



Planning Committee

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MEMBERS: Councillor Murray (Chairman); Councillor Sabri (Deputy-Chairman); Councillors Choudhury, Jenkins, Miah, Murdoch, Robinson and Taylor

Agenda

- 1 Minutes of the meeting held on 19 July 2016.** (Pages 1 - 10)
- 2 Apologies for absence.**
- 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.**

4 Urgent items of business.

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.

5 Right to address the meeting/order of business.

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.

6 1 Marcia Close. Application ID: 160641. (Pages 11 - 16)

7 16 Woodland Avenue. Application ID: 160546. (Pages 17 - 24)

8 21 Victoria Drive. Application ID: 160757. (Pages 25 - 32)

9 46 Woodland Avenue. Application ID: 160580. (Pages 33 - 36)

10 65 Moy Avenue. Application ID: 160677. (Pages 37 - 42)

11 Flat 2, 32 Saffrons Road. Application ID: 160483. (Pages 43 - 48)

12 Land at Sumach Close. Application ID: 160720. (Pages 49 - 54)

13 Woods Cottages. Application ID: 160150. (Pages 55 - 66)

14 Customer Satisfaction Survey (April to June) 2016. (Pages 67 - 74)

Report of Specialist Advisor for Planning.

15 Planning Performance (April to June) 2016. (Pages 75 - 86)

16 Tourist Accommodation Retention Supplementary Planning Document (SPD). (Pages 87 - 132)

Report of Director of Planning and Regeneration.

17 Update on Housing Delivery. (Pages 133 - 150)

Report of Director of Planning and Regeneration.

18 Tree Preservation Order (TPO) 177, 55 Blackwater Road. (Pages 151 - 160)

Report of Director of Service Delivery.

19 South Downs National Park Authority Planning Applications.

20 Appeal Decisions.

Inspection of Background Papers – Please see contact details listed in each report.

Councillor Right of Address - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.

Disclosure of interests - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a DPI, if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Public Right of Address – Requests by members of the public to speak on a matter which is listed in this agenda must be received in writing by no later than 12 Noon, 2 working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or electronic mail. For further details on the rules about speaking at meetings please contact Local Democracy.

Registering to speak – Planning Applications - If you wish to address the committee regarding a planning application you need to register your interest with the Development Control Section of the Planning Division or Local Democracy within **21 days** of the date of the site notice or neighbour notification letters (detail of dates available on the Council's website at www.eastbourne.gov.uk/planningapplications).

Requests made beyond this date cannot normally be accepted. This can be done by telephone, letter, fax, e-mail or by completing the local democracy or planning contact forms on the Council's website.

Please note: Objectors will only be allowed to speak where they have already submitted objections in writing, new objections must not be introduced when speaking.

Further Information

Councillor contact details, committee membership lists and other related information is also available from Local Democracy.

Local Democracy, 1 Grove Road, Eastbourne, BN21 4TW
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enquiries@eastbourne.gov.uk

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)**

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Agenda Item 6

App.No: 160641 (HHH)	Decision Due Date: 12 August 2016	Ward: Ratton
Officer: Danielle Durham	Site visit date: 21 June 2016	Type: Householder
Site Notice(s) Expiry date: NA Neighbour Con Expiry: 10 June 2016 Press Notice(s): NA		
Over 8/13 week reason: NA		
Location: Tangle Wood, 1 Marcia Close, Eastbourne		
Proposal: Proposed 1 1/2 storey side extension above existing double width flat roof garage along with rear 2 1/2 part rear storey extension, along with internal alterations.		
Applicant: Mr & Mrs L NEL		
Recommendation: refuse		

Executive Summary

This application has been referred to the Committee from delegated by the Chair so that Planning Committee members can debate the issues around this proposed extension.

The proposed extension is considered to be an overly disproportionate extension that fails to respect the character, size and scale of the host property. It is considered therefore that the extension would impact significantly on the character of the site and surrounding area.

This application is recommended for refusal.

Relevant Planning Policies:

National Planning Policy Framework

Paragraph 53

Paragraph 56

Paragraph 57

Paragraph 64

Paragraph 65

Eastbourne Core Strategy Local Plan Policies 2013

C12 Ratton & Willingdon Village Neighbourhood Policy

D5 Housing

D10a Design

Eastbourne Borough Plan Saved Policies 2007

HO20 Residential Amenity

UHT4 Visual Amenity

UHT2 Height of buildings

Site Description:

The site consists of a two storey dwelling house that has been previously been extended by way of significant decking to the rear and side garage.

Marcia Close is a spur off Upper Ratton Drive which itself is characterised by large dwelling houses lining both sides of the road. The applicant's property is the first on Marcia close. Marcia Close is formed by a range property styles comprising traditional bungalows, chalet style bungalows and full two storey dwellings.

There is a significant change of levels up Marcia Close such that there is approximately a storey difference (in levels) between the side garage and the ground floor of the main dwelling.

There is tree/hedge cover along the common boundary between site and the rear of the properties in Upper Ratton Drive. This tree/hedge cover is not on the application site and is controlled by the owners of neighbouring properties.

Relevant Planning History:

EB/1978/0113

S/ST EXTN OVER GARAGE & DORMER AT FRONT

Approved Unconditional

1978-04-18

Proposed development:

The applicant is seeking planning permission for an 'L' shaped extension to the existing property providing the following accommodation:-

- Garage and guest bedroom (+ En-Suite)/garden room on the 'lower' ground floor and side steps from the garage down to the garden.
- Kitchen-diner on the ground floor and new porch feature.
- Two double bedrooms at first floor level.

The footprint of the extension measures approximately 9.2m in length, a maximum width of 7.6m including the element to the rear of the existing property and height to the ridge of the extension of approximately 9.12m.

The proposed appearance of the extension is formed by gable feature to the front and the rear with widows/roof lights were deemed appropriate. The South East elevation (facing the neighbouring properties) would have two high level windows with a cill level of 1.7m serving the Kitchen on the floor above the garage. There is proposed to be a wraparound clear glazed window on the corner of this elevation that would go to the rear elevation the proposed cill level would be 1.4m serving a dining area.

The overall habitable floor space will increase from approximately 120sqm to approximately 240sqm.

Consultations:

Internal:

Specialist Advisor (Arboriculture) raises concerns with the proposal; full text below:-

'The site at present has two mature Yew Trees and a Box hedge on the eastern boundary.

The applicant has not submitted an arboricultural impact assessment (AIA) despite the development including the side access steps being within the root protection area of the adjacent Yew trees situated in the rear garden of 67 Upper Ratton Drive.

The proposed steps to the side of the garage would appear to also encroach into the space available for the neighbouring box hedge, again within the rear garden of 67 Upper Ratton Drive. The applicant indicates removing part of the existing garage wall on the east side of the garage, which will require access for the demolition and re-build with room also required for scaffolding, all of which may have a detrimental impact on the long term health and retention of the hedge and Yew trees.

Further to this the applicant indicates a tile hung wall on the east side of the proposed extension, with the neighbours trees being in close proximity to this wall the neighbour at 67 Upper Ratton Drive will be legally responsible to prevent a legal nuisance such as the Yew trees damaging the tile hung wall by means of dislodging etc. Therefore they will be required to ensure their trees are pruned clear of this proposal at a cost to themselves.

As the applicant had not submitted an AIA I can only assume that long term damage will occur to both the trees and the hedge within the neighbouring property.

My recommendations are:

- *The applicant changes the proposal by reducing the development on the east side, and relocating the rear steps in order to prevent damage to the neighbouring hedge and trees and providing sufficient room to facilitate the build.*
- *Submit an AIA with the amended plans to ensure adequate consideration has been afforded to the neighbouring hedge and trees.'*

Neighbour Representations:

Comments have been received and cover the following points:

No objection to the planning application but a request to consider restricting the times that that works can be undertaken to between 08:30 to 17:30 Monday to Friday and 08:30 to 13:30 on Saturdays.

First letter received 15th July 2016

Second letter received 21st July

Third letter received 26th July

In support of the proposal as for them they consider the extent of direct overlooking has been reduced from the existing situation. In addition they do not perceive that the development would harm the trees/hedge that are theirs and on the common boundary.

Appraisal:

Principle

There is no objection in principle to homeowners wishing to extend/adapt their properties to meet their changing family needs and requirements. However any alteration/extension to a domestic property should not adversely impact upon the amenities enjoyed by the occupiers of the neighbouring properties and should be respectful to the character of the host property in particular and the wider street scene in general.

Design:

As a matter of good design principles (although not in every case) extensions should remain subservient to the main/host dwelling such that the integrity of the main/host dwelling can be sustained.

In this regard the proposed extension does take architectural references from the host property (gable features and matching materials) however the scheme proposes a doubling of the habitable floorspace. The manifestation of this doubling of floorspace in the manner proposed is that the extension given its scale, bulk and design would appear disproportionate to the host property and to some extent dominates it.

It is noted that in broad townscape terms there is a difference in the scale of the properties in Upper Ratton Drive to those in Marcia Close and this visually transition between the two roads is assisted by the void/open area above the applicants garage and the generally modest size of the existing property and the transition is completed by true bungalows at the head of Marcia Close.

The side extension would serve to emphasise the differences in scale and would result in a domineering and visually awkward relationship to the host property and would be out of character with the predominate pattern of development in Marcia Close.

The proposed development would double the habitable floor space of the property. This is considered along with the design of the neighbouring properties as discussed above it would cause significant adverse effect on the vista of the area due to the bulk and size.

Visual amenity

A key feature of the common boundary between the application site and the properties in Upper Kings Drive is the mature trees and hedges.

As outlined by the Councils Specialist Advisor (trees) (see response above) that in the absence of any information to the contrary the proposed development is likely to have a negative impact upon the health and vitality of the trees and hedges along this boundary such that they may not be able to withstand the impacts of the development.

It is accepted that the trees and hedge along this common boundary do to some extent provide a buffer and visual screening to the application site, however it should be noted that these are not under the control of the applicant and could be removed at any time and if they are retained without evidence to the contrary they may not withstand the development and the buffer and visual protection that they may currently afford will be lost. If this is the case then the full extension would be visible to the occupiers of the neighbouring plots and given the changes in ground level up to the application site would to some degree be an overly dominant and unneighbourly addition to the skyline when viewed from the properties in Upper Ratton Drive.

It is considered that the proposed extension given its size, scale and appearance added to the potential adverse impacts on the neighbouring trees/hedges would impact upon the character of the area and as such erode the local distinctiveness.

Residential amenity

The impacts upon residential amenity other than the issues identified in previous sections would be potential loss of amenity/privacy through direct overlooking. It is acknowledged that in this regard it is noted that there are letters of support from the occupier of No67 Upper Ratton Dive (the closest neighbour) and no response from the occupiers of 63, 65 Upper Ratton Drive.

It is acknowledged that there is significant separation between the application site and the properties in Upper Ratton Drive; however this separation is foreshortened by the significant changes of levels.

When compared with the existing situation (views from the exiting windows within the existing property) the degree and extent of overlooking from the property as proposed would be no worse and could be assessed as being neutral. Given this it is considered that subject to conditions controlling cill heights, glazing and means of opening then a refusal based on the loss of residential amenity could be substantiated or sustained through an appeal.

Other matters:

The agent and applicant have not provided a construction method statement to show how they would construct scaffolding around the existing garage without impacting on the existing trees and hedges; similarly there has been no evidence/statement that outlines how the flank of the property and the gutter will be maintained post construction. It is considered that if the scheme is supported then this matter can be controlled via planning condition.

There have been no documents provided to demonstrate the opening method for the roof lights on the side elevation in order to contribute to the assessment of overlooking issues. This could be controlled by condition

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in

balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Recommendation: refuse

The proposed extension given its size, design and bulk is considered not subordinate to the host property and as such would be out of scale and character with this and neighbouring properties and would therefore erode local distinctiveness. The proposal would be discordant with planning policies C12 and D10a of the Eastbourne Core Strategy Local Plan Policies 2013 and Policies UHT2

The application has supplied insufficient information to fully assess the impacts of the proposal in terms of construction, on-going maintenance and retention of the trees/hedge on the neighbouring properties. In the absence of this information it is considered that the proposed development would have an adverse impact upon the health and long term vitality of the trees/hedge that abut the site.

Informatives:

For the avoidance of doubt, the plans received on 8th June 2016 and hereby refused are:

- Drawing No. 1615/03 - Proposed Block Plan
- Drawing No. 1615/07 A - Proposed elevations
- Drawing No. 1615/01 - Site location plan
- Drawing No. 1615/06 A- Propose floor plans

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.**

Agenda Item 7

App.No: 160546	Decision Due Date: 12 July 2016	Ward: Ratton
Officer: Danielle Durham	Site visit date: 26 May 2016	Type: Householder
Site Notice(s) Expiry date: NA Neighbour Con Expiry: 9 June 2016 Press Notice(s): NA		
Over 8/13 week reason: Cycle of planning committee meeting.		
Location: 16 Woodland Avenue, Eastbourne		
Proposal: Extension to side and rear, conversion of garage to office space, internal alterations and associated works.		
Applicant: Mr & Mrs Paul & Claudine Badawi		
Recommendation: Approved conditionally		

Executive Summary:

This application is reported to committee from delegated at the request of the Chair in order to allow for wider debate from Planning Committee Members with regard to the merits and issue arising from the proposal with specific reference to the rear balcony.

This is a householder application to extend the existing property. The application has been amended to mitigate some of the neighbours concerns.

Scheme is acceptable and is recommended for conditional approval.

Relevant Planning Policies:

National Planning Policy Framework

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment

Eastbourne Core Strategy Local Plan Policies 2013

- C12 Ratton & Willingdon Village Neighbourhood Policy
- D5 Housing
- D10 Historic Environment
- D10a Design

Eastbourne Borough Plan Saved Policies 2007

US4 Flood Protection and Surface Water

HO2 Predominantly Residential Areas

HO20 Residential Amenity

UTH4 Visual Amenity

Site Description:

The site consists of a detached two storey dwelling house in a road of properties with mixed/varied architectural styles/appearance. The property currently has a dropped curb entrance to the left hand side of the front garden, with drive way to the garage.

Relevant Planning History:

140127

Conversion of existing garage to a habitable room with external door on the east-facing side and replacing garage door at front with a window, together with the creation of an enlarged porch to the front elevation of the existing dwelling.

Householder

Approved conditionally

At the time of writing this has not been implemented.

Proposed development:

There are a number of elements to this application:-

- Conversion of garage to habitable room (office) with front canopy.
- Two storey Front extension (utility/bathroom) under hipped pitched roof
- Single storey rear extension (incorporating roof terrace)
- First floor rear extension under hipped roof (bedroom extension)
- Alterations to the front garden area (access and parking space)
- Covered canopy to the side providing access to the rear garden.

Conversion of garage to habitable room (office) incorporating front canopy.

The applicant is seeking planning permission to convert the garage into an office.

The existing 'cat-slide' roof over the garage will incorporate two roof lights to provide additional light to first floor bedrooms.

Two storey Front extension (utility/bathroom) under hipped pitched roof:

It is also proposed to build a two storey extension on the front elevation to create a lobby on the ground floor and a bathroom on the first floor. This is proposed to have a hipped roof. This two storey extension to the front would be 7.05m in height total height and 4.9m to the eaves and extending 2.2m forward from the main dwelling.

Single storey rear extension (incorporating roof terrace):

The proposed single storey extension to the rear is proposed to wrap around the side elevation to the proposed office room. The rear section would extend 5.5m from the existing rear elevation and be 7.5m in width across the rear. This rear section would have a mono pitched roof to the East elevation and a privacy screen 1.85m in height alongside a flat roof with balcony/terraced area 26.6m² with a glass balustrade 1m high facing directly down the garden/plot.

First floor rear extension under hipped roof (bedroom extension):

To the rear of the property a first floor extension to the existing bedroom. This would increase the depth of this room by approximately 2.2m. This extended room would have a hipped pitched roof over.

Alterations to the front garden area (access and parking space):

A raised parking area on the right hand side of the front garden for the use of 2 cars. The existing driveway will be turned into steps down to the property and a disabled access ramp and the proposed front door of the porch. The space between the steps and the drive way would be a planted area.

It is also proposed to block up the existing dropped kerb in order to improve the availability of on street parking.

Covered canopy to the side providing access to the rear garden:

It is proposed to have a small side extension on south west elevation that will be 3.4m in total height; it would be 2.05m in height to the eaves. It would extend 5.5m across the side elevation and extend 1.35m from the existing building. It would have an access door to the rear garden and is

Consultations:

External:

County Archaeologist –No objections subject to conditions controlling/protecting the archaeological remains at the site.

Highways ESCC- 'The proposed access is onto an unclassified road and as a result I do not wish to comment further. However, it should be noted that the new access should be constructed in accordance with ESCC specifications with any works carried out under the appropriate licence.'

Neighbour Representations:

Objections have been received and cover the following points:

1. Concerns that the introduction of a second dropped curb will remove all parking on the road outside the house and therefore causes concerns about safe exit from their drive.

2. The conversion of the garage to an office suggests a commercial/business use which would add to the parking problems.
3. The size and the position of the roof terrace would impact on the privacy of the surrounding properties.
4. There would be no access to maintain the exterior of the building.

1. The roof terrace would overlook the garden of number 18 and would impact the value of the property.
2. A second dropped curb would limit parking on the road.
3. The Velux window would overlook into the Velux window at number 18.
4. The construction works would take a long time and be noisy. A request also to restrict the hours of construction.

Appraisal:

Principle

There is no objection in principle to homeowners wishing to extend/adapt/alter their properties to meet their changing family needs, subject to these changes not adversely impacting up residential amenity of the occupiers of adjacent/nearby properties plots and also that the development is respectful to the character of the host property and also the predominate pattern of development in the wider area.

Visual Amenity

The proposal will not include any removal of any trees or hedging and there for there will be no impact of natural screening.

The design of the proposal to the front elevation and front garden visible to public areas is sympathetic with the design of the neighbouring properties. The proposed developments to the rear of the property would not be visible to any public areas but are also designed sympathetically to the original house.

It is considered that there will be no significant adverse impact to the visual amenity caused by the proposed developments.

Residential amenity

Overlooking/ privacy

In response to the concerns raised the scheme has been amended from that originally submitted with the roof lights be sited higher up the roof slope (now 1.7m above finished floor level). This has mitigated direct over looking into neighbouring windows. In addition the roof terrace has been amended by increasing the height of the mono pitched roof on the North East side elevation to 1.85m above the first floor finished floor level in the bedrooms. This would create a privacy screen between the roof terrace of number 16 and number 18 Woodlands Avenue to minimise any adverse impact caused by overlooking.

It is considered that the balcony balustrade looking directly down the garden would provide views over the neighbouring plots; however this would not be any more severe/acute than if bedroom windows were to be sited in this location. IN addition it is noted that the first floor windows to the rear of no 20 Woodland Avenue would afford a degree of direct overlooking.

It is accepted that elevated terraces can often increase the perception of being overlooked for the occupiers of neighbouring properties. However in this instance given the nature of the design of the terrace and the relatively generous plots it is considered that the occupiers of neighbouring properties would not be materially impacted by this element of the proposal sufficient to justify/substantiate a refusal of the application.

It is therefore considered that the amended proposal would not significantly adversely affect the residential amenity.

Loss of outlook/overshadowing

The proposed first floor extension would have a limited adverse impact to the outlook from windows at number 18 and given the existing rear building line of No 14 it would have limited impact upon the outlook from this property.

Given the orientation of the properties in this part of the street and the location and size of the proposed extension there should not be any material impact upon the occupiers of the neighbouring plots by way of overshadowing.

Design:

The proposed porch has been designed sympathetically to complement the area; the neighbouring property number 18 has a porch with a similar scale and design.

The Velux roof lights on the side elevations would fall under Permitted development rights if they were obscure glazed.

The development has been designed to use matching or similar materials. The roof tiles and brick will match the existing with matching render, the front garden will be changed from a variety of surfaces including pea gravel, concrete, tarmac and paving slabs to a uniformed block paving. The front door would remain timber and the back windows and doors would be powder coated aluminium.

In general terms the proposed extensions/alterations are also considered to be respectful to host property and also maintain the distinctiveness of the local area.

Parking and dropped curbs

The applicant has agreed to a planning condition to remove the existing and extra dropped curb as part of the works. This would mitigate against the concerns of neighbours in regards to the loss of on road parking.

The applicant has agreed to re-use the materials excavated to the side and rear of the property to infill the raised parking area so as to reduce the extent of commercial movements to and from the site.

In townscape terms the proposed works to the front garden area are considered to be acceptable and subject to conditions controlling surface water disposal there are no issues with this element of the proposal.

