and litter bins, and that new businesses should be encouraged within Eastbourne.

Mrs Choi addressed the committee in objection stating that there were already a number of food premises at Beatty Road and that the longer opening hours would be unfair to other traders and residents.

Councillor di Cara, Ward Councillor, addressed the committee stating that it was a small shopping site that benefitted from a variety of retail outlets. The proposals would create a noise disturbance late at night.

RESOLVED: (Unanimous) That permission be refused on the grounds that
 1) The proposed change of use from Class A1 to Class A5 is contrary to saved policy SH7 of the Borough Plan 2007 and Policy D4 of the Core strategy 2013, the loss of the A1 would further decrease the retail provision in this shopping centre which would harm the vitality and viability of the local centre
 2) The proposed opening times until 11pm would result in harm to the residential amenity of the surrounding residential properties from noise and disturbance contrary to policy B2 of the Core Strategy Local Plan 2013
 3) The applicant has failed to demonstrate that the proposed ducting will be sufficient to alleviate smell nuisance on the surrounding residential properties contrary to saved policy HO20 of the Borough Plan 2007 and policy b2 of the Core Strategy Local Plan 2013.

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.

38 Community Infrastructure Level - Financial Position (July 2016).

The committee considered the report of the Senior Specialist Advisor for Planning providing a summary of the income from Community Infrastructure Levy (CIL) liable cases since its adoption in April 2015.

The Community Infrastructure Levy allowed local authorities to raise funds from developers undertaking new building projects in their area. The money can be used to fund a wide range of infrastructure that was needed as a result of development.

A CIL liability was created at the granting of planning permission at which point a Liability Notice was issued. A liability notice set out what the charge would be upon commencement of the planning permission and was issued as soon as reasonably practicable after planning permission was granted. The total value of the Liability Notices issued as of 4th July 2016 was **£68,949.41.**

This value was best considered as CIL potential – money would only become due once development had commenced. Furthermore it was possible for an applicant to apply for relief from the levy up until commencement of development. If relief was granted a revised Liability Notice was issued showing the relief and the new liability.

There were a variety of conditions where relief maybe applied for, for example for social housing, self-build, charitable purposes and extensions and annexes. There had been one request for relief from Eastbourne Homes Ltd for 100% social housing which had been granted.

The reported detailed applications where the Council had issued Liability Notices, and the potential CIL income (£68,949.41) had been broken down into the constituent governance pots. Permissions where development had commenced with a demand notice (request for payment) were also listed. A demand for payment was considered to be the same as an invoice with payment due within 60 days from commencement. There had only been one development that had commenced with a CIL payment due on 5th August 2016.

Members noted that relief could be applied for at anytime up until a development had commenced and so it was possible for relief to be granted for developments that currently formed part of the CIL potential. It was also noted that an applicant could forfeit their relief for non-compliance with procedure and the application of the claw back period.

Members would be receiving quarterly reports monitoring the planning permissions that had received a CIL Confirmation of no liability notice to establish the potential CIL income that was lost through the exemption in the CIL Charging Schedule of residential apartments.

It was acknowledged that given the low level of funds received at this stage, the Council had not received any bids for infrastructure funding. It was anticipated that this would change going forward and whilst the governance of the bidding regime fell with the Local Plan Steering Group and Cabinet, future iterations of this report should identify relevant and successful bids.

RESOLVED: That the report be noted.

39 South Downs National Park Authority Planning Applications.

There were none.

40 Appeal Decisions.

- 1) 6 Cambridge Road. The appeal was dismissed.
- 2) 42-44 Meads Street. The appeal was allowed.
- 3) 93 Royal Parade. The appeal was dismissed and the enforcement notice was upheld as corrected.
- 4) 1 Baillie Avenue. The appeal was dismissed.

The meeting closed at 8.08 pm

**Councillor Sabri
(Deputy Chairman in the Chair)**