Other factors:

The value of properties is not a material consideration to be considered under a planning application.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

It is considered that the proposed development would not negatively impact the amenity of the occupiers of surrounding properties or be detrimental to character and appearance of the area. The proposal therefore complies with the local and national policies.

Recommendation: Approve Conditionally

Conditions:

1. Time Limit
2. External Materials
3. Surface water disposal details to include down pipes and no encroachment onto neighbouring properties and to prevent localised flooding over the public highway.
4. Dropped kerb reinstatement
5. Approved Drawings
6. Notwithstanding the details of the application the waste materials excavated in the construction of the foundations of the rear extension shall be recycled where possible for use in the construction of the raised driveway to the front garden.
7. Archaeological works

Informative

- 1) You are advised to apply to East Sussex County Council's Highways department to apply for permission to install a dropped curb.

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**.

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Agenda Item 8

App.No: 160757	Decision Due Date: 29 th August 2016	Ward: Old Town
Officer: Danielle Durham	Site visit date: 18 th July 2016	Type: Householder
Site Notice(s) Expiry date: 29 th July 2016 Neighbour Con Expiry: 29 th July 2016 Press Notice(s): N/A		
Over 8/13 week reason: Referral to Planning Committee Meetings		
Location: 21 Victoria Drive, Eastbourne		
Proposal: Proposed single storey extension at rear to replace conservatory, extension at rear of existing detached garage together with replacement of flat roof with a pitched roof		
Applicant: Mr J. Sprange		
Recommendation: Approve conditionally		

Executive Summary:

The application has been called to Committee by the Ward Councillor so that Planning Committee Members can assess the merits and impacts of the proposal with specific regard to proximity of adjacent development to the application proposal.

The proposed scheme includes a single storey ground floor rear extension and a rear extension to the detached garage which also to have an increase in height and a pitched roof.

The single storey ground floor rear extension is not contentious and has raised no objection (falling within the remit of permitted development), but the detached garage stands close to an adjacent property and has attracted an objection.

There are not considered to be any design issues, but it is noted that there may be some effect on the adjacent property due to the position of the ground floor windows on the elevation closest to the development. Nevertheless, this is not considered to be a significant loss of residential amenity to substantiate and sustain a refusal.

The proposed development is considered appropriate and is recommended for conditional approval.

Relevant Planning Policies:

National Planning Policy Framework 2012

7. Requiring good design

Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution

B2: Creating a Sustainable Neighbourhood

C4: Old Town Neighbourhood Policy

D5: Housing

D10a: Design

Eastbourne Borough Plan Saved Policies 2007

HO2: Predominantly Residential Areas

NE14: Source Protection Zone

UHT4: Visual Amenity

HO20: Residential Amenity

Site Description:

The site consists of a two storey mid-terrace dwelling house with good sized rear garden. The property shares boundaries with nos. 23 and 19 Victoria Drive (either side of the plot) and 20 St Leonard's Place to the rear.

The rear elevation of the dwellinghouse has a stepped configuration with common two storey rear projections; common feature of properties in the area.

The rear garden is approximately 31m long and has a double garage at its end. This garage is accessed via a twitten/lane that also provides access to numbers 19 to 27 Victoria drive and connects/links St Leonard's Place and Upwick Road.

The existing garage is situated adjacent to a detached dwelling, 20 St Leonards Place, which was converted from a former tool hire premises to a dwellinghouse in 1997. An outbuilding adjoins the side of 20 St Leonard's Place and the subject garage.

At the time of the officers site visit work construction work had commenced on an extension to the garage.

Relevant Planning History:

Now known as 20 St Leonards Place

970023

Change of use/conversion of former tool hire premises to single private dwelling and erection of single-storey extension at side.

Planning Permission - Approved conditionally, 24/06/1997

991189

Erection of a single-storey extension at side.

Planning Permission - Approved unconditionally, 17/01/2000

No relevant history for the application plot.

Proposed development:

The applicant is seeking planning permission for a single storey extension to the rear of the main property and a proposed extension and pitched roof to the detached garage at the far end of the rear garden.

Rear Extension

The proposed single storey extension would have a mono-pitched roof with roof light. Approximately, the proposed eaves height would be 2.2 and the overall height would be 3.6m. The width would be 2.5m and there would be no windows on the side elevation. The depth of the extension would be 3m. There would be glass doors extending 1.9m across the rear elevation of the extension.

Garage Extension

The proposed extension would extend 2m from the existing rear elevation of the garage into the garden of the application property and would be 2.9m in width. This will provide the garage with an approximate increase in floor area of 19.9m². The total height to the ridge line of the pitched roof over the extension would be 3.5m.

The addition of the pitched roof to the garage would approximately increase the maximum height from 3.15m (top of false pitch to front facing the twitten/lane to the rear of the plot) to 4.3m. The height of the eaves of the new garage structure would be 2.2m. Currently, the bulk of the flat roof is approx. 2.7m in height.

Neighbour Representations:

7 neighbour consultation letters were sent out and a Site Notice was displayed nearby.

Following consultation, one objection has been received from an adjacent neighbour, which covers the following points:

- Ground floor windows on facing elevation of adjacent dwellinghouse will be obscured by increased height of garage roof and light received into these windows will be reduced
- Proposed garage roof would impose on open character of the adjacent garage block
- Extended garage would dominate the side aspect of the adjacent property
- Drawing does not include measurements
- Construction may have a negative effect on the residents of the adjacent dwellinghouse (bedrooms overlook the garage).

- Working hours conditions should be applied

Appraisal:

Principle of development:

There is no objection to the proposed development as long as it would not have a detrimental effect on occupiers of any nearby properties.

Technically, the proposed extension to the rear of the dwellinghouse appears to fall within the remit of permitted development, therefore there are no concerns with regards to this element of the scheme.

The extension to the garage is also acceptable in principle as it would be in-keeping with the other buildings in the immediate area, but this is as long as it would not have a significant impact on neighbouring properties.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Rear Extension

It is not anticipated that this element of the scheme will have a negative impact on nearby residents as the details of the extension fall within specifications of the General Permitted Development Order 2015 (Class A of Schedule 2, Part 1). In addition, the proposed extension is to be located where an existing conservatory stands. Therefore, there are unlikely to be any issues with a brick built extension in the same location.

Garage Extension

The garage is to be extended into the garden of the host property. This element is to have a pitched roof which will appear subordinate to the main body of the garage. The garden is of a good size and it is not considered that this extension would result in reduced residential amenity for any neighbours nor provide substandard retained amenity space for the current/future occupiers of the application property.

The extension to the roof and the proposed pitched roof will have some impact on the light received into the facing ground floor windows of adjacent 20 St Leonard's Place. However, this is not considered to be a significant impact on which the scheme could be refused. On the facing elevation, there are four windows. Two standard sized casement windows to the first floor and two smaller side hung windows to the ground floor. These ground floor windows serve an open plan kitchen, dining and living space. The windows are secondary as there are some windows on two other elevations serving this space.

The proposed roof ridge will stand approx. 0.5m below the cills of the first floor windows, therefore it is not considered that the outlook from these rooms will be affected, nor will the light received into the windows be affected.

The outlook from one of the ground floor windows is currently significantly obscured by the existing adjacent garage roof. Five brick courses and roofing felt along with leading makes up the view from the lower third of the window. This being the case, the amount of natural light received into this window is presently likely to be compromised. However, the proposed eaves height is to be 0.5m below the full height of the existing flat roof, and as the gable ends are to be to the front and rear of the garage, this side elevation would have a roof slope. The other affected ground floor window is positioned forward of the front elevation of the garage and as such, there is unlikely to be much of a decrease in natural light received into this window. Although the garage's front elevation is to have a gable end, the subject window currently is unlikely to receive any direct sunlight, being on the north west elevation.

Therefore, despite the increase in overall height, light would still be received by these ground floor windows and there is not considered to be a significant effect on the room that the windows serve. As such a refusal based on this residential impact could not be substantiated or sustained when the scheme is acceptable in all other respects.

A condition will be recommended to ensure that rainwater goods and run-off rainwater are kept within the application site to prevent any associated nuisance.

A condition controlling the use of the garage to be uses incidental to that of the host dwellinghouse is considered appropriate given the location and the proximity of another dwellinghouse.

Design issues:

Rear Extension

This element of the scheme is not considered to negatively affect the character or appearance of the property as it is well obscured from view from most nearby properties. In addition, the details of the extension fall within specifications of the General Permitted Development Order 2015 (Class A of Schedule 2, Part 1). Furthermore, the extension is to replace an existing conservatory in the same location.

Garage Extension

When viewed from St Leonard's Place in the south, the garage is obscured from view of the road by 20 St Leonard's Place. The site is more visible from close to the junction where St Leonard's Place meets Victoria Drive in the south east. At present, the existing garage roof is only just visible from this position due to its height (3.15m approx.), with the side elevation of 1 Upwick Road in the background and 20 St Leonard's Place standing prominently to its left.

As a result of the development, the proposed pitched roof would be visible from this position, but it is not considered to be out of keeping. In fact, as a

gable ended structure it would harmonise with these characteristics of the adjacent property, 20 St Leonard's Place, which also has gable ends and a pitched roof.

The extension to the rear of the garage is not likely to be very visible from the road or from nearby properties due to high boundary fences and walls. The gable end will be partially visible, but it is not considered to be out of keeping.

Therefore, in terms of design, the proposed scheme is not considered to detract from the established character of the area and there is no aesthetic reason to retain a flat roof on the garage building. Furthermore, it is not considered that the open space provided by the void above the flat roofs of the garages on this access lane would be significantly affected by the development as the ridge of the pitched roof would extend little more than a metre above the existing.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

The proposed development is considered to be appropriate in this location as long as certain conditions are adhered to.

It is noted that the development of the garage may affect the occupiers of the adjacent property to some extent, it is not considered to be sufficient to warrant a refusal of permission when the scheme is acceptable in all other respects.

Recommendation:

Approve conditionally

Conditions:

- 1) Time Limit
- 2) Approved Drawings
- 3) Matching Materials
- 4) Notwithstanding the plans hereby approved, all water run-off from the new roof shall be dealt with using rainwater goods installed at the host property and no surface water shall be discharged onto any adjoining property, nor shall the rainwater goods or downpipes encroach on the neighbouring property and thereafter shall be retained as such.

- 5) The extended garage hereby approved shall be used for purposes ancillary to the enjoyment of the principal dwellinghouse and shall be used for no other purpose in perpetuity.

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**.

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Agenda Item 9

App.No: 160580	Decision Due Date: 20 July 2016	Ward: Ratton
Officer: Danielle Durham	Site visit date: 21 June 2016	Type: Householder
Site Notice(s) Expiry date: 23 June 2016 Neighbour Con Expiry: 23 June 2016 Press Notice(s): NA		
Over 8/13 week reason: Planning committee cycle		
Location: 46 Woodland Avenue, Eastbourne		
Proposal: Proposed part single, part two storey extensions to the side and associated alterations.		
Applicant: Mr & Mrs B Davidson		
Recommendation: Approved conditionally		

Executive Summary:

This application is reported to Planning Committee following referral from Delegated by the Chair given the unusual relationship between these properties and to give Planning committee the opportunity to discuss the merits/issues involved in this case.

A similar scheme was received in December 2015 but was withdrawn due to concerns over size and bulk of the proposal. However, this amended scheme has addressed the previously identified issues and is subsequently recommended for approval.

Relevant Planning Policies:

National Planning Policy Framework

- 7. Requiring good design
- 12. Conserving and enhancing the historic environment

Eastbourne Core Strategy Local Plan Policies 2013

- C12 Ratton & Willingdon Village Neighbourhood Policy
- D5 Housing
- D10 Historic Environment
- D10a Design
- Archaeological Notification Area

Eastbourne Borough Plan Saved Policies 2007

- US4 Flood Protection and Surface Water

HO2 Predominantly Residential Areas
HO20 Residential amenity
UHT4 Visual amenity

Site Description:

The site consists of a two storey dwelling house situated on the junction of Woodland Avenue and Willingdon Park Drive. There has been the addition of a porch on the N/W elevation facing onto Woodland Avenue. There has also been the addition of a two storey side extension on the South west elevation.

The predominant pattern of development in the immediate vicinity is characterised by properties possessing similar architectural features plot size and building lines; in this regard the application property does not conform to this general character.

Relevant Planning History:

040191

Two storey extension at side.
Planning Permission
Approved conditionally
04/05/2004

090784

Proposed internal alterations to dwelling and garage conversion
LD Certificate (proposed)
Issued
22/01/2010

151410

Demolition of garage and erection of a two storey extension at side.
Householder
Withdrawn
25/02/2016

Proposed development:

The applicant is seeking planning permission for the removal of the existing garage on the South East elevation to build a single storey and two storey side extensions.

This ground floor extension would extend approximately 12m in length along the South East elevation; it is proposed to have a width of approximately 3.2m from the existing side elevation of the property.

The first floor element (2 storey) is centrally located over the ground floor element and has an overall length of approximately 6.3m. The height to the top of the roof of the second storey of the extension would be 6.4m.

The proposed extension provides family room, WC and study on the ground floor and an en-suite bedroom on the first floor. The scheme proposes one ground floor flank window to WC and no flank windows at first floor.

Consultations:

External:

East Sussex County Council Archaeology-Although this application is situated within an Archaeological Notification Area, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

Neighbour Representations:

No representations have been received.

Appraisal:

Principle

There is no objection to home owners wishing to extend/adapt/alter their properties to meet their changing family needs subject to the development not adversely affecting residential amenity or the character of the area.

Visual Amenity

It is considered that given the siting, design/detailing and appearance of the extension that it would not be visually intrusive into the local street scene and that the proposal will have no significant erosion of local distinctiveness.

It is considered that the design and proposal would not cause any significant adverse impact on visual amenity of the area.

Residential amenity

Impact upon No 25 Willingdon Park Drive:

It is accepted that the proposed development extends significantly along the common boundary the property No 25 Willingdon Park Drive.

The scheme proposes front facing windows at first floor level; the front elevation of the proposed extension is sited forward of the rear building line of No25 and as such this should not give rise to any material loss of residential amenity.

It is considered that given the reductions in the size of the first floor element from the previous application and that there remains separation by way of an existing garage on the boundary and a single storey extension to the rear and that there are no first floor flank windows that the application site lies primarily to the north that the likely impacts are deemed to be acceptable.

Impact upon the properties in Woodland Avenue:

There is a considerable distance between number 44 Woodland Avenue and number 46 and the high trees and shrubs will shield the view of the extension and would also mitigate any direct overlooking from the first floor rear window. It is considered therefore that the proposed extension would have minimal impact upon the properties to the rear.

This property is not a listed building or in a conservation area. It is considered that the proposed development would not significantly adversely affect the character of the building or the area.

Design

It is considered that the proposed design and detailing of the extension is such that the extension remains appropriate for the host property would be broadly in character with the predominant pattern of development in the wider area and as such it is considered to maintain the local distinctiveness.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

It is considered that the proposed development will not negatively impact the amenity of the occupiers of surrounding properties or be detrimental to the character and appearance of the area. Proposal therefore complies with local and national policies.

Recommendation: Approve Conditionally

Conditions:

- 1) Time Limit
- 2) Approved Drawings
- 3) Matching Materials

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**.

Agenda Item 10

App.No: 160677	Decision Due Date: 13 August 2016	Ward: St Anthonys
Officer: Anna Clare	Site visit date: 25 July 2016	Type: Householder
Site Notice(s) Expiry date: N/A		
Neighbour Con Expiry: 20 July 2016		
Press Notice(s): N/A		
Over 8/13 week reason: To bring to planning committee		
Location: 65 Moy Avenue, Eastbourne		
Proposal: To erect raised decking 1.1m above ground level projecting 3m from the rear of the existing ground floor rear extension.		
Applicant: Natalie Edwards		
Recommendation: Refuse Planning Permission		

Executive Summary:

This application has been referred to planning committee by the Chair in order to allow the Members of Planning Committee discuss the merits and issues surrounding the application.

The application proposes a raised decking/terrace area 1.1m above ground level 3m in depth to the rear of an existing ground floor extension part 3m part 5m in length.

The height of the decking at 1.1m above the ground level projecting 3m in depth is considered large and whilst impact in terms of overlooking/privacy to adjacent properties can be mitigated by way of the proposed privacy screen, the bulk of the screening required 2.9m above ground level for 3m is considered cumulatively (the existing extension and the proposed terrace) an unneighbourly form of development which would have a significant impact on the outlook enjoyed by the neighbouring property No.67 Moy Avenue.

Therefore it is recommended that planning permission is refused for reasons set out in the report.

Relevant Planning Policies:

National Planning Policy Framework 2012

7. Requiring Good Design

Core Strategy Local Plan 2013 Policies
B2 Creating Sustainable Neighbourhoods
D10 A Design

Eastbourne Borough Plan Saved Policies 2007
UHT1 Design of new development
HO20 Residential Amenity

Site Description:

The site refers to a semi detached, two storey single family dwelling on the western side of Moy Avenue.

The property has an existing ground floor single storey rear extension granted planning permission in 2012 with steps down to the garden level which is approximately 1.1m below the floor level of the extension.

Relevant Planning History:

120428

Erection of a single storey extension and raised decking to the rear
Extension 3.7m in depth, decking a further 3m at 1m above ground level adjacent to the boundary.

Refused – Dismissed at Appeal
03/08/2012

120581

Single storey rear extension

3m in depth on the boundary with No.67, extending to 5m, 2m set back from the boundary, 4.6m in height. This application did not include a decking area but instead had two sets of steps leading from the extension down to garden level.

Approved conditionally
23/10/2012

Proposed development:

The application proposes the erection of a raised terrace area, 1.1m above the garden level, projecting 3m from the rear of the existing extension, set back 2.3m from the boundary with No.67 Moy Avenue, with a 1.8m high (above the level of the decking) privacy screen to either end of the proposed decking area.

Consultations:

One letter of support for the proposal had been received.

A local resident had objected to the proposal on the grounds of loss of privacy, overlooking and looking down from the decking and loss of light and overshadowing from the screening.

Appraisal:

Principle of development:

There is no objection in principle to the erection of decking to create a rear terrace providing there would be no significant impact on the amenity of the adjacent properties by way of overlooking or privacy impacts or overshadowing/overbearing impacts from the proposed screening, and the design was appropriate given the setting.

Impact of proposed development on amenity of adjoining property No.67 Moy Avenue:

The impact on privacy to this neighbouring property can be mitigated by the positioning of the privacy screen proposed as part of the application. The screen 1.8m in height would restrict overlooking from the terrace toward either neighbouring property.

However the privacy screen itself raises some concerns in relation to the impact on the neighbouring properties outlook and weather the height and visual appearance of the screening would be overbearing on the neighbouring property.

The existing extension to the application property already has an impact in terms of outlook and overshadowing to both the rear elevation of the attached dwelling and the garden level which is lower than the floor level of the property.

There is an existing 2m high fence between the two properties. The applicant submits that for the majority of the day the screening would have little additional impact on that created by the existing fence in terms of overshadowing.

The greatest concern is the cumulative impact of the extension at 5m in total length and a further 3m of privacy screen, albeit set back from the boundary. This results in a bulk of development which is considered overbearing and detrimental to the outlook from the adjacent property's rear elevation and garden level contrary to Policy B2 of the Core Strategy Local Plan which requires new development to protect the residential amenity of existing and future residents and Saved Policy HO20 which states that proposals will be refused unless they demonstrate that they do not cause unacceptable loss of outlook.

Impact of proposed development on amenity of adjoining property No.63 Moy Avenue:

The occupiers of No.63 have written in support of the application. This property has a slightly raised garden adjacent to this boundary and is therefore less impacted by the height of the proposed fence. Given the orientation of the properties the privacy screen would also have less impact on this property in terms of loss of light or overshadowing.

Design issues:

The existing extension is rendered matching the rear elevation of the property. The application proposes the erection of a timber privacy screen, however the applicant has confirmed that they would consider a different material if considered appropriate.

It is considered however that any material that blocks overlooking and is a solid structure will have a detrimental impact in terms of the cumulative impact of development along the boundary visible to the neighbouring properties. It is considered that the visual bulk and scale of development will not make a positive contribution to the property and that the scale and massing are not appropriate or sympathetic to the setting or relationship with adjoining properties contrary to policy D10a of the Core Strategy Local Plan 2013.

Other matters

The council strives to act in a positive and proactive way to seek resolutions rather than opting to refuse applications. The applicant has been advised during the course of the application that the decking should be lowered in height from ground level and reduced in length therefore reducing the bulk of the privacy screening needed and therefore the impact on the adjoining property. However this advice has not been followed the application has not been amended to alleviate officers concerns.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

Whilst the impact on privacy to neighbouring properties can be mitigated by way of a privacy screen, the privacy screen itself is considered unacceptable. The cumulative effect of the privacy screen together with the existing extension results in a bulk of development that would be overbearing to and detrimentally affect the amenity of occupiers the neighbouring property No.67 Moy Avenue.

The applicant has confirmed that they would consider a height and material to privacy screen to the Council's consideration. However, the reduction in height of the screen would result in unacceptable impacts in terms of loss of privacy.

Recommendation:

To refuse planning permission for the following reason;

1. The cumulative effect of the privacy screen together with the existing extension results in a bulk of development that would be overbearing to and detrimentally affect the amenity of occupiers the neighbouring property No.67 Moy Avenue contrary to Policy B2 of the Core Strategy Local Plan and Saved Policy H020 of the Borough Plan 2007.
2. By virtue of the visual bulk and scale of development the proposed terrace will not make a positive contribution to the property and the scale and massing, when considered cumulatively with the existing extension, are not appropriate or sympathetic to the setting or relationship to adjoining properties contrary to policy D10a 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**.

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Agenda Item 11

App.No: 160483	Decision Due Date: 12 July 2016	Ward: Upperton
Officer: Danielle Durham	Site visit date: 12 June 2016	Type: Planning Permission
Site Notice(s) Expiry date: 9 June 2016 Neighbour Con Expiry: 9 June 2016 Press Notice(s): 17 May 2016		
Over 8/13 week reason: due to referral to Planning Committee		
Location: Flat 2, 32 Saffrons Road, Eastbourne		
Proposal: Erect Yurt in rear garden		
Applicant: Mrs Burt		
Recommendation: Refused		

Executive Summary:

This application has been referred to Planning Committee from the chair at delegated given the unusual nature of the proposal and to allow Planning Committee to debate the issues/impacts of this proposal specifically the unusual nature of the proposal.

The proposed application site relates to part of a garden of a property that has been subdivided in to flats.

The location of the development is considered to have a negative effect on residential amenity of nearby occupiers and is out of character with the conservation area in which it stands. Therefore it is recommended for refusal.

Relevant Planning Policies:

National Planning Policy Framework

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 12. Conserving and enhancing the historic environment

Eastbourne Core Strategy Local Plan Policies 2013

- C10 Summerdown & Saffrons Neighbourhood Policy
- D5 Housing
- D10 Historic Environment
- D10a Design
- Conservation Area

Eastbourne Borough Plan Saved Policies 2007

UHT15 Conservation Area
HO2 Predominantly Residential Areas
NE14 Source Protection Zone
HO20 Residential amenity
UHT4 Visual amenity

Site Description:

The site consists of a 3 storey building located within the Saffrons Conservation Area. The property has been converted into self-contained flats, with each flat having access to an individual part of the rear garden.

The garden allocated to flat 2 (application property) is accessed by the garage furthest away from the dwellings. There is a long pathway that extends the length of the garden giving access to a section of the garden furthest away from the application block. The North East boundary is a brick wall that is approximately 1.7m in height.

There has been previous planning application for a summer house which is situated along the south west garden division. There is also a small shed in the South East Corner of the divided garden area of which planning permission has not been sought.

Relevant Planning History:

080418
Erection of summer house in rear garden.
Planning Permission
Approved unconditionally
26/08/2008

Proposed development:

The applicant is seeking planning permission to build an outbuilding structure within their allocated garden.

The application proposes that this outbuilding will be formed by a 'Yurt' structure. Definition (*A traditional yurt (from the Turkic languages) or (Mongolian) is a portable, round tent covered with skins or felt and used as a dwelling by nomads in the steppes of Central Asia).*

The Yurt would be constructed using traditional and authentic construction techniques (timber internal structure and material covering), and would measure approximately 2.6m in total height (1.7m to the eaves) with a stainless steel Flue rising to 2.85m and 5.40m in width/diameter.

The Yurt is proposed to be 0.65m away from the rear boundary shared with the properties in Arlington Road and 0.9m from the side boundary with No 34 Saffrons Road.

The applicant has submitted a supporting statement within which they make the following comments:

- The applicants live in a first floor 4 bedroom flat
- If related to a dwelling house and not a flat then it would be permitted development
- All others in the block of flats support the proposal
- Located in a secluded garden that has high walls and fencing and is used solely by the applicant
- The structure is non-permanent and will be taken away if applicants move house
- Space is required so family can enjoy garden and will also be used for study, reflection, yoga practice, drawing and painting
- Space will be used only for incidental residential purposes and not be used for any commercial or long stay family accommodation at any time
- Applicants are complimentary health practitioners and teachers for art shiatsu and T'ai Chi and have their business space away from their home at the Well Being Centre Hankham, The Natural Fitness Centre and Cuckmere Haven.
- Local support from local neighbours
- Like most families there will be family parties and BBQ,s where the garden will be used
- Solid fuel burner is required so the garden can be enjoyed in the winter months and to keep the structure/covering aired and dry.

Consultations:

Internal:

Specialist Advisor (Conservation) Given location to the rear of the property there is likely be a neutral impact upon the character of the conservations area.

Neighbour Representations:

14 consultation letters were sent out and the following representations were received:

Five letters of support was generated by the applicants was received.

An objection from a local resident had been received stating that :

- The yurt would be large and highly visible from the back of the house and garden.
- This in addition to the existing 2 outbuildings would cause overcrowding

- It would not be aesthetically in keeping with the architectural heritage of the saffron conservation area.
- The chimney would have an adverse impact on the view from 31 Arlington Road
- The chimney would cause smoke to be blown into the garden of especially as the prevailing wind is from the west.

Appraisal:

Principle

This property falls within a conservation area and as the property contains flats it does not benefit from Permitted development rights.

There is no objection in principle to people wishing to change/adapt and alter their properties/plots to meet their changing family needs subject to the siting mass, scale and design of the proposal not adversely impacting upon the occupiers of neighbouring plots/properties nor impacting upon the character of the site and surrounding area.

Residential amenity

It is accepted that the proposed height of the yurt itself is only 0.9m taller than the brick wall surrounding the garden. However due to the substantial width and bulk along with proximity to neighbouring properties it is considered that the development would result in an unneighbourly and overly dominant structure that would impact upon the outlook from 31 and 33 Arlington Road as well as other garden users of this block at 32 Saffron Road.

The applicant state that the new structure will be used for purposes incidental to the enjoyment of their property (general family use and hobby art studio) whilst this is noted officers are concerned over the potential increase in activity that this structure may facilitate especially given the proposed installation of a log burner/flue with the potential for other services.

Any increase in activity over and above pure ancillary domestic use would be likely to result in a material loss of residential amenity to the occupiers of nearby residential properties.

Visual amenity

As the Yurt is proposed to be in the rear garden it will not be visible to the public from Saffrons road. However, due to its form of construction, its appearance, its bulk and scale it would cause a degree of loss of character to the wider character of the Saffrons Conservation Area as it would be visible from occupants on 28-34 Saffrons Road and Numbers 27 to 37 Arlington Road and would stand out sitting between the red bricked housed and red bricked walls.

It is considered that the introduction of this feature in this location would go some way to eroding local distinctiveness and character.

Design

The Yurt is proposed to be made with a covering of Poly Cotton Canvas over an ash frame, there are no examples of this material being used in any other building or outhouse near to the application site and in this regard it is considered to be an alien feature in the local townscape. The impact of this alien feature is compounded by the proposed size/bulk of the proposed building.

The proposed yurt is not considered appropriate and sympathetic in terms of size scale and mass and density as this section of garden proposed to be used is relatively small. At the widest point of the separated garden it is 10.4m in width South West to North East and the diameter of the yurt is 5.4m.

Other issues

The supporting statement outlines how the structure is intended to be used however officers remain concerned over a number of issues as outlined below.

Although the accompanying documents state that the wood burner has a dust free de-ashing system and they comment that if Authorised Fuels are used there will not be smoke emitted and it would comply with air quality legislation, however there is no guarantee that these fuels will always be used. If other materials are used then these may give rise to loss of residential amenity by way of dust and smells.

In addition officers remain of the view that due to the size of the yurt it would be possible for it to be used as a business/commercial space providing classes, renting out as a business space and also has the potential to be used as residential accommodation for family members or B&B.

It is accepted that that any non-incidentual use would require planning permission and that a condition limiting the commercial activity could be imposed upon any approval however officers are concerned given the location of the application plot it would be very difficult to readily monitor compliance with any such conditions.

Conclusion

In conclusion there is no objection in principle to an outbuilding in the garden. However due to the design, size, bulk, location, impact on neighbours by way of noise, smoke and other associated disturbances along with the adverse impact to the conservation area, have a significant cumulative adverse impact on the neighbouring properties and the area.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Recommendation: Refuse

The appearance, size, bulk, location of the proposed structure and its potential use is likely to have an adverse impact on neighbours by way of noise, smoke and other associated disturbances along with the adverse impact to the conservation area, have a significant cumulative adverse impact on the neighbouring properties and the area. It is considered therefore to be contrary to Policies HO20 Residential Amenity, UHT1 Design of New Development, UHT4 Visual Amenity, UHT15 Protection of Conservation Areas of the Eastbourne Local Plan and D10 Historic Environment , D10A Design of the Eastbourne Core Strategy Local Plan.

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**.

Agenda Item 12

App.No: 160720	Decision Due Date: 27 September 2016	Ward: Hampden Park
Officer: Anna Clare	Site visit date: 26 July 2016	Type: Variation of Condition
Site Notice(s) Expiry date: 22 July 2016 Neighbour Con Expiry: 26 August 2016 Press Notice(s): N/A		
Over 8/13 week reason: To bring to planning committee		
Location: Land at Sumach Close, Sumach Close, Eastbourne		
Proposal: Revisions to external appearance and siting of two to four storey building consisting of 13 flats (Variation of condition 2 of planning permission granted 24 March 2016 Ref: 151170)		
Applicant: Eastbourne Homes Ltd		
Recommendation: Grant variation of condition		

Executive Summary:

This application is reported to Planning Committee as it is a major application.

The application is for a variation of condition to the original permission for a new building consisting of 13 flats (Ref: 151170). The variation is sought to amend the condition in relation to the approved drawings as the building is moved further from the western boundary due to positioning of a drain, the internal configuration is altered to allow for installation of a lift and shaft and alterations are made to the external design of the building.

Whilst the alterations are material alterations to the originally approved design the alterations are considered acceptable for the reasons set out in this report and the variation of condition is therefore recommended to be granted.

Relevant Planning Policies:

National Planning Policy Framework 2012

4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design

8. Promoting healthy communities

Core Strategy Local Plan 2013 Policies

B2 Creating Sustainable Neighbourhoods

C7 Hampden Park Neighbourhood Policy

D5 Housing

D10A Design

Eastbourne Borough Plan Saved Policies 2007

UHT1 Design of new development

UHT2 Height of building

UHT4 Visual Amenity

UHT8 Protection of amenity space

HO2 Predominantly residential areas

HO20 Residential Amenity

TR11 Car parking

Site Description:

The site is currently a grassed verge area and hard standing car park at the corner of Maywood Avenue and Sumach Close.

The closest residential properties are generally of a similar character, possessing similar features having been constructed at a similar time. To the north of the site, on the opposite side of Maywood Avenue there are blocks of flats on Holly Place which are three storeys of light/grey brick with an angled roof line.

There are areas of green space to the front of many of the properties and large grass verges between the pavement and highway edge. To the north-eastern side of Sumach Close there are large areas of on street parking parallel with the highway.

Relevant Planning History:

151170

Erection of a new building consisting of 13 flats (8 x 2) bed

Approved Conditionally

24 March 2016

Proposed development:

The application proposes the erection of a part 4, 3 and 2 storey 'L' shaped building to provide 13 flats (5 x 1 bed and 8 x 2 bed).

Number	Type	Size (Sqm) at least. Original Application	Size (Sqm) at least. following amendments	National Space Standards (2015) (Sqm)
5	1 bedroom flats	55	53	50
8	2 bedroom flats	74	71	70

The table above shows the flat sizes as originally permitted and following amendments. The reduction in size is from the amended position/western elevation and changes to the internal configuration of the building.

The building is split into two segments (two entrances). One 'block' accessed from the corner entrance feature provides 8 two bed flats (two to each floor).

The second 'block' facing Sumach Close provides 5 one bed flats, two at ground and first floor and one at third floor level.

Alterations from previously approved scheme

- The western elevation of the building is moved a further 3m from the adjacent property, so 6m separation distance but is brought 3m forward of the front elevation of this dwelling. This is due to the location of a public foul rising main and surface water sewer adjacent to this boundary as no development can be carried out within 3m of this sewer.
- Refuse and recycling facilities are to be provided within the rear car park area only. Previous scheme proposed two separate bin stores one for each 'block'.
- A ramp is proposed to give access to the corner block.
- Internal alterations to the layout given the inclusion of a lift to the corner block.
- An additional door at the rear of the block facing Sumach Close to allow easier access to bin storage and car parking area.
- Alterations to fenestration details, balconies are replaced with Juliette balconies, and amendments to some windows/doors.

Neighbour Representations:

Seven objections have been received covering the following points;

- Higher roofline than surrounding properties removing light from habitable rooms
- Loss of privacy for properties in Maywood Avenue
- Loss of green space
- Will result in dark and dangerous footpath
- Impacts on demand for parking
- Impact on wildlife
- Height is out of keeping with surrounding buildings
- Overlooking into surrounding properties and gardens

Appraisal:

Principle of development:

Planning permission has been granted for the development of the site for a new building to provide 13 flats.

This permission seeks to amend the approved plans of this permission for an alternative scheme in terms of layout and design. The principle of development has not changed since the previous approval.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

It is not considered that the changes to the layout and design would have significant impacts on the amenity of surrounding occupiers to warrant the refusal of the application.

The change to the layout takes the building further away from the adjacent 124 Maywood Avenue it brings the building forward of this property. However given the separation distance of 6m this is considered acceptable and unlikely to have a significant detrimental impact.

Impact of proposed development on future amenity of future occupiers:

The original permission had balconies approximately 1m in depth for each flat, these have been replaced with Juliet balconies. The internal layout has been amended to allow for a lift within the corner block and a ramped access to improve accessibility.

Whilst some flats have been marginally reduced in size from that approved, the flats as proposed in the amended layout all exceed the National Space Standards in terms of floorspace and it is considered the alterations to the layout would still result in a good standard of accommodation for future occupiers.

Design issues:

Various amendments are sought to the design of the building and fenestration. Overall the bulk and scale remain approximately the same as approved. Materials are to be controlled by condition and therefore the alterations to the elevations are considered acceptable.

Impacts on trees:

Two trees currently bordering the car park area would be lost following the expansion of the parking area. There was no objection to their removal from our Arboriculturalist at the time of the original permission and the principle of this has not changed.

A landscaping scheme will be requested by condition to ensure suitable planting is provided to maintain the character of the area with open green spaces and verges.

Impacts on highway network or access:

No alterations have been made to the proposed access or parking arrangements which were considered at the time of the original application.

The existing car park area is to be enlarged to provide 13 parking spaces. The level of parking was considered acceptable by ESCC highways for the number and type of new dwellings proposed. As the situation has not changed since the original permission the level of parking and impact on the highway are acceptable.

Planning obligations:

Affordable housing:-The application proposes 13 social rented affordable units, therefore meets the requirements of Policy D5: Housing of the Core Strategy Local Plan. A condition is proposed to control the tenure of the proposed units.

CIL:-The proposal constitutes flats and therefore no CIL is payable.

Local Employment initiatives:- In addition given the scale of the development there is a policy requirement that the scheme should deliver some local employment initiatives. A condition is required to deliver this initiative.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

The principle of the development was considered during the course of the original application. This application seeks amendments to the layout within the site and alterations to the design/fenestration of the building. The amendments are considered acceptable in terms of any additional impacts on surrounding properties and the layout would provide a good standard of accommodation for future occupiers. Therefore it is recommended that the variation is supported.

Recommendation:

Grant the variation to condition which results in a new planning permission being granted, conditions proposed are as the original permission.

Conditions:

1. Time for commencement
2. Approved drawings
3. Samples of proposed materials
4. Refuse/recycling storage (details submitted and to be provided prior to occupation)
5. Landscaping/planting
6. Wheel Washing
7. Surface Water drainage (Highways)
8. Parking provision (laid and provided before occupation)
9. Cycle Parking (details submitted and to be provided prior to occupation)
10. SUDS
11. The residential units hereby approved shall be retained in perpetuity as affordable rented accommodation unless previously agreed in writing by the Local Planning Authority.
12. Details of retained trees in relation to existing and proposed services.
13. Details of tree planting.
14. Development shall not commence until an employment and training plan has been submitted to and agreed by the LPA.

Agenda Item 13

App.No: 160150	Decision Due Date: 22 July 2016	Ward: Langney
Officer: Anna Clare	Site visit date: 28 June 2016	Type: Outline (all reserved)
Site Notice(s) Expiry date: March 16		
Neighbour Con Expiry: 3 July 2016		
Press Notice(s): March 16		
Over 8/13 week reason: Due to Committee cycle		
Location: Wood's Cottages, Langney Rise, Eastbourne		
Proposal: 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.		
Applicant: Mr Ronald S Taylor		
Recommendation: Grant Planning Permission subject to conditions and S106 Agreement.		

Executive Summary:

This application was deferred from Planning Committee in July in order to allow time for officers to negotiate access to the development site from the north (Langney Shopping Centre) and once this had been secured then a Planning Committee site visit would follow.

The applicant has confirmed that they are unable to secure access from the north and have reiterated that Swanley Close and the internal arrangements of the scheme (albeit in illustrative terms only) meet recognised highway/layout standards.

Given the above the application is reported back to planning committee; the officers recommendation remains as outlined in the July Committee Report.

Notwithstanding the above and following the debate-discussions at the July Planning Committee where members were not inclined to support/endorse the officers recommendation then Members may choose to use the following draft reason for refusal:-

- 1. The applicant has failed to demonstrate that the development would not result in the loss or deterioration of high value habitat at the site.*

In the absence of information to the contrary it is considered that the development is likely to have an adverse impact on habitat that has the potential for protected species on this site including but not limited to bats, water voles and reptiles contrary to section 11 of the National Planning Policy Framework 2012.

- 2. No woodland management plan has been submitted and no commitment has been secured to improve and thereafter manage/maintain the land to the south of the site, in the absence of this information it is considered that the scheme would likely result in the long term neglect of the land detrimental to the visual amenity of the surrounding area contrary to saved policy UHT4 and UHT7 of the Borough Plan 2007 and Policy B2 of the Core Strategy Local Plan 2013.*
- 3. No commitment has been secured in relation to local labour obligations as set out in Local Employment and Training Technical Guidance Note 2013 and in the absence of this commitment it is considered that the development would not comply with infrastructure/Local Policy*
- 4. The applicant has failed to demonstrate that suitable access to the site can be provided to serve the number of dwellings proposed without adaptation/alteration. The use of Swanley Close for access would be detrimental to the amenity of residents of Swanley Close given the increase in vehicular traffic including construction vehicles and due to indiscriminate on street car parking from the development may give rise to highway and pedestrian safety issues, the development is considered to be contrary to saved policy HO20 of the Borough Plan 2007 and Policy B2 of the Core Strategy Local Plan 2013.*
- 5. The applicant has failed to demonstrate by way of a current tree survey that the proposed development could be accommodated within the site without the loss of, or harm to the long term health of trees within the site which are covered by Tree Preservation Order 86 contrary to saved policy UHT5 of the Borough Plan 2007.*

The report to July's Planning Committee is attached in full below.

Executive Summary:-

The site is currently derelict with two cottages to the north of the site, and a wooded/pond area to the south. The application is for outline permission, with all matters reserved for the development of 10 residential dwellings. A layout plan has been submitted to indicate how 10 properties, along with parking can be accommodated along with suitable access and turning spaces.

It was resolved to refuse planning permission by Committee the previous proposal for 15 residential dwellings on the grounds that the applicant failed

to demonstrate that the number of dwellings could be accommodated on the site with the required level of parking and suitable access, and the development would likely lead to the loss of TPO protected trees.

It is considered the principles of development to the thresholds now proposed are acceptable subject to a number of conditions. A S106 agreement is required to ensure the future maintenance/management of the wooded/pond area to the south of the site which is to be retained as a private 'garden' ecology area and to secure a financial contribution towards the provision of a Traffic Regulation Order.

It is acknowledged that this development is CIL liable.

Relevant Planning Policies:

National Planning Policy Framework 2012

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 8. Promoting healthy communities
- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies

- B2. Creating sustainable neighbourhoods
- C8. Langney Neighbourhood Policy
- D5. Housing
- D9. Natural Environment
- D10A. Design

Eastbourne Borough Plan Saved Policies 2007

- UHT1. Design of New Development
- UHT4. Visual Amenity
- UHT7. Landscaping
- HO2. Predominantly residential areas
- HO20. Residential Amenity
- TR6. Facilities for cyclists
- TR11. Car Parking

Site Description:

The site consists of an area approximately 1 hectare. The site is situated to the south of Langney shopping centre, bordered by Swanley Close, with residential properties to the east and west of the site.

The site currently has two cottages with smaller associated outbuildings on part of the site to the north. To the south the site is a wooded area with large ponds. The south of the site was previous a brickworks between the early 1900's and 1940's.

A number of trees on the site are protected by a tree preservation order.

Relevant Planning History:

It was resolved at Planning Committee in April to refuse outline planning permission with all matters reserved for the development of 15 dwellings on the site for the following reason:

The application has failed to demonstrate that the proposed 15 dwellings can be accommodated on the site with the required level of parking provision and suitable access and the development would likely lead to the loss of 5 trees covered by Tree Preservation Order (86) and given the size of the access road be likely to lead to construction vehicle and emergency vehicle congestion issues resulting in a material loss of amenity. The proposal would therefore be contrary to saved policies T11, UHT4 and UHT5 of the Borough Plan 2007 and Policy B2 of the Core Strategy Local Plan 2013.

Proposed Development:

The application proposes the demolition of the existing cottages and the erection of 10 dwellings on the site. The application is for outline planning permission with all matters reserved.

However an indicative layout plan has been submitted to indicate how 10 dwellings could be laid out within the site and how access should be obtained.

The proposed access is from the existing spur onto the top turning head within Swanley Close. Previously Committee assessed the access to the site via the existing lower access, this is now proposed to be pedestrian access only.

29 parking spaces are proposed for the 10 dwellings.

Consultations:

Specialist Advisor (Waste)

The layout of the site will allow for access by refuse and recycling crew. The properties are within suitable distance from the access to allow presentation of the bins.

Specialist Advisor (Arboriculture)

No objection to the proposal – comments discussed in more detail in report.

East Sussex County Council Highways

No objection to the proposal – comments discussed in more detail in report and in addition the following comments have been received:- There are however a number of areas of concerns that will need to be fully addressed by any reserve matters application as set out below.

Parking spaces must also be of sufficient size in order to be counted towards. All spaces will therefore need to be 5m x 2.5m.

The access will need to be formalised to provide appropriate provision for vehicles, pedestrians and cyclists in accordance with current guidance.

The access road inside the site will also need to be upgraded to cater for two way traffic flow as well as turning. Given the length of the access road refuse vehicles will need to enter the site as the distances are too great for waste to be carried by residents. The access layout, road and turning area will all therefore need to be of an adequate size to accommodate the vehicles used by the refuse collection company and the emergency services. The construction of the roads will also need to be appropriate to cater for the weight of a refuse vehicle. The standard for construction should therefore be at, or at least close to adoptable standards to reduce maintenance issues in the future. Pedestrian access through the site will also need to be considered.

The applicant will also need to consider how the scheme could be built should planning permission ultimately be granted given the access limitations. Smaller vehicles would need to be utilised to access the site, which will limit the size of building materials.

Lastly, a Transport Report should also be submitted to consider the impact of the development on the highway network.

I recommend that any consent shall include the following attached conditions as well as a S106 agreement to secure £5000 towards provision of a Traffic Regulation Order.

Lead Local Flood Authority (East Sussex County Council SUDS)

A SUDS scheme was submitted with the application which is broadly acceptable, conditions have been requested to supply further information which will inform the design of the scheme at reserved matters stage.

Environment Agency

Advised no comments to make on the proposal but requested an informative in relation to foul drainage.

Southern Water

No objection raised requested an informative in relation to connection to the public sewerage system.

East Sussex County Council Archaeology

In the late 19th century / early 20th century this area was a brickworks quarry, the digging of which would have destroyed any pre-Victorian

archaeological remains. The kilns for the brick work which would be of archaeological interest were located further to the north-west.

Therefore I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason no further recommendations to make in this instance.

East Sussex County Council Ecology

Objections raised due to lack of survey in relation to bats and lack of a reptile mitigation strategy. Full comments are shown in detail later in the report.

Neighbour Representations:

Five objections to the consultation on 10 dwellings have been received covering the following points;

- Impact of traffic on small/narrow road of Swanley Close
- Pedestrian safety
- Access for emergency vehicles
- Impact of demolition and construction works
- Impact on trees
- Disruption to wildlife habitat
- Drainage
- Current state of the road
- Overcrowding of vehicles
- Surface water drainage issues

Appraisal:

Principle of development:

In principle there is no objection to the proposed development of the site for housing.

The application is for outline permission for 10 dwellings and therefore results in an in principle decision on the development of the site for housing. The detailed appearance, scale, layout, landscaping, and access would be submitted at reserved matters application(s) stage. It is considered that although there are constraints to development the site can accommodate 10 dwellings in principle.

The site is not identified in the SHLAA for development and would therefore be a windfall development in terms of housing delivery. The proposed development would be CIL liable.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

An indicative layout has been provided to show how 10 dwellings could be accommodated on the site.

The land to be developed for housing to the north of the site sits adjacent to the Langney Shopping Centre car park, with the Langney Centre open space/pond area to the west. No. 40 and 41 Swanley Close are the properties immediately adjacent to the site to the East. Given the context of the site, it is considered that the proposed dwellings would have little impact in terms of overlooking, or loss of light or outlook to the existing properties.

Whilst the layout is only indicative it is considered that a good quality of accommodation can be provided by reducing the number of units (now 10) proposed on the site which overcomes previous concerns.

Design issues:

The design of the properties is a reserved matter; however an indicative design has been submitted. In principle the site is contained relatively secluded from the wider area, and therefore the design would have limited impact in terms of street scene/character of the area.

Impact on Trees:

The application is supported by a tree report, there are a number of protected trees on the site. The use of the alternative access (from that previously reported to committee) means less impact on the protected trees on the site. Trees T9, T11 and T12 are all less likely to be harmed as the lower access will not need to be widened or altered if only used for pedestrian access. The reduction in the number of units has also removed the development pressure on tree T9.

Ecology:

The National Planning Policy Framework (NPPF) states that "*the planning system should contribute to and enhance the natural and local environment by... minimising impacts on biodiversity and providing net gains in biodiversity where possible...*"

Our Ecologist has reviewed the proposal and the submitted Habitat and Ecology Survey. Our Ecologists advice is that further surveys are required before consent is granted, that these cannot be carried out by condition as they could identify constraints to development. Specifically the buildings on site have been identified as providing a moderate potential for bat roost and several trees have also been identified as having a bat roost potential, therefore a further bat survey is required.

Given the southern part of the site is to be retained for biodiversity, the justification that no additional surveys are required for great crested newts, reptiles and dormice is acceptable, however a robust mitigation strategy is required to ensure the protection of reptiles and amphibians.

Impacts on highway network or access:

Our Specialist Advisor for Waste and Recycling has confirmed that the layout would allow access for refuse and recycling vehicles.

ESCC Highways carried out their own assessment on the level of vehicle trips that will be generated by the proposed development. The highest level is now likely to be around 44 trips per day compared to the 70 of the previous application. This would equate to 5 vehicles in the am peak, 5 in the pm peak and 3-4 per hour at other times.

Whilst it is noted that the nearby school causes congestion at the start and end of the school day this only coincides with the AM peak. The level of traffic that 10 houses will create is low with only 1 additional car approximately every 12 minutes so any impact on the highway network would not be significant.

Given the relatively low level of additional traffic that this proposal would create it is acceptable in principle as it would not result in a severe impact on the highway network.

The location of the access has been revised from that previously reported to committee. It is now intended to access the site from the turning head at the end of the Close rather than use the existing access between no. 37 & 40. This means that vehicles would now need to travel a greater distance along Swanley Close in the narrowest section.

Swanley Close narrows north east of the turning that leads to West Rise School from approximately 6m to around 5m. North of the exiting access it narrows further to around 4.5m.

While these road widths would help to keep speeds low and a road width of 4.5m is sufficient for two cars to pass each other, larger vehicles such as refuse trucks or fire tenders could experience difficulties. The only way to ensure sufficient space would be available would be to introduce parking restrictions. The exact locations would need to be considered further should planning consent be granted. It should also be noted that the installation of parking restrictions cannot be guaranteed. Any proposal would be open to public objection and the ultimate decision would be with the ESCC Planning Committee.

Given that all the properties in Swanley Close, bar number 34 at the entrance to the Close, have off street parking the only impact of imposing parking restrictions will be on visitor parking.

It is therefore considered necessary for the applicant to enter into a S106 agreement with ESCC to secure a £5000 contribution towards investigating

the installation of a Traffic Regulation Order for parking restrictions in the area, should consent be granted.

Given the relatively low level of additional traffic that this proposal would create it is acceptable in principle as it would not result in a severe impact on the highway network.

This revised application also provides a greater level of parking than the previous scheme. There are now 29 spaces proposed for 10 houses. Using the ESCC parking calculator this development should provide 25 spaces based on local car ownership levels. The 29 spaces proposed are therefore acceptable.

Sheds are also shown in each garden which would provide safe, secure cycle parking and is therefore acceptable.

There are a number of detailed design issues that needs to controlled via the condition and reserved mater stage and it is considered that subject to these issues being resolved then there are no highway related issues/concerns.

Planning obligations:

The proposal would be CIL liable, the applicant has submitted the necessary forms.

The S106 agreement will also control the future management of the wooded private/garden area which is to be retained and a contribution towards provision of a Traffic Regulation Order.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

It is considered that the site can comfortably accommodate 10 dwellings, providing good amenity for future occupiers and sufficient car parking. There are considerable constraints on the site however the detailed layout and design of the scheme could overcome these issues.

A s106 agreement is being drafted to ensure the future maintenance/management of the wooded/pond area and to secure the contribution towards the provision of a Traffic Regulation Order.

Recommendation:

1. That no consent be issued until the agreement of the County Ecologist has been secured.
2. Grant outline planning permission subject to conditions and S106 agreement to provide an ongoing maintenance regime of the ponds/ecological area and a financial contribution of £5000 for towards the provision of a Traffic Regulation Order.
3. Should the S106 agreement not be signed within a reasonable time period 8 weeks from the date of the Committee resolution (unless an extension of time has been agreed) the application should be refused on the grounds that there is no provision in place to ensure the future management/maintenance of the wooded/pond area which would result in a detrimental impact on the surrounding residential properties.

Conditions:

1. Submission of Reserved matters
2. That the submission of reserved matters for the layout of the scheme shall be accompanied by a tree report (prepared by a qualified Arboriculturalist) demonstrating that the proposed layout has been informed by the retention of the high amenity value trees on the site.
3. Time for submission
4. SUDS condition regarding designing the surface water drainage system
5. SUDS prior to commencement ground investigations to establish infiltration rates and depth of groundwater
6. SUDS requirement for surface water management proposals to be supported by detailed hydraulic calculations
7. Submission of a maintenance and management plan for the entire drainage system
8. Submission of traffic management plan for construction
9. Submission of detailed drawings of proposed roads, surface water drainage and street lighting
10. Wheel washing
11. Submission of details of the layout of reconstructed access, visibility spays and swept path analysis.
12. Provision of a turning space for vehicles
13. Submission of details in relation to parking areas
14. Submission of details of cycle parking
15. Submission of a transport report
16. Roads to be constructed at or at least close to adoptable standards.

Informatives:

- The applicant be informed that this development is CIL liable.
- EA Informative

- SW Informative

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**.

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COMMITTEE	PLANNING
DATE	30 August 2016
SUBJECT	RESULTS OF PLANNING CUSTOMER SATISFACTION SURVEY FROM (April – June)
REPORT OF	Anna Clare Specialist Advisor - Planning

WARDS	All
PURPOSE	This report provides a summary of responses to the Customer Satisfaction Survey for the period April 2016 to June 2016.
CONTACT	Anna Clare anna.clare@eastbourne.gov.uk
RECOMMENDATION	That Members note the content of this report

1. Introduction

- 1.1** Since June 2015 we have been taking part in a National Project to improve the way local council planning departments work. This has been run/facilitated by the Planning Advisory Service (PAS) and includes a Customer Satisfaction Survey.
- 1.2** This survey is sent to all Applicants and Agents following our decision on their planning applications, and also those who made representations on applications (where an email address is available). This survey requests their views on how well we had dealt with the applications.
- 1.3** The results of this survey were previously reported to Planning Committee in February. The purpose of this report is to update Members on subsequent responses and improvements which have been implemented to our service following survey responses.

2. Update on Improvements/Recommendations raised in previous reports

2.1 New website - Remains outstanding:- As set out in previous reports, a new website (showing the planning pages) has been developed to improve how members of the public view applications and comment online. At present the roll out of this enhancement is planned for late 2016 after being delayed.

2.2 Customer contact via the web – remains outstanding:- It will be ensured that the new website is clear that comments on planning applications are limited to 2000 characters and that the page will 'time out' after a period of time which has been commented on by a few interested parties through the Customer Satisfaction Survey.

2.3 Neighbour Consultation Letter Improvements – remains outstanding:- Improvements to the neighbour consultation letter to make it clearer how to comment online and view the application documents and decision, is reliant on the improvements to the website (timeline as above). Therefore this update to the consultation letter will be finalised following the implementation of the new 'My Service Planning' website. At present it is felt that the consultation letter is clear how to access the documents and decision of an application.

2.4 Ongoing training for issues highlighted:- Training for those indexing planning documents continues, to improve (shorten) the time it takes from receipt to indexing and the quality of indexing.

3. New comments from last quarter responses

3.1 Pre Application:- A comment was received that pre-application advice had been useful and informed their application which was dealt with more promptly when submitted as the correct information was submitted etc. We encourage pre-application discussions on more complex applications and continue to offer this as a free service.

3.2 Inform of Decision:- Further comments were made that those commenting on the application are not informed of the outcome. The current neighbour notification letter makes it clear that all applications can be tracked-monitored online and for those that are commenting on the web text will be inserted on the new website to mirror the advice. In addition following the launch of the new website the neighbour notification letter will need to be rebuilt (new web links etc.) and at this time text will be inserted outlining that if you formally request to be informed of the outcome of the application then the Council will use its best endeavours to inform/update.

3.3 Prompt Decision:- A comment was received that the process had been quicker than expected for the Agent, and two comments that the Planning Officer had been very helpful and responded quickly to emails.

3.4 Payment for planning applications online:- A comment requesting payment for planning applications online was submitted. This is something that has frequently been raised times that payment is only available either by submitting an application via the portal or by cheque which is not convenient for all people. This is being looked into but falls outside of Specialist Advisors control.

3.5 Type of Decision may influence response:- The majority of neighbour comments could not differentiate between how the decision was made, how the application was advertised or how easy it was to view the documents and why the decision was made. The majority of comments from neighbours/interested parties is that they do not agree with the decision.

4. Survey Response Data

4.1 The following charts show the outcomes of the survey comparing the whole survey period date with the last quarter responses. The left hand column contains current survey period in isolation April – June 2016 and right hand column contains entire survey period June 2015 – June 2016.

4.2 Attached below are a series of graphs that show the survey data

Agents

Table 1: How helpful were the council in dealing with your application?

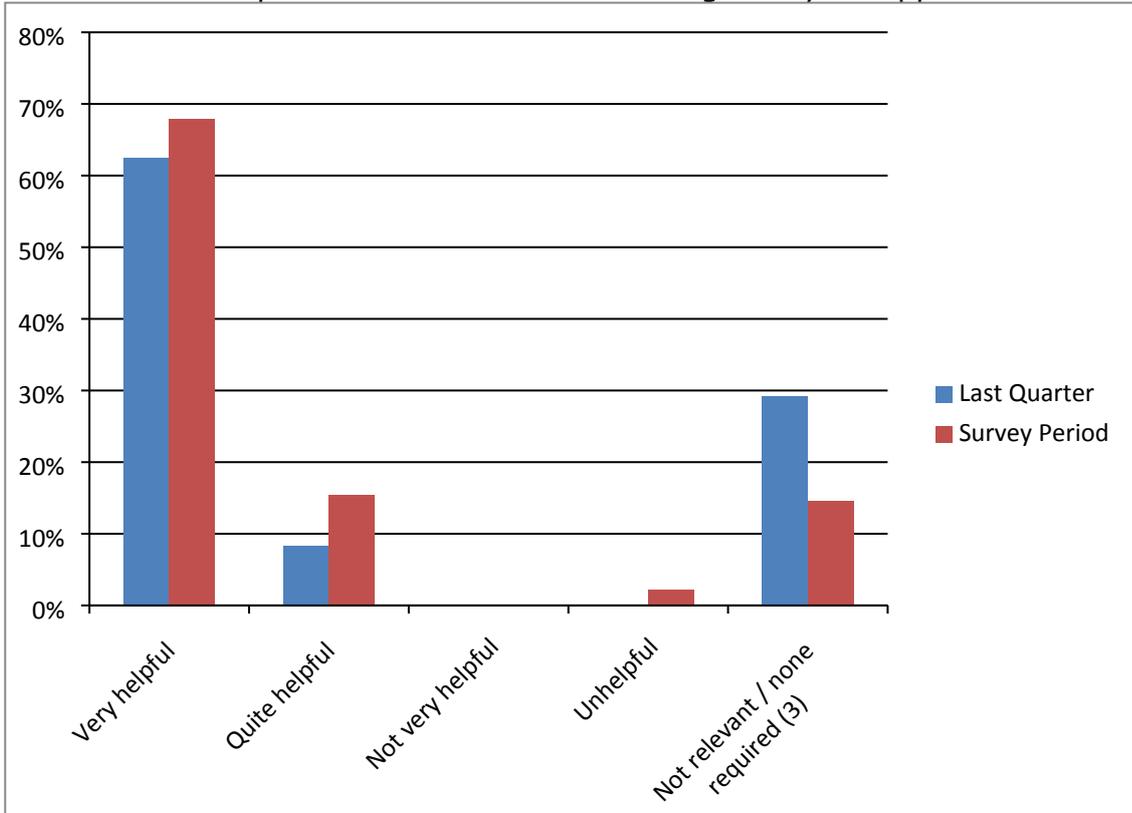


Table 2: How well did the council manage the time taken to make a decision?

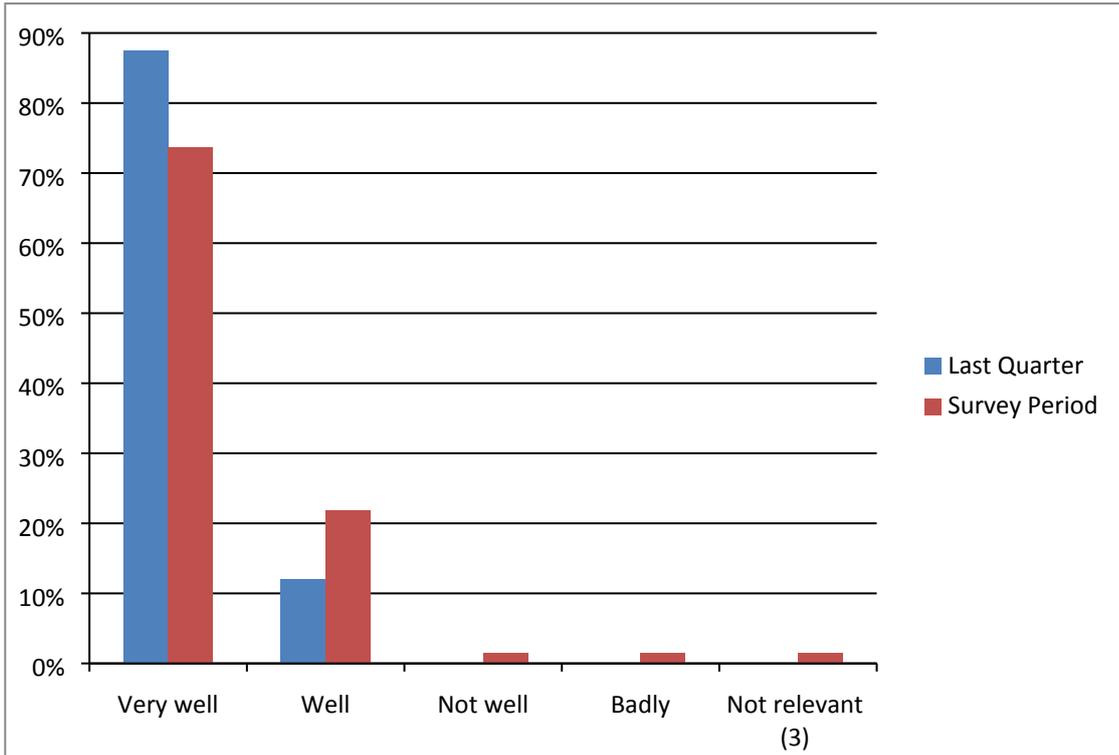


Table 3: The council usually asks you to send in supporting information with the planning application. Did they use this supporting information well?

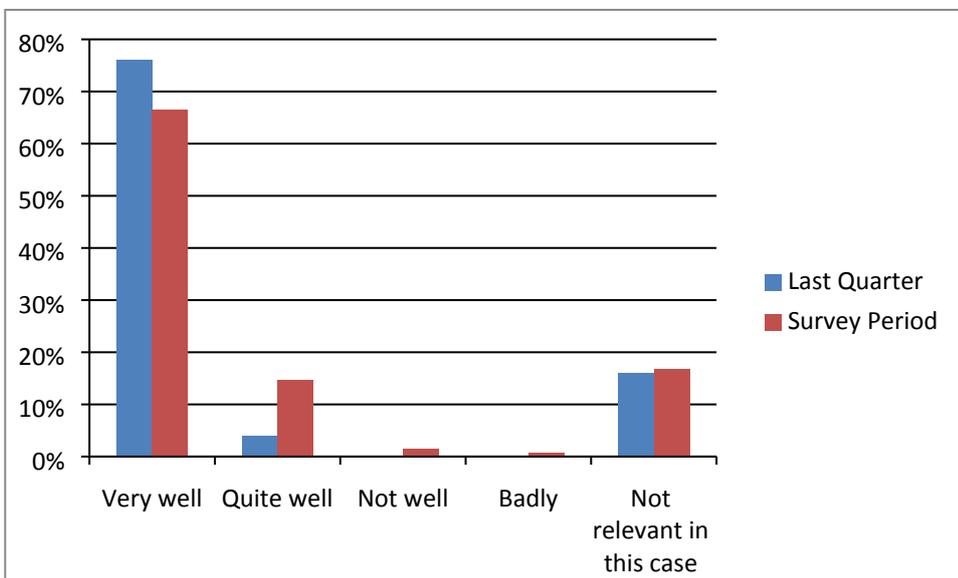
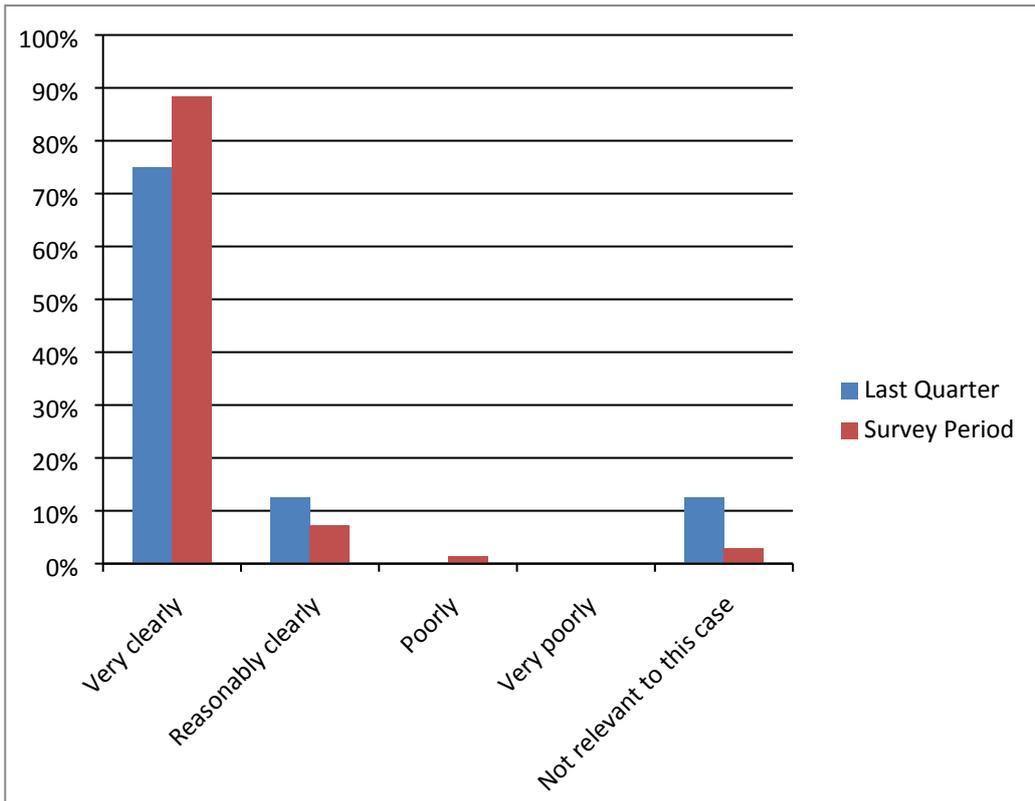


Table 4: How clearly did the council explain its decision?



Those who commented on applications (Neighbours) Table 5: How did you find out about this application?

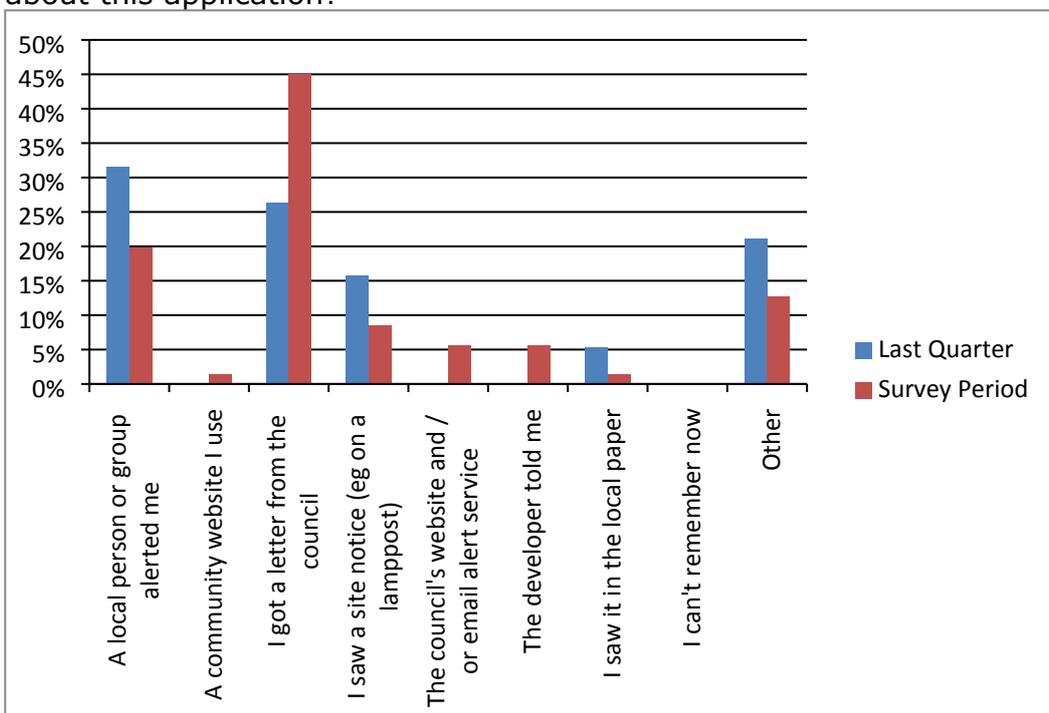


Table 6: How we assess planning applications can sometimes be difficult to comprehend. How well did we help you understand the planning process and engage with it?

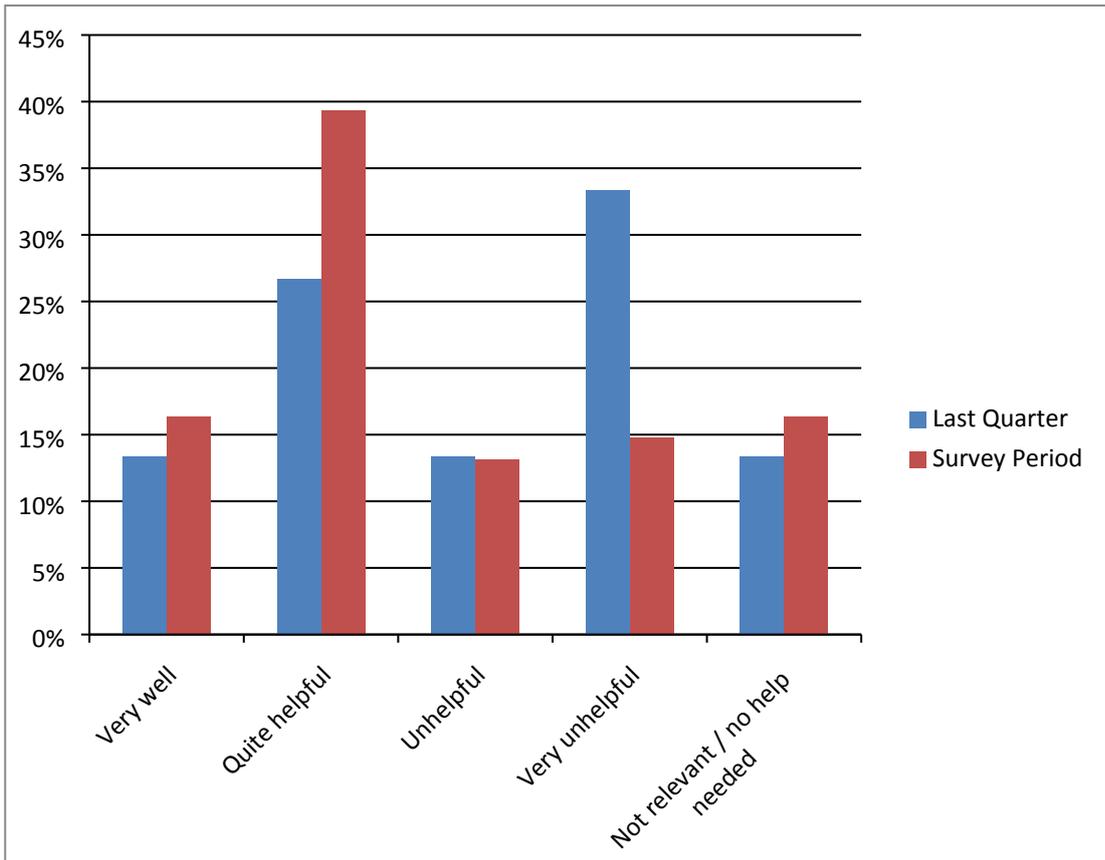


Table 7: Our job is to make a decision as quickly as possible but also to listen to people's views. Did we get this balance right in this case?

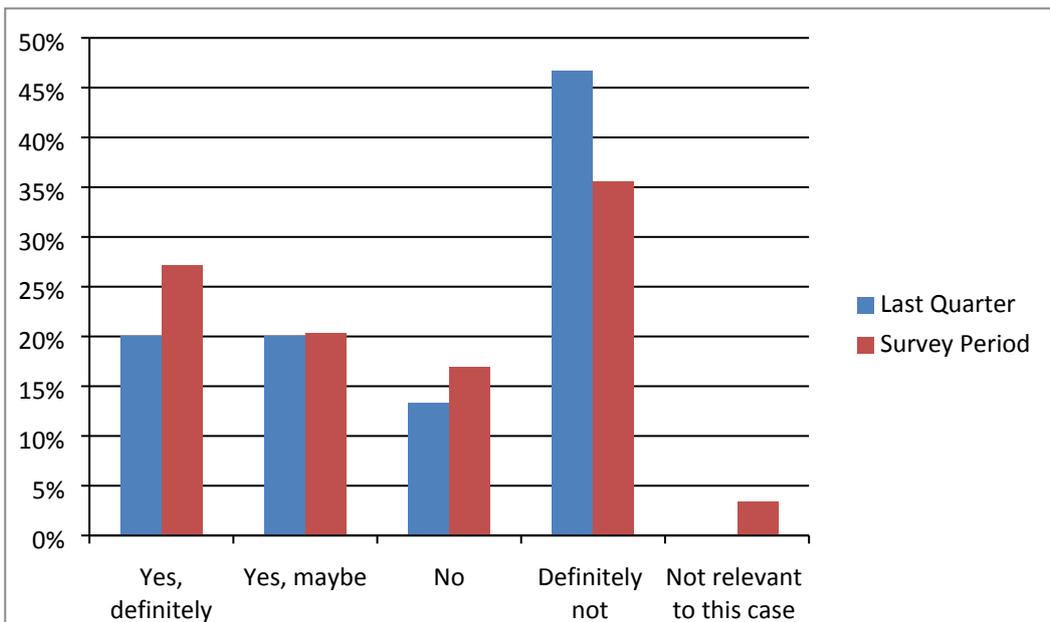


Table 8: Did our website and the paperwork from the application help you understand the proposal?

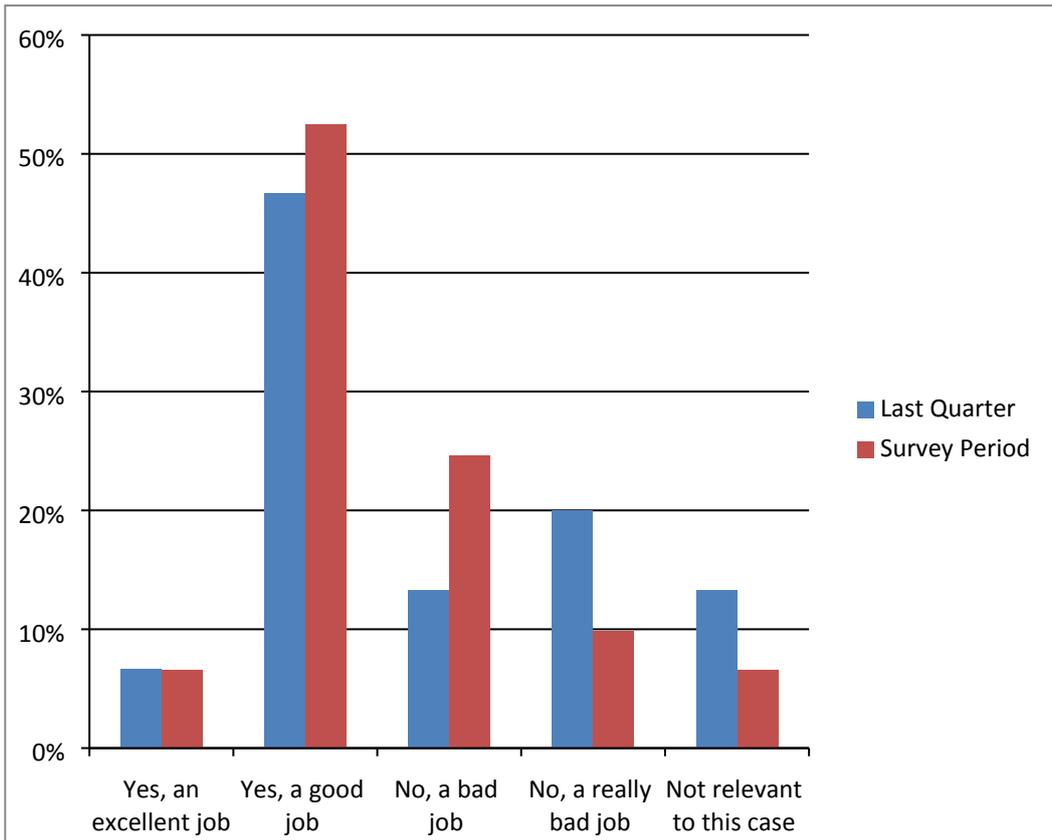
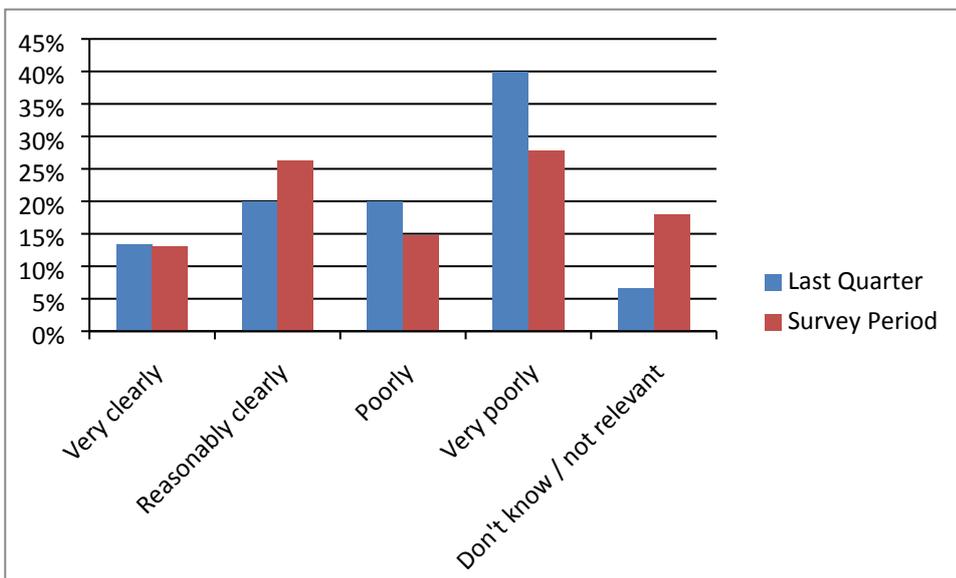


Table 9: How clearly did we explain the reasons for the decision we made?



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and 8 weeks for processing the Minor and Other categories.

The figures below give the development management performance figures against these categories and starting with the calendar year 2013 on going annual and quarterly.

In addition this report also includes information about the recent appeal decisions and Members should note that any decision made to refuse an application opens the potential for an appeal by the applicant to the Planning Inspectorate.

As Members will be aware the majority of the applications received are granted planning permission, however for those that are refused and challenged through to an appeal it is considered important to analyse the appeal decisions in order to determine and evaluate whether lessons need to be learnt, or interpretations need to be given different weight at the decision making stage.

In addition the evaluation of the appeal decisions will also go some way to indicate the robustness and the correct application of the current and emerging policy context at both a local and national level.

2 Special Measures

Members will be aware that along with all Councils our performance has to be reported to Central Government and where authorities are deemed to be underperforming then they will be placed in 'special measures'.

As from June 2014 the Government have imposed two criteria against which Councils will be assessed, these are:-

- Where Councils have received more than 10 major applications over a rolling two year period then no more than 40% should take longer than 13 weeks to deal with.
- Where Councils have received more than 10 major applications over a rolling two year period 20% of decisions on major applications are overturned at appeal.

Members please note that the Government are consulting on additional/revised measures. At the time of writing it is suggested that the Major applications overturned at appeal should be reduced from 20% - 10% and that the number of major application determined in time should increase from 40% - 50%.

The Government are also now looking to roll out special measures criteria to 'non-major' applications and they are consulting on what these thresholds should be. At the time of writing the special measure thresholds are:-

- Where authorities fail to determine at least 60-70% of non-major application in time
- Where authorities have had more than 10-20% of their applications for non-major development overturned at appeal.

Members will note therefore that it is important to keep abreast of all decisions with regard to maintaining performance above the 'special measure' thresholds. This report will highlight when/where we may be at risk.

2 All Decisions

It is clear therefore that with the regular (quarterly) reporting of this report to Planning Committee issues, trends and pressures could readily be identified. The figures in Tables 1-3 below include the data from the Government return (currently excludes 'Notifications Prior Approvals and Certificates of Lawful development, trees and pre application submission)

TABLE 1

Decisions	2013	2014	2015	2106
All determined	574	596	545	301
Delegated	510 (89%)	521 (87%)	472 (87%)	256 (85%)
Granted	521 (91%)	546 (92%)	488 (90%)	270 (90%)
Refused	49 (9%)	50 (8%)	57 (10%)	31 (10%)

TABLE 2

	TYPE	NUMBER
2013 Whole Year	All determined	574
2014 Whole Year	All determined	596
2015 Whole Year	All determined	545
2016	All determined	301
2016 Q1 (Jan - Mar)	All determined	133
	Delegated	113
	Granted	120 (90%)
	Refused	13 (9%)
2016 Q2 (Apr - Jun)	All determined	168
	Delegated	143
	Granted	150 (89%)
	Refused	18 (11%)
2016 Q3 (Jul - Sep)	All determined	0
	Delegated	0
	Granted	0
	Refused	0
2016 Q4 (Oct - Dec)	All determined	0
	Delegated	0
	Granted	0
	Refused	0

It is clear from the tables above that the volume of the cases determined during the survey period (Tables above) have percentage levels consistent with the whole year (2013 -15) percentages.

It is considered that in granting planning permission for 90% of all applications received that the planning services of Eastbourne Borough Council have supported/stimulated the local economy and also helped to meet the aspirations of the applicants and only where there are substantive material planning considerations is an application refused.

The table below highlights the speed of decision against the three Government categories (Major Minor and Other).

It is clear from the table below that the team are performing on/over the National PI threshold and that there are, at this time, **no special measure risks**.

TABLE 3

TITLE	Q1 (Jan – Mar) %	Q2 (Apr – Jun) %	Q3 (Jul – Sep) %	Q4 (Oct – Dec) %	Year in total (Rolling Performance as a %)	National/local TARGET PI %	SPECIAL MEASURES PI %
MAJOR	2/2 (100%)	4/3 (75%)				60	20
MINOR	52/39 (75%)	82/73 (89%)				65	0
OTHER	79/70 (89%)	82/76 (93%)				80	0

PRE-APPLICATION ADVICE

In addition to the formal applications received the Council offer a free pre application advice service. The table below indicates the numbers of pre-application enquiries received by the Council for the years 2014-5 and a rolling number for the current year.

TABLE 4

PROCESS NAME	NUMBER 2016	NUMBER 2015	NUMBER 2014
PRE APP (Old Process)	0	0	53
PRE APP HOUSEHOLDER	141	163	126
PRE APP MEDIUM	75	159	108
PRE APP MAJOR	14	10	16
TOTAL	230	332	303

This information is considered to be relevant given that it is a barometer as to the additional workload of the team. Members should note a significant spike being reported at this time and if this level continues throughout the remaining part year there may well be a staffing/resource issue.

In addition Members should note that our returns to central government are based a prescribed application categories and they do not necessary highlight the volume of work going through the Planning section of the Council.

Members should note that the Table 4a & 4b includes further application data by ward.

Table 4a & 4b

Rolling number for the Calendar Year 2016 and the full calendar year 2015.

Applications Received (Including All Planning Applications - Pre application Schemes - Tree application & Invalid submissions). This table gives the full account of the workload coming through the section.

Table 4a & 4b
2015

Row Labels	Count of ward
DV	
Devonshire	164
HP Hampden Park	46
LG Langney	50
MD Meads	386
OT Old Town	126
RN Ratton	138
SA St Anthony's	120
SV Sovereign	91
UP Upperton	198
(blank)	
Grand Total	1319

2016

Row Labels	Count of ward
DV Devonshire	134
HP Hampden Park	37
LG Langney	38
MD Meads	162
OT Old Town	73
RN Ratton	74
SA St Anthony's	67
SV Sovereign	67
UP Upperton	96
(blank)	
Grand Total	748

4 Refusals

Members requested further information on the number and break down of the refusal issued for the calendar year 2016 (to date). This information is highlighted within tables 5 & 6 below.

Member should be aware that in common with other years we refuse fewer than 10% of the applications received.

TABLE 5
REFUSALS BY WARD

Row Labels	Count of ward
DV Devonshire	9
LG Langney	3
MD Meads	6
OT Old Town	1
RN Ratton	2
SA St Anthony's	4
SV Sovereign	2
UP Upperton	7
(blank)	
Grand Total	34

TABLE 6
REFUSAL BY DECISION LEVEL (see below)

COMMITTEE REFUSAL

150965	CCC Planning Committee	Retention of existing UPVC windows to front (south east) and side	23-25 Royal Parade	DV Devonshire
151006	CCC Planning Committee	Retrospective application for the retention of a biomass boiler, flue	14 Maple Road	SA St Anthony's
151007	CCC Planning Committee	Erection of a detached dwelling with integral garage.	4 Walnut Tree Walk	RN Ratton
151295	CCC Planning Committee	Demolition of existing building and erection of a three storey block	29 Bedfordwell Road	UP Upperton
151314	CCC Planning Committee	Erection of a two and a half storey building containing 10 two bedroom	2 Upland Road	OT Old Town
151334	CCC Planning Committee	Proposed change of use from a single dwelling into a 7 roomed HMO	9 Willowfield Road	DV Devonshire
151369	CCC Planning Committee	Change of use from light industrial unit, to single residential unit.	4 St James Road	DV Devonshire
160152	CCC Planning Committee	retention of 3m x 4.05 m x 2.75 m brick outbuilding build in rear	5 Gilbert Road	DV Devonshire
160316	CCC Planning Committee	Proposed two storey dwelling with parking space.	33 Meadowlands Avenue	RN Ratton
160398	CCC Planning Committee	Extension to the front of the existing dwelling and a roof raise loft	21 Granville Road	MD Meads

DELEGATED REFUSALS

2E+05	DDD Delegated List	To replace existing balcony door and side light, at first floor level	8 Eversfield Road	UP Upperton
2E+05	DDD Delegated List	Erection of additional extension at second floor rear.	24 Meads Street	MD Meads
2E+05	DDD Delegated List	Use of 26-28 Elms Avenue as a house of multiple occupation (sui	26-28 Elms Avenue	DV Devonshire
2E+05	DDD Delegated List	Partial Demolition of boundary wall facing Jevington Gardens. Creation	26 Jevington Gardens	MD Meads
2E+05	DDD Delegated List	Erection of a detached dwelling with parking at the front, involving	7 Carew Road	UP Upperton
2E+05	DDD Delegated List	Ground floor single storey rear extension.	2 Princes Road	SV Sovereign
2E+05	DDD Delegated List	Two storey side extension with integral garage at ground floor, single	108 Ringwood Road	SA St Anthony's
2E+05	DDD Delegated List	Erection of two storey rear extension.	5 Queens Road	SV Sovereign
2E+05	DDD Delegated List	Installation of 2x internally illuminated projecting signs	70 Arndale Centre	DV Devonshire
2E+05	DDD Delegated List	Demolition of garage at rear of site (accessed from Sorrel Drive) and	55 Friday Street	LG Langney
2E+05	DDD Delegated List	Retrospective application under s73a for the erection of two balconies	25 Compton Place Road	UP Upperton
2E+05	DDD Delegated List	erection of detached 5 no. bed dwelling on land to the rear of 15	15 Hartfield Road	UP Upperton
2E+05	DDD Delegated List	To replace the ground floor front bay timber windows with new white	37 Enys Road	UP Upperton
2E+05	DDD Delegated List	Erection of an attached dwelling at side.	2 Snowdon Close	LG Langney
2E+05	DDD Delegated List	Part two storey, part single storey rear extension and erection	71 Ringwood Road	SA St Anthony's
2E+05	DDD Delegated List	Proposed change of use from garage to single private dwelling together	4 Enys Road	UP Upperton
2E+05	DDD Delegated List	Proposed change of use from retail to residential.	182-184 Seaside	DV Devonshire
2E+05	DDD Delegated List	Four storey extension to North-west elevation and conversion of retail	21 Susans Road	DV Devonshire
2E+05	DDD Delegated List	Converting lower ground floor area into a self contained flat at 56A	56a Grove Road	MD Meads
2E+05	DDD Delegated List	Single storey flat roof side extension.	12 Honeysuckle Close	LG Langney
2E+05	DDD Delegated List	Single storey flat roof extension	11 Meads Road	
2E+05	DDD Delegated List	Prior approval for erection a single storey rear extension for which	23 Astaire Avenue	SA St Anthony's
2E+05	DDD Delegated List	Alterations and extensions to roof of building to provide additional	31-41 Carlisle Road	MD Meads
2E+05	DDD Delegated List	Form parking bay at front for 1 car. Re-submission of planning	26a Jevington Gardens	MD Meads

5 Appeals

As commented above all applications that are refused have to the potential to be appealed by the applicant. The Council for the year 2016 have received 5 appeal decisions and the decision letters are reported to planning committee under a separate cover appended to this report (for information purposes)

Appeals received by development type/application

TABLE 7

Row Labels	Count of pacode
HHH Householder	6
PPP Planning Permission	8
TTP Tree Works - Tree Preservation Orders	1
VCO Variation of Condition	1
Grand Total	16

APPEAL ANALYSIS

Recent appeal decision letters are appended to this report

TABLE 8

	Officer Approve Cttee Refuse Appeal decision- Allowed	Officer Approve Cttee Refuse Appeal decision - Refused	Officer Refuse Cttee Support Refusal Appeal decision Allowed	Officer Refuse Cttee Support Refusal Appeal decision Refused
2013	7 (28%)	4 (16%)	2 (8%)	12 (48%)
2014	0	4 (40%)	2 (20%)	4 (40%)
2015	0 (0%)	3 (21%)	2 (14%)	9 (65%)
2016	4 (25%)	0	1 (6%)	11 (69%)
2017				

The above table 8 identifies the relevant decisions permutations and it is acknowledged that the appeal volume is reducing when compared to 2013. There may be a number of reasons for this; it could be applicants benefiting from the free pre-application advice and thereby improving the quality of the schemes that are being submitted; it could also be the Governments introduction of the 'larger residential extension' scheme that allows for homeowners to extended greater depth than would formerly be allowed without the need for a planning application. The appeal rate/volume will continue to be monitored going forward.

It is accepted that Eastbourne due to the nature and type of the borough statistically receives few major applications and as such we may not get above the survey threshold of more than 10 appeal decisions overturned. Notwithstanding this it is considered important to review and analyse all appeal decisions across all

application types as an indicator that we have applied a sound planning judgement at both delegated and planning committee level. It is considered that reporting the appeal decisions in full to planning committee under a separate cover will assist in understanding trends and common issues.

Appeal Analysis Table 8 Column 1

Officer recommendation for approval – Member overturned – Appeal Allowed (Officers right Members were wrong) It is important to keep a watching brief on this column as this is often the scenario where costs are awarded against the Council.

It is accepted that at times there are differences of opinion between officers and Members however for the appeal decisions received to date there has been only four instances this year where this scenario has occurred.

Appeal Analysis Table 8 Column 2

Officer recommendation for approval – member overturned – appeal dismissed (Officers were wrong and Members were right) This is also a category where appeal costs can be awarded. This shows that officers are not always right, there are no cases falling into this bracket in this survey period.

Appeal Analysis Table 8 Column 3

Officer recommendation for refusal – Member support for refusal (committee or delegated) – Appeal allowed – Officers and Member were wrong. This shows that officers and Members are in tune but the officers have been overzealous with their recommendation and it has not been supported by the Planning Inspectorate.

It is acknowledged that there is only one appeal falling into this category within the survey period however it is important to continue to monitor as it is an indication that Officers may not follow planning policy/advice and skewing recommendations following neighbour concerns or trying to second guess the outcome of planning committee.

In essence it is important that officers do not shy away from making difficult recommendations if the recommendation is in accordance with national and local advice/policies.

Appeal Analysis Table 8 Column 4

Officer recommendation for refusal – Member support for recommendation (committee or delegated decisions) – appeal dismissed (officers and Members were right). This column shows when Officers and Members are in tune and supported by the Planning Inspectorate. The Higher the % the better, Members will note that this category is usually by far the largest, this is a reflection that the decision that were taken were consistent with National and Local advice.

Appeal Costs

As members will be aware the appeal process can award costs to any party involved in the appeal process where it can be demonstrated that any party has acted unreasonably. During the survey period the Council received one award of costs:-

One appeal for costs has been submitted within the survey period; this claims that the Council acted unreasonably in their handling of the application for the Biomass Boiler at 14 Maple Road. The agent for this appeal has supplied details justifying their costs claim of under £3,000.

Members should note that this is not an insignificant sum of money that is taken from the public purse and as such collectively we should strive to secure that wherever possible costs claims are avoided. Legal and Planning Officers will advise members where there is the likelihood of a cost claim being successful.

At the time of writing there are no risks of special measures in relation to overturned appeals.

6 Planning Enforcement

Planning Enforcement

As outlined in the Planning Enforcement Policy Statement regular reporting of the enforcement function to Planning Committee is considered important as it keeps members aware of the cases and issues that are live in their area and it assists in:-

- Tackling breaches in planning control which would otherwise have an unacceptable impact on the amenity of the area;
- Maintaining the integrity of the decision-making process;
- Helping to ensure that the public acceptance of the decision making process is maintained.

Going forward these statistics are reported to Planning Committee on a quarterly basis with an annual review.

Members will note some of the data places high volumes in the Devonshire ward, this reflects the focus given with/by the Difficult Property Group through S215 (Untidy Sites) legislation and also emphasises the support for the 'Driving Devonshire Forward' policy document.

TABLE 9
Enforcement Live Case on Hand

Row Labels	Count of WardDescription
Devonshire	19
Hampden Park	10
Langney	5
Meads	20
Old Town	7
Ratton	17
Sovereign	5
St Anthony's	10
Upperton	13
(blank)	
Grand Total	106

Cases Closed/Received

TABLE 10 Closed/Received Annual

YEAR	CLOSED	RECEIVED
2014	253	363
2015	347	332
2016	189	172

TABLE 11 Closed/Received Quarterly

YEAR/Q	CQ1	RQ1	CQ2	RQ2	CQ3	RQ3	CQ4	RQ4
2014	33	107	38	72	95	92	87	92
2015	74	73	61	92	117	91	95	76
2016	79	73	110	99	0	0	0	0

It is important to note that the closure rate is now exceeding the volume of received cases and as such there should not be an expanding backlog of live cases. On this issue Members should note that the volume of cases on the over 6 months old list has been reduced to 19 cases around 18% of all live cases.

TABLE 12 Cases on hand over 6 months old

Year	Q1	Q2	Q3	Q4
2015	Not recorded	Not recorded	Not recorded	31
2016	29	19		

Below is a list of those live cases that have been on the books for more than 6 months. Members will note that this has reduced by ten cases from the end of Q1 report.

Reference No.	Officer	Breach	Address	Ward
118737	Thea Petts	Amenity Issue - all floors and balcony	41 Cavendish Place	Devonshire
118739	Thea Petts	Amenity Issue - All Floors, Windowframes and Balcony	33 Cavendish Place	Devonshire
118741	Thea Petts	Amenity Issue - All Floors and Visible Elevations	Senlac House 53-59 Seaside	Devonshire
119232	Thea Petts	Unightly derelict property	1b Carlton Road	Devonshire
116864	Toby Balcikonis	PARADE OF SHOPS IN POOR STATE OF REPAIR	Brassey Parade	Hampden Park
119817	Toby Balcikonis	Land and property of poor appearance	93 Pevensey Bay Road	St Anthony's
117429	Anna Clare	Poor appearance of building affecting amenity of land	10-12 St Leonards Road	Upperton
119458 (R)	Sally Simpson	Satellite dish on front elevation	18a Cornfield Terrace	Meads
119480 (R)	Sally Simpson	Satellite dish on front elevation.	17a Cornfield Terrace	Meads
118187	Thea Petts	Unauthorised decking	2 Jephson Close	Meads
119452	Anna Clare	unauthorised structure in rear garden duplicate of 119215	5 Belvedere	Sovereign
115327	Toby Balcikonis	Large Shed/ huts for breeding pigeons in back garden	Suehalywen 4 Nuthatch Road	Langney
116258	Toby Balcikonis	Large decking area to the rear of property up to 2m in height	8 The Circus	St Anthony's
118162	Toby Balcikonis	Fence erected enclosing land to the side of the property.	258 Sevenoaks Road	Langney
118830	Anna Clare	Unauthorised erection of new boundary fence	24 Sevenoaks Road	St Anthony's
117824	Thea Petts	Reported garage conversion into self-contained flat (plus	24 Coastguard Square	Devonshire
119558	Neil Holdsworth	Erection of large outbuilding in rear garden.	5 Gilbert Road	Devonshire
119433	Thea Petts	Installation of satellite dish to LB for flat 3 without PP	14 Cornfield Terrace	Meads
119757	Thea Petts	Unauthorised metal structure in front car park	Elstree Court	Meads

Enforcement Notices served in 2015

As members may know there are many differing types of enforcement notices the main ones being:-

- Enforcement Notice
- Stop Notice
- Temporary Stop Notice
- Planning Contravention Notices
- Breach of Condition Notices
- Injunctions

The following 21 addresses were served one of the above notices during 2015:-

- 24 Coastguard Sq
- East Beach Hotel
- 21 Susans Road
- 41 Cavendish Road
- 33 Cavendish Road
- Senlac House, Seaside
- 60 Susans Road
- 54 Bridgemere Road
- 50 Meadowlands Avenue
- 25 Harding Avenue
- 1 Windermere Grove
- 8 The Circus
- 258 Seven Oaks Road
- 2 Jephson Close
- 18a Cornfield Road
- 17a Cornfield Road
- 69 Bourne Street
- Regency Mews, Silverdale Road
- 22 Vine Sq.

- 7 Framfield Way
- 1 Spring Close.

In terms of proactive monitoring of planning cases the following has been adopted:-

- **Monthly Site Meetings.** In relation to the Major development sites at Sovereign Harbour and Eastbourne College this will ensure early warning of potential breaches of planning control and given this early warning officer can advise on the best ways forward.
 - **Planning Condition Monitoring.** Using our back office system we are now regularly monitoring conditions of key decisions/cases, these are primarily planning committee cases.
-

7 Legal & Human Resources

Save for the potential costs claim that could follow an appeal there are no other legal issues arising from this report.

It is considered that the current workload/capacity and the current level of performance can be sustained with/by the current establishment. However some scrutiny over the volume of pre-application submissions is required in order to ensure that the resource levels match the extent of work being submitted.

COMMITTEE: PLANNING

DATE: 30 August 2016

SUBJECT: Tourist Accommodation Retention Supplementary Planning Document

REPORT OF: Director of Regeneration and Planning

Ward(s): Devonshire, Meads

Purpose: To seek Members' views on the report before being considered by Cabinet on 14 September 2016

Contact: Matt Hitchen, Senior Strategy & Commissioning Officer
(Planning Policy)
Tel no: (01323) 415253
E-mail: matt.hitchen@eastbourne.gov.uk

Recommendations: Members are asked for their views on the attached report which will be reported to Cabinet at the meeting on 14 September 2016

1.0 Introduction

- 1.1 This is a covering report to introduce the Cabinet report attached. The Cabinet Report is self-explanatory and includes a discussion under the usual implication headings so will not be repeated here.
- 1.2 The Cabinet Report recommends that the Draft Tourist Accommodation Retention Supplementary Planning Document (SPD) be published for a six week period between 23 September and 4 November 2016 to receive representations in preparation for formal adoption by Full Council.
- 1.3 Planning Committee Members are asked to consider the attached report and any comments will be considered and reported orally to Cabinet when they meet on 14 September.

Background Papers:

The Background Papers used in compiling this report were:

- Cabinet Report – 14 September 2016

To inspect or obtain copies of the background paper, please refer to the contact officer listed above.

COMMITTEE	CABINET
DATE	14 September 2016
SUBJECT	Tourist Accommodation Retention Supplementary Planning Document
REPORT OF	Director of Regeneration & Planning

Ward(s)	Devonshire, Meads
Purpose	For Members to approve the proposed Tourist Accommodation Retention Supplementary Planning Document (SPD) for publication for a 6 week period to receive representations in preparation for formal adoption by Full Council.
Contact	Matt Hitchen, Senior Strategy & Commissioning Officer (Planning Policy) 1 Grove Road, Eastbourne Tel no: (01323) 415253 E-mail: matt.hitchen@eastbourne.gov.uk
Recommendations	<ol style="list-style-type: none">1. To approve the Tourist Accommodation Retention SPD for publication for a 6 week consultation period to receive representations and comments.2. To delegate authority to the Director of Regeneration and Planning in consultation with the Lead Cabinet Member to make minor amendments before the commencement of the representation period.

1.0 Introduction

- 1.1 Eastbourne Borough Council is preparing a Tourist Accommodation Retention Supplementary Planning Document (SPD) to update the planning policy position in relation to tourist accommodation as a result of changes in visitor behaviour and attitudes in recent years. The new planning policy position will help the tourist accommodation stock remain fit for purpose and meet the requirements of current and future visitors.
- 1.2 The formulation of new planning policy can only take place through a Local Plan. As the next Local Plan is not due to be adopted until 2020, it is not possible to create a new policy for Tourist Accommodation at this time. However, the production of a new Supplementary Planning Document allows a new interpretation of the existing policy, which will allow a new policy

position to be provided.

- 1.3 A Supplementary Planning Document (SPD) is a planning policy document that builds upon and provides more detailed advice or guidance on the policies in a Local Plan. SPDs are material planning considerations in the determination of planning applications.
- 1.4 The Tourist Accommodation Retention SPD has been developed in consultation with Local Plan Steering Group and the Eastbourne Hospitality Association, and now needs to be published for public consultation before it can be adopted and used to assist in the determination of planning applications.

2.0 Background

- 2.1 Eastbourne is one of the largest providers of tourist accommodation in the South East outside London, and has the 26th highest supply of hotel rooms in the country. Eastbourne has a significant stock of tourist accommodation, including 46 hotels, 60 guesthouses and 144 self-catering units, amounting to approximately 3,500 bedrooms. Over 90% of Eastbourne's hotels and guesthouses/B&Bs are located within the area along the seafront defined as the Tourist Accommodation Area.
- 2.2 The majority of the rooms (81%) are located within hotels. Although there is one 5-star and two 4-star hotels in Eastbourne, the majority of supply is concentrated towards the lower end of the market in the three-star, two-star and budget categories.
- 2.3 Since 2008, there has been a change in tourist behaviour and trends, with a focus on multiple breaks for shorter durations, and increasing expectations of quality of accommodation. This has led to a decrease in the proportion of trips to seaside destinations, as the tourist accommodation in these locations is often not up to the quality and standard that modern-day visitors expect.
- 2.4 The Tourist Accommodation Study (2015) considers that Eastbourne has an oversupply of lower quality accommodation, particularly that which previously catered for the coaching market. This oversupply means that average occupancy levels fall as the lower quality accommodation reduce their prices to attract custom, which in turn means other providers need to reconsider their pricing. This ultimately drives down the average room rate and occupancy levels, particularly during the low season, and means that owners are unable to continue to invest in the maintenance and upkeep of the property resulting in a downward spiral of poorer quality stock.
- 2.5 This has implications on how visitors perceive Eastbourne in terms of the quality of their visit and the likelihood of them returning or providing recommendations. It also impacts on how hotel investors perceive

Eastbourne, which restricts the ability of the town to diversify the tourist accommodation offer to attract a broader range of visitors to Eastbourne thereby enhancing the destination's overall competitiveness.

- 2.6 The conclusion of the Tourist Accommodation Study is that there is a need to rebalance and diversify the supply of tourist accommodation with future emphasis on quality rather than quantity. This will allow Eastbourne's tourist accommodation to develop more organically and in turn appeal to and attract new markets.

3.0 Planning Policy Context

- 3.1 The existing policies on tourist accommodation are contained within the Eastbourne Core Strategy 2006-2027 (adopted 2013), the Eastbourne Borough Plan 2001-2011 (adopted 2003) and a Supplementary Planning Guidance (SPG)¹, adopted in 2004, which sets out how the Borough Plan policies should be interpreted.
- 3.2 The current position is that the Borough Plan designates an area known as the Tourist Accommodation Area, which represents what is considered to be the area where visitors would most expect to find visitor accommodation. The Tourist Accommodation Area is the area where the needs of tourists should prevail when considering development. At present, the majority of Eastbourne's tourist accommodation stock is concentrated within the Tourist Accommodation Area.
- 3.3 Within the Tourist Accommodation Area, applications that would result in the loss of tourist accommodation would only be permitted if it can be demonstrated that the tourist accommodation is unviable. The SPG provides details on what evidence needs to be submitted to demonstrate that it is unviable.
- 3.4 The way that the existing SPG interprets the Borough Plan policy is very restrictive and makes it difficult for lower quality stock in areas that are located in streets away the seafront to change use in order to allow them to exit the market.
- 3.5 A rebalancing of the supply requires a more flexible approach to managing the tourist accommodation. In order to allow the gradual reduction of poor quality stock in more secondary locations and help stimulate investment in better quality accommodation, appealing to a broader range of visitors, a change of policy approach is required.
- 3.6 However, due to the current stage of formulation of the Local Plan, it will not be possible to introduce a new policy under at least 2020. Therefore, the

¹ Assessment of Financial Viability of Tourist Accommodation Supplementary Planning Guidance (2004)

production of a new SPD will allow the existing Borough Plan policy to be interpreted differently to allow this change of approach to take place.

4.0 Issues

4.1 There are a number of issues that the new policy approach through the SPD needs to address. These have been taken into account through the drafting of the new SPD.

4.2 Retaining an appropriate amount of accommodation

It is essential that Eastbourne retains sufficient bedspaces to form a critical mass of accommodation that maintains the town's reputation as a tourist destination.

4.3 Rebalancing the tourist accommodation stock to meet market demands

There is a need to rebalance the supply, with future emphasis on quality rather than quantity, which can be achieved through a reduction in accommodation stock of lower quality in more secondary areas. This will help stimulate investment in better quality accommodation and develop more organically and in turn appeal to and attract new markets.

4.4 Protecting the character of the seafront

The importance of hotels along the seafront is crucial to the character and appearance, and also these locations are where tourist accommodation will be most viable due to the sea views.

4.5 Clear and consistent policy

The SPD needs to be easily understood and applied consistently, but also allow for an element of sensitivity in order to reflect changing circumstances.

4.6 Encourage owners to run their businesses appropriately

If hoteliers think they can make money by selling their property for residential conversion, they may purposely run down the business. The SPD needs to discourage such actions.

5.0 Change in Policy Approach

5.1 The basis for the change in approach is that it should be easier for lower quality tourist accommodation in less prominent locations to demonstrate that the continuing use as tourist accommodation is not viable, allowing them to receive permission for change of use. The gradual reduction of this lower quality accommodation from the supply will allow diversification in the product, increasing quality and making Eastbourne more resilient to changing market conditions.

- 5.2 As the Borough Plan policy cannot be changed, the Tourist Accommodation Area remains. However, to facilitate the rebalancing of the tourist accommodation stock, the SPD proposes to split the Tourist Accommodation Area into a Primary Sector and a Secondary Sector.
- 5.3 The Primary Sector comprises the prime locations on the seafront with unobstructed sea views. Within these areas, significant amounts of evidence will be required to demonstrate that the continuing use of land as tourist accommodation is not viable, as these prime locations are where tourist accommodation should be most viable.
- 5.4 The Secondary Sector comprises the locations behind the seafront that do not have views of the sea or face onto gardens/squares. It is in these Secondary locations where there is a large concentration of lower quality accommodation that is struggling to compete, and this is where there should be a gradual reduction of poor quality stock, which in turn should help stimulate investment in better quality accommodation appealing to a broader range of visitors. Within these areas, the SPD will allow additional flexibility, with less onerous evidence requirements to justify a change of use, and more options in terms of partial conversion.
- 5.5 It is estimated that the Primary Sector would contain 60 hotels and guesthouses, equating to approximately 2,600 rooms. The Secondary sector contains 25 hotels and guesthouses, equating to approximately 500 rooms.

6.0 Assessment of Viability of Tourist Accommodation

- 6.1 The SPD sets out the criteria against which an application for the loss of tourist accommodation will be assessed, in order to demonstrate whether or not the continuing use of the land as tourist accommodation is viable and economically sustainable. The SPD sets different criteria in the Primary and Secondary Sectors, in order to allow additional flexibility for tourist accommodation in the Secondary areas.
- 6.2 It is envisaged that a consultative group could be formed to assist the assessment of an application against the criteria in the SPD, with the group looking at whether sufficient evidence has been provided at the pre-application stage.
- 6.3 Primary Sector
- 6.3.1 Within the Primary Sector, applications for the loss of tourist accommodation will have to submit evidence to demonstrate compliance with a two-stage test.
- 6.3.2 The first stage involves an application needing to demonstrate that the existing use of the tourist accommodation is not viable. In order to do this,

an applicant will have to submit evidence to demonstrate the following:

- There is no interest in the tourist accommodation business being bought as a going concern;
- The tourism accommodation business has been run in a reasonable and professional manner, and a serious and sustained effort has been made to save the business;
- The physical condition and cost of repair of the business would be prohibitive to running a viable business; and
- The running costs of the business cannot be covered.

6.3.3 Details of the evidence required to be submitted in order to allow this to be assessed is set out in the SPD.

6.3.4 Once the first stage has been satisfied, the second stage applies. The second stage of the test is the consideration of other tourist accommodation uses. Firstly, the applicant could consider partial conversion to unserviced accommodation (e.g. holiday flats), and then full conversion to unserviced accommodation, and then partial conversion to residential, before a complete loss of tourist accommodation can be justified.

6.4 Secondary Sector

6.4.1 Within the Secondary Sector, proposals for partial or full conversion to unserviced accommodation, or partial conversion to residential, will be supported. This is because it will reduce the number of rooms whilst enabling investment in the remaining serviced accommodation, enhancing the quality of the accommodation. This will be secured by a Section 106 legal agreement.

6.4.2 Proposals for the complete loss of tourist accommodation will need to submit evidence to demonstrate the following:

- There is no interest in the tourist accommodation business being bought as a going concern;
- The tourism accommodation business has been run in a reasonable and professional manner; and
- The running costs of the business cannot be covered.

6.4.3 The evidence required to be submitted in order to allow this to be assessed is set out in the SPD.

7.0 Consultation

7.1 The Draft Tourist Accommodation Retention SPD has been informed by a Tourist Accommodation Study, produced in 2015 by consultants Acorn Tourism Consulting Ltd. It has also been influenced by consultation responses

received on the Seafront Local Plan Issues and Options Report, as well as through thorough discussions with the Eastbourne Hospitality Association.

- 7.2 On 10 August 2016, the Local Plan Steering Group endorsed and gave authority to take the Tourist Accommodation Retention SPD to Cabinet for authority to publish for consultation.
- 7.3 The Tourist Accommodation Retention SPD, if approved by Cabinet, will be subject to a 6 week consultation period between 23 September and 4 November 2016 to allow stakeholders and the local community to comment and make representations.
- 7.4 The consultation will be made available online allowing representations to be made electronically via the Council's online consultation portal. The consultation procedure will be in compliance with the Statement of Community Involvement. Comments may also be submitted by email or post.

8.0 Next Steps

- 8.1 Following the consultation period, a summary of representations will be prepared and a revised Tourist Accommodation Retention SPD will be presented to Local Plan Steering Group for endorsement, followed by submission to Cabinet and then Full Council for approval and adoption in February 2017.

9.0 Implications

9.1 Legal Implications

- 9.1.1 The Tourist Accommodation Retention SPD has been prepared in order to comply with Regulation 13 of the Town & Country Planning (Local Planning) (England) Regulations 2012, and with regard to the requirements of the National Planning Policy Framework.

9.2 Financial Implications

- 9.2.1 There are no financial implications to the Council as a direct result of this report. The cost of the consultation and publication of the Tourist Accommodation Retention SPD will be met from within the service budget.

9.3 Human Resource Implications

- 9.3.1 Officers in the Regeneration & Planning Policy team will manage the consultation arrangements for the Tourist Accommodation Retention SPD and the collection and processing of representations received.

9.4 Equalities and Fairness Implications

- 9.4.1 An Equalities and Fairness Impact Assessment has been undertaken and the assessment demonstrates that the Tourist Accommodation Retention SPD was unlikely to have any significant impact on equalities and fairness.

10.0 Conclusion

- 10.1 In order to progress the Tourist Accommodation Retention SPD towards adoption, Cabinet are requested to approve the Tourist Accommodation Retention SPD for consultation between 23 September and 4 November 2016.

- 10.2 Following consultation, it is anticipated that a further report will be submitted to Cabinet in the New Year when the Tourist Accommodation Retention SPD is put forward to Full Council for adoption.

Background Papers:

- Draft Tourist Accommodation Retention Supplementary Planning Document (EBC, August 2016)
- Tourist Accommodation Retention SPD Sustainability Appraisal Screening Report (EBC, August 2016)
- Tourist Accommodation Retention SPD Statement of Consultation (EBC, August 2016)
- Eastbourne Core Strategy Local Plan 2006-2027 (EBC, 2013)
- Eastbourne Borough Plan 2001-2011 (EBC, 2003)
- Tourist Accommodation Study (Acorn Tourism Consulting Ltd, 2015)
- Here to Stay: Tourist Accommodation Retention & Loss - Guidance for Local Authorities on the Development of Planning Policy (Tourism South East, 2006)
- National Planning Policy Framework (DCLG, 2012)

To inspect or obtain copies of the background paper, please refer to the contact officer listed above.

Appendix 1 – Draft Tourist Accommodation Retention SPD

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TOURIST ACCOMMODATION RETENTION

Supplementary Planning Document



Draft for Consultation



September 2016



TOURIST ACCOMMODATION RETENTION Supplementary Planning Document (SPD)

Regeneration & Planning Policy
Eastbourne Borough Council
1 Grove Road
Eastbourne
BN21 4TW

Tel: (01323) 410000
Fax: (01323) 415130
Text Relay: 18001 01323 410000

Email: planning.policy@eastbourne.gov.uk

Date: September 2016

The Tourist Accommodation Retention SPD is published for a 6 week consultation period between 23 September and 4 November 2016.

The document can be view and downloaded, and representations can be made via the on-line consultation portal at: www.eastbourne.gov.uk/spd

Tourist Accommodation Retention Supplementary Planning Document

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1.0 Introduction

- 1.1 Tourism is crucial to Eastbourne's economy. In 2014, over 5 million people visited Eastbourne, contributing nearly £380 million to the local economy with 20% of all jobs in Eastbourne being supported by tourism-related spending. A significant proportion of this income is generated through overnight visitors staying in the town's hotels, guesthouses and holiday flats. In order for Eastbourne to continue to thrive as a tourist destination there needs to be an appropriate supply of accommodation to cater for visitors.
- 1.2 Since the current planning policies relating to tourist accommodation were adopted, there have been significant changes in the tourism market, and particularly shifts in the behaviours and attitudes of tourists to the types of holiday, the destinations they visit and the type of accommodation that they want stay in.
- 1.3 It is crucial that the accommodation stock remains fit for purpose and meets the requirements of current and future visitors to the area in terms of quality, type and quantity. To assist in this endeavour, Eastbourne Borough Council is preparing a Tourist Accommodation Retention Supplementary Planning Document to update the interpretation of existing planning policies relating to tourist accommodation in light of changes in the tourism market and the expectations of overnight visitors.
- 1.4 This SPD is aimed at prospective applicants for planning permission to redevelop or change the use of hotels, guest houses and unserviced tourist accommodation that are located within the defined Tourist Accommodation Area. It sets out additional information on how planning policies relating to Tourist Accommodation will be implemented, and what is required in order to satisfy the policy and the reasons why such information is sought.
- 1.5 A Supplementary Planning Document (SPD) is a planning policy document that builds upon and provides more detailed advice or guidance on the policies in a Local Plan. The purpose of a SPD is to help applicants make successful applications¹.

¹ National Planning Policy Framework, para 153

Status of Supplementary Planning Document

- 1.6 This draft Tourist Accommodation Retention SPD has been prepared for consultation with the local community and other stakeholders.
- 1.7 Once adopted, the Tourist Accommodation Retention SPD will be a material consideration in the determination of planning applications. It will then supersede the *Assessment of Financial Viability of Tourist Accommodation Supplementary Planning Guidance*, which was adopted 2004.
- 1.8 This SPD will provide policy advice on applications relating to the retention of tourist accommodation until new policies are adopted as part of the new Eastbourne Local Plan. This is likely to be adopted in 2020.

Consultation

- 1.9 This Draft Tourist Accommodation Retention SPD has been informed by a Tourist Accommodation Study, produced in 2015 by consultants Acorn Tourism Consulting Ltd. It has also been influenced by consultation responses received on the Seafrost Local Plan Issues and Options Report, as well as thorough discussions with the Eastbourne Hospitality Association.
- 1.10 The Draft Tourist Accommodation Retention SPD will be subject to consultation with key stakeholders including tourist accommodation providers, the local community and other interested parties between Friday 23rd September and Friday 4th November 2016.
- 1.11 The SPD can be viewed and commented on via the Council's on-line consultation portal, which can be accessed via the Eastbourne Borough Council website (www.eastbourne.gov.uk/spd). Representations can also be submitted by email or via post.

Email: planning.policy@eastbourne.gov.uk

Regeneration and Planning Policy
1 Grove Road
Eastbourne
BN21 1TW

- 1.12 Following the 6 week consultation period, the Council will consider and summarise the representations received, and these will be an important source of information that will be used to refine the SPD in preparing the final



version. This will be formally adopted by the Council and used to assist in the evaluation of planning applications.

2.0 Background and Context

Background

- 2.1 Eastbourne is one of the largest providers of tourist accommodation in the South East outside London, and has the 26th highest supply of hotel rooms in the country. However it is important that a seaside resort like Eastbourne has the right quality and quantity of tourist accommodation because if this is not right, visitors are unlikely to return.
- 2.2 In 2014, around 707,000 visitors stayed overnight in Eastbourne, staying for an average of just under three nights each. The majority of overnight stays were from domestic visitors (92%). Overnight visitors spent £167.8 million in Eastbourne, equating to approximately £237 each. This compares to approximately £29 each for day trippers. This demonstrates how important overnight stays and tourist accommodation is for the local economy.
- 2.3 Eastbourne has approximately 250 accommodation establishments (including hotels, guest houses, Bed & Breakfast and self-catering lets) with a total of around 3,500 rooms. 63% of Eastbourne's hotels are independent establishments, which is second only to Blackpool across the country.
- 2.4 In Eastbourne, a number of hotels are located immediately adjacent to the seafront, with the areas immediately behind the seafront being a mixture of residential and tourist accommodation. Many of the properties in this area were initially built as residential properties, which means that there is pressure to convert the buildings used as tourist accommodation back into residential. It is important to recognise that in such areas, residential and tourism uses can co-exist and that one use does not necessarily have to dominate.
- 2.5 Visitor Research conducted in 2012 indicated that accommodation usage in Eastbourne varies significantly by trip type and age of visitor. Hotels are more popular for those on a repeat visit, for couples, and older visitors, whilst B&B establishments have greater appeal amongst first time visitors, especially the under 35s.
- 2.6 The Tourist Accommodation Study identifies that there has been a notable change in holiday behaviour amongst British residents since 2008, with the 'staycation' phenomenon emerging in response to the economic recession. However, trends are showing that consumers are increasingly enjoying taking multiple trips throughout the year rather than waiting for a single 'big'

holiday. This has resulted in the average stay becoming shorter, with the average domestic holiday-taker being older and more affluent.

- 2.7 Overall, the volume of holiday trips to seaside destinations has declined over recent years, and for the first time has been overtaken by trips to city destinations, which have been increasing along with rural breaks. The decline in seaside trips can be explained by the fact that, although seaside resorts have under-utilised capacity and readily available tourism infrastructure, it is often not up to the quality and standard that modern-day visitors expect.

Context

- 2.8 The current policy position relating to the retention of Tourist Accommodation is defined in the Eastbourne Borough Plan 2001-2011, which was adopted in 2003. This designates an area known as the Tourist Accommodation Area, which represents what is considered to be the area where visitors would most expect to find visitor accommodation. Within the Tourist Accommodation Area, applications that would result in the loss of tourist accommodation would only be permitted if it can be demonstrated that the tourist accommodation is unviable.
- 2.9 A Local Plan review is currently taking place, and this will allow new planning policies relating to tourist accommodation to be put in place. However it is unlikely that this will be adopted until around 2020.
- 2.10 Therefore, this SPD will provide direction on how the existing policy should be interpreted and implemented in light of changes in the tourism market and current trends. The success of this SPD will influence the creation of new policies for tourist accommodation for the new Eastbourne Local Plan.

Definition of Tourist Accommodation

- 2.11 For planning purposes, tourist accommodation is not precisely defined. However, in Eastbourne for the purposes of this policy, Tourist Accommodation is defined as:

An establishment that has a room, or rooms, to rent for a fixed period generally no greater than three months. This accommodation is not the renter's primary residence and the renter generally contributes to the revenue of the town, is not registered to vote in the town and is not a burden on local social services.

Issues

Retaining an appropriate amount of accommodation

- 2.12 It is essential that Eastbourne retains sufficient bedspaces to form a critical mass of accommodation that maintains the town's reputation as a tourist destination. More important though is that the tourist accommodation stock remains fit for purpose and meets the requirements of current and future visitors to the town.
- 2.13 In addition, within the Tourist Accommodation Area, the availability of sites for hotel development is very limited, and there is pressure from competing higher value uses, particularly residential. As such, hotel sites relinquished to other uses are unlikely to be replaced by new hotel development. It is therefore important that viable hotels are retained to provide opportunities for new entrants to the tourist accommodation market that offer differentiated and distinct products that would enhance the destination's overall competitiveness.

Rebalancing the tourist accommodation stock to meet market demands

- 2.14 Eastbourne has a large concentration of smaller independent two and three-star hotels, a significant proportion of which previously catered for the coaching market. Consequently, some of the smaller independent hotels towards the lower end of the quality spectrum are increasingly struggling to compete as they cannot offer the quality of accommodation that visitors expect.
- 2.15 In order to compete in a difficult and challenging market, these establishments often lower their prices to attract custom. This drives other accommodation providers to reconsider their pricing. This ultimately drives down the average room rate and occupancy levels, particularly during the low season, and means that owners are unable to continue to invest in the maintenance and upkeep of the property resulting in a downward spiral of poorer quality accommodation.
- 2.16 This has implications on how visitors perceive Eastbourne in terms of the quality of their visit and the likelihood of them returning or providing recommendations, and also on how investors perceive Eastbourne. This restricts the ability of the town to diversify the tourist accommodation offer attract a broader range of visitors to Eastbourne thereby enhancing the destination's overall competitiveness.

- 2.17 It is therefore considered that a reduction in this accommodation stock is required to ensure that it should help stimulate investment in better quality accommodation appealing to a broader range of visitors.
- 2.18 Therefore, there needs to be a rebalancing of the tourist accommodation supply with future emphasis on quality rather than quantity. This can be achieved by allowing obsolete accommodation in secondary locations to exit the market, thereby allowing average room rates to increase and a tourist accommodation provider to invest in increasing the quality of their offer. This in turn will allow Eastbourne's tourist accommodation to develop more organically and in turn appeal to and attract new markets.

Protecting the character of the seafront

- 2.19 The hotels fronting the seafront, from the Western Lawns down to Treasure Island, gives the seafront a locally significant character that makes a particular contribution to the town as a destination.
- 2.20 The importance of well-maintained hotel façades is crucial to the character and appearance of the seafront, and also these locations are where tourist accommodation will be most viable due to the sea views.
- 2.21 The provision of Houses in Multiple Occupancy (HMOs) is a significant threat to the attractiveness of the seafront. The presence of HMOs in the prime tourist areas does not portray a positive image of the destination, and could adversely impact the visitor experience. Therefore Borough Plan Policy HO14, which restricts Houses in Multiple Occupation being created from tourist accommodation within the Tourist Accommodation Area, should still be applied. Eastbourne Borough Council will be developing a policy to manage HMOs throughout the rest of the town through the new Local Plan.

A clear and consistent policy

- 2.22 In order for the SPD to be effective, it needs to be easily understood and applied consistently.
- 2.23 Policies also need to allow for an element of sensitivity as to how they are implemented in order to reflect changing circumstances. It is important that planning policy does not seek to attempt to perpetuate outdated forms of tourist accommodation for which there is no longer a market.

- 
- 2.24 It is also important that there is regular monitoring of changes in occupancy levels and room rates in order to understand how successful the policy is. This would also create a robust evidence base against which to compare the performance of an individual accommodation establishment.

Encourage owners to run their businesses appropriately

- 2.25 The SPD should make a distinction between those establishments that are no longer viable, and those that have not been run and managed effectively.
- 2.26 The increasing demands for housing puts pressure on lower value uses to convert, meaning that a hotel could be worth significantly more than its business value if it becomes available for residential development. This could tempt some hotel owners to seek to sell for residential conversion instead of selling the hotel as a going concern. This does not necessarily mean that such hotels are no longer commercially viable or would not find buyers if they were put onto the market as tourist accommodation.
- 2.27 Providing a strong policy that provides clarity in terms of what should or should not be submitted to accompany an application will remove unrealistic expectations and provide encouragement to operators to make a success of their businesses. It will also assist in requiring that the premises are marketed at more realistic prices that would allow the purchase of a going concern.

3.0 Planning Policy Context

3.1 The National Planning Policy Framework (NPPF) defines tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities) as a main town centre use.

3.2 One of the core planning principles of the NPPF is a requirement to proactively drive and support sustainable economic development. The NPPF requires local planning authorities to plan proactively to meet the development needs of business and support an economy fit for the 21st century.

3.3 This SPD will provide additional detail on the interpretation of the following adopted local planning policies:

- Eastbourne Borough Plan Policy TO1: Tourist Accommodation Area
- Eastbourne Borough Plan Policy TO2: Retention of Tourist Accommodation
- Core Strategy Policy D3: Tourism and Culture

3.4 The full wording of the policies is contained within Appendix 2.

3.5 The policies relevant to this SPD are summarised below:

Eastbourne Borough Plan Policy TO1: Tourist Accommodation Area

3.5.1 Policy TO1: Tourist Accommodation Area designates an area along the Seafront as the Tourist Accommodation Area. The policy states that within this area, applications for proposals that are incompatible with tourist accommodation use should be refused.

Eastbourne Borough Plan Policy TO2: Retention of Tourist Accommodation

3.5.2 Policy TO2: Retention of Tourist Accommodation identifies that within the Tourist Accommodation Area, applications for the redevelopment or change of use of tourist accommodation to any other use will be refused.

3.5.3 The policy does provide exceptional circumstances for when permission will be granted for other uses, but this is dependent on the applicant demonstrating that the continuing use of land as tourist accommodation is not viable. The policy sets out the factors that will be taken into account in the determination of viability.



Core Strategy Policy D3: Tourism and Culture

3.5.4 Policy D3: Tourism & Culture recognises the importance of the entertainment, cultural and sports facilities to the economic prosperity of Eastbourne, and supports the preservation and enhancement of these through a number of measures including resisting the loss of visitor accommodation through the retention of a tourist accommodation area and protection policy.

3.6 Other extant policies will continue to be used to determine relevant applications including:

- Borough Plan Policy TO3: Tourist Accommodation Outside the Designated Area;
- Borough Plan Policy TO4: Improvements to Existing Accommodation;
- Borough Plan Policy TO5: New Tourist Accommodation;
- Borough Plan Policy TO9: Commercial Uses on the Seafront; and
- Borough Plan Policy HO14: Houses in Multiple Occupation.

4.0 Tourist Accommodation Area

- 4.1 The Tourist Accommodation Area is defined by Eastbourne Borough Plan Policy TO1: Tourist Accommodation Area. It encompasses an area where it is considered that visitors would most expect to find tourist accommodation, and where it is appropriate that the needs of tourists should prevail in considering other developments.
- 4.2 At present, the majority of tourist accommodation stock is concentrated within the Tourist Accommodation Area. Whilst a seafront location with unobstructed sea views is a prime location, it is felt that some of the areas behind the seafront that do not have views of the sea or front onto gardens/squares do not have the same locational quality. It is in these locations where there is a large concentration of lower quality accommodation that is struggling to compete, and this is where there should be a gradual reduction of poor quality stock that will not be fit-for-purpose in the medium to long term, which in turn should help stimulate investment in better quality accommodation appealing to a broader range of visitors.
- 4.3 In order to ensure that that tourist accommodation that is within the prime and most popular areas is retained, and poor quality stock in less prominent locations can be reduced over time, it is considered that the Tourist Accommodation Area should be divided into Primary and Secondary Sectors.
- 4.4 The Primary and Secondary Sectors of the Tourist Accommodation Area have been identified in consultation with the Eastbourne Hospitality Association. The Sectors are identified in Figure 1, and a more detailed plan is provided in Appendix 3.
- 4.5 The Primary Sector encompasses the parade immediately adjacent to the Seafront from the Hydro Hotel in the west to the junction with Carlton Road in the east, as well as the area between Howard Square and Wilmington Square and adjacent to the Congress Theatre.
- 4.6 The Secondary Sector includes the areas behind the seafront, including Jevington Gardens, Compton Street, Elms Avenue, Marine Road and Cambridge Road.
- 4.7 The identification of Primary and Secondary Sectors of the Tourist Accommodation Area recognises that the location of the premises has



changed since its adoption, which is one of the criteria needed to demonstrate compliance with the policy.

- 4.8 Despite the identification of Primary and Secondary Sectors within the Tourist Accommodation Area, the Tourist Accommodation Area will still remain, and where the Tourist Accommodation Area is referred to in other policies, it is the full area that will be relevant.
- 4.9 This means that under Borough Plan Policy HO14, a change of use to a House in Multiple Occupation will not be permitted, even if a tourist accommodation establishment can demonstrate that it is no longer viable under the criteria set out in this SPD.



Figure 1 – Diagram showing Tourist Accommodation Area and Primary and Secondary Sectors

5.0 Assessment of Viability

- 5.1 When assessing a proposal for the change of use or redevelopment of tourist accommodation, the key consideration is whether or not the continuing use of the land as tourist accommodation is viable and economically sustainable.
- 5.2 An application for change of use concerns the premises rather than the owner. In order to demonstrate viability and establish whether a tourist accommodation premises has any prospect of continuing as tourist accommodation, evidence will be required to demonstrate that the premises are not economically viable in their current use, and are incapable of being made viable in its current use.
- 5.3 If tourist accommodation is assessed as being viable, or capable of being viable, then this will indicate the potential to meet current and future demand for visitors, resulting in a direct economic benefit from income and employment generation, and indirect benefit from visitors spending money on goods and services within the town. In contrast, where tourist accommodation is shown to be unviable, and with no potential of becoming viable, it clearly will not provide a useful contribution and therefore its loss will cause no harm.
- 5.4 This SPD sets out the criteria that should be taken into account in assessing the viability or potential viability of tourist accommodation. Any application should provide evidence to show how the relevant criteria have been met, or include a reasoned justification as to why the information cannot be supplied. Applications that provide inadequate or insufficient information, or do not provide a reasoned justification as to why information cannot be supplied, will be refused.
- 5.5 It is envisaged that a consultative group could be formed to assess the calibre of the application and whether or not the criteria have been met. It will be strongly recommended that any applicant should engage with this group before submission of an application. Any recommendation made by the consultative group will be a material consideration in the determination of the application.
- 5.6 The criteria and evidence required will differ between the Primary and Secondary Sectors, so to reflect that fact that that nature of the Tourist Accommodation Area has changed since it was designated. The SPD sets the principle that a lower level of evidence is needed in the Secondary Sector to

demonstrate that tourist accommodation is unviable. However this does not necessarily mean that proposals for the loss of tourist accommodation in the Secondary Sector will automatically be granted planning permission. Similarly, proposals for loss of tourist accommodation within the Primary Sector will not automatically be refused planning permission. Applications will be assessed against the criteria set out in this SPD using the evidence submitted as part of the application in accordance with the requirements of the SPD.

- 5.7 It should be noted that within both Sectors, the key indicator of an establishment's viability will be its market value, which should take into account its trading potential. The market for tourist accommodation has been fairly active over recent years from a property transaction perspective, and therefore viable tourist accommodation is likely to be in demand. This should be tested by the establishment being put on the market at a price that reflects its use as tourist accommodation, for a period appropriate to the area within which it is located. The lack of interest in premises that have been marketed for a value that reflects a potential residential use will not be considered to have satisfied the marketing test.
- 5.8 It is important to ensure that any previous tourism related planning approval has been given a reasonable time to become commercially established, and any claims that these changes are no longer financially viable must show the relationship between the original business planning and the current situation.
- 5.9 It is recognised that within the Tourist Accommodation Area, and particularly the Secondary Sector, a number of tourist accommodation establishments will be run as 'lifestyle businesses'. A 'lifestyle business' is a mixture of home and business, set up with the aim of achieving a sustainable level of income. Commercial viability arguments are more difficult for 'lifestyle businesses' due to businesses being a blend of home plus income.
- 5.10 It is considered that an appropriate threshold for 'lifestyle businesses' is 15 bedrooms. Establishments that are over 15 rooms are less likely to be run as 'lifestyle businesses' and would be expected to operate in a more commercial manner. Therefore such businesses would be expected to have business plans and marketing tools that would not necessarily be available to 'lifestyle businesses'. Therefore the council will apply additional flexibility when examining evidence provided by a "lifestyle business.

Proposals within the Primary Sector of the Tourist Accommodation Area

5.11 There is a **two-stage process** for assessing proposals for the partial or complete loss of tourist accommodation within the Primary Sector of the Tourist Accommodation Area. Any application for the loss of tourist accommodation within the Primary Sector will be required to:

STAGE 1 – Meet criteria demonstrating that the existing tourist accommodation is not viable through the submission of specified evidence.

STAGE 2 – Consider the implementation of other tourist accommodation uses through a sequential approach to alternative uses.

Stage 1 - Demonstrating that continuing the existing tourist accommodation within the Primary Sector of the Tourist Accommodation Area is not viable

5.12 In order to demonstrate that continuing the existing tourist accommodation use within the Primary Sector of the Tourist Accommodation Area is not viable, proposals for the complete or partial loss of tourist accommodation should satisfy the following criteria:

Criteria A - There is no interest in the tourist accommodation business being bought as a going concern;

Criteria B – The tourism accommodation business has been run in a reasonable and professional manner, and a serious and sustained effort has been made to save the business;

Criteria C – The physical condition and cost of repair of the business would be prohibitive to running a viable business; and

Criteria D – The running costs of the business cannot be covered.

5.13 Any application promoting the loss of tourist accommodation would need to be accompanied by evidence in order for that application to be fully assessed against the criteria set out above. Evidence should be submitted against the following:

Criteria A - There is no interest in the tourist accommodation business being bought as a going concern

(A1) Evidence that the Tourist Accommodation establishment has been on the market at a price that reflects its tourist accommodation use and condition for reasonable period (which the Council would expect to be a period of a

minimum of **2 years**). The type of material that should be submitted to satisfy this includes:

- Details of the agent used to market the business for sale, including whether they have any local or specialist expertise, and evidence of active marketing;
- Where and when the site was advertised, including copies of advertising material, sale particulars, website entries, brochures, etc.;
- Details of responses received, what interest has been shown and why any offers have been rejected (if known);
- Details of the agreed sale price, including any reductions made in asking price during the course of marketing.

Criteria B - The tourism accommodation business has been run in a reasonable and professional manner, and a serious and sustained effort has been made to save the business

(B1) Evidence of occupancy and room rates for comparison with competitors, including:

- Number of trading weeks per year over the last 3 years
- Total number of available room nights per year over the last 3 years
- Details of occupancy per trading week over the last 3 years
- Average room rate for each trading week over the last 3 years
- RevPAR for each trading week over the last 3 years

(B2) Owner's Personal Statement, outlining the following areas:

- Length of ownership
- Their personal background before running the business
- Their explanation as to why they believe the business is not sustainable
- An outline of what they believe they have done to make the business viable (which will be further expanded on by reference to the evidence referred to in the following sections)
- Reference to be made to online reviews – positive and negative. If negative an indication of how issues have been addressed and if they cannot be – why not?
- An indication of the change in business trends they have witnessed and how they have tried to adapt the business to follow those trends or explain why they could not.
- Any anecdotal information they have from neighbouring businesses that affirms the personal statement.

- (B3) Evidence of marketing and business promotion, including but not limited to:
- Engagement with Eastbourne Borough Council's Tourism Department (or a statement indicating why assistance was not sought)
 - Evidence of marketing activity over last 12 months
 - Evidence of regularly updated website for the establishment
 - Evidence of the establishment being placed with Online Travel Agents (OTAs)
 - Evidence of how social media has been used to promote business (or why social media was not appropriate to the business model)
 - Copies of brochures, adverts and entries in accommodation guides
 - A plan for marketing activity over the next 12 months
- (B4) Evidence of annual business plan, including financial budget and sales/marketing strategy (for 'lifestyle businesses' where establishments are under 15 rooms it is accepted that business plans may not be available).

Criteria C - The physical condition and cost of repair of the business would be prohibitive to running a viable business

- (C1) Evidence from a surveyors report prepared by a suitably qualified person that details the physical condition of the building, including cost of repairs, and the age and condition of the building and length of time in tourism use
- (C2) Evidence of investment on refurbishment and maintenance to the property for each year over the last 5 years

Criteria D - The running costs of the business cannot be covered

- (D1) Evidence of costs of running the business, including:
- Profit and Loss Accounts covering the previous three years
 - Net income from rooms
 - Net income from food and beverages
 - Any other net income generated from the business
 - Trading profit before interest, tax, depreciation and amortisation
 - Breakdown of annual running costs for the business over the last 3 years including: commissions, wages, utilities, rates, food, beverage, additional guest services, administration costs, laundry, insurance, business to customer marketing, bank interest/charges, staff training and any other operating costs

- Number of people employed including applicant and applicants family split full time and part time

Stage 2 – Consider the implementation of other tourist accommodation uses through a sequential approach to alternative uses

- 5.14 Where it can be demonstrated that the existing tourist accommodation use is unviable through Stage 1, consideration should be given to retaining an element of tourist accommodation use. The retention of an element of tourist accommodation use should be considered on a sequential basis, as identified below and should be evidenced within the application:
- (a) partial conversion to unserviced accommodation with a clear link in terms of the ownership of the serviced and non-serviced accommodation;
 - (b) full conversion to unserviced accommodation;
 - (c) partial conversion to non-tourism uses that would be compatible with the Tourist Accommodation Area (including residential) where there is an agreement to invest in the remaining tourist accommodation.
- 5.15 The sequential approach means that criterion (a) should be met before criterion (b) is considered, and so on. Only where it can be demonstrated that all criteria are satisfied and there is no potential for conversion to other tourist uses will a complete loss of tourist accommodation be a possibility.
- 5.16 Applications for the partial loss of tourist accommodation should satisfy all criteria in Stage 1, and the criteria in Stage 2 that is ahead of the proposal in the sequential process. Applications that include unserviced accommodation should take into account considerations for unserviced accommodation outlined in paras 5.21 and 5.22.
- 5.17 To ensure that any unserviced tourist accommodation created is used for tourist accommodation purposes only, or to ensure investment in remaining tourist accommodation as a result of partial conversion to non-tourism related uses, the Council will look to secure this by use of a condition on the planning permission or through a Section 106 legal agreement².

² Section 106 (S106) Agreements are legal agreements between Local Authorities and developers linked to a planning permission, made under section 106 of the Town and Country Planning Act 1990 (as amended).

5.18 In order to demonstrate that alternative tourist accommodation uses have been considered, the following should be submitted but not limited to:

Criteria E

- (E1) Evidence from independent experts that tourism alternative uses have been fully considered, including justification to clearly explain why other tourism accommodation uses are not viable, based on a sequential approach to alternative uses:
- a. partial conversion to unserviced accommodation
 - b. full conversion to unserviced accommodation
 - c. partial conversion to non-tourism uses (including residential) where there is an agreement to invest in the remaining tourist accommodation.

5.19 The evidence from independent experts that is needed to meet these requirements could be in the form of a specialist viability report, or it could be evidence from a number of different specialists in a report compiled by the applicant.

Establishments with no trading history

5.20 Where no trading history for the tourist accommodation establishment exists, applicants should submit evidence under (A1), (C1), (C2) and (E1), alongside a forward business plan with cash flow projections, including information required to secure a bank loan/financial investment, with a clear demonstration that an attempt has been made to implement it.

Conversion to unserviced accommodation

5.21 Where partial or complete conversion to unserviced accommodation is proposed within the Primary Sector of the Tourist Accommodation Area, the unserviced accommodation must aspire to be high end holiday flats, and should be designed and sited so as to maximise the on-going attractiveness of the holiday flats to visitors to ensure that it is viable. Therefore, proposals should include details of how holiday flats will be accessed, designing out shared accesses and corridors with residential units, and evidence of a business plan to show that the business can be operated as sustainable tourist accommodation.

5.22 In light of this, evidence should be provided to demonstrate that the following have been considered:

- Providing a separate entrance from any tourist accommodation or residential uses.
- Designing internal layouts to cluster holiday flats together for ease of management and minimise potential noise impacts and conflicts with other uses
- Ensuring that main bedspaces are located within bedrooms and not within lounges or other non-bedroom spaces, although sofa beds would be permitted to maximise occupancy potential;
- Ensuring that holiday flats have all of the facilities that would be required by a visitor, ensuring that holiday flats meet the requirements for Visit Britain/AA self-catering accommodation standards.

Proposals within the Secondary Sector of the Tourist Accommodation Area

Proposals for partial loss of tourist accommodation

5.23 Within the Secondary Sector, proposals for partial or full conversion of serviced accommodation to unserviced accommodation will be supported where the principles identified in paras 5.21 and 5.22 are taken into consideration.

5.24 In addition, proposals for part conversion to other uses that are compatible with the Tourist Accommodation Area will be supported if investment is made in improving the remaining tourist accommodation. This will be secured by a Section 106 legal agreement.

Proposals for complete loss of tourist accommodation

5.25 In order to demonstrate that continuing the tourist accommodation use within the Secondary Sector of the Tourist Accommodation Area is not viable, all proposals for the complete loss of tourist accommodation will be required to satisfy the following criteria:

Criteria F – There is no interest in the tourist accommodation business being bought as a going concern;

Criteria G – The tourism accommodation business has been run in a reasonable and professional manner; and

Criteria H – The running costs of the business cannot be covered.

5.26 In order to allow a proposal for the loss of tourist accommodation to be assessed against the criteria set out above, evidence should be submitted against the following:

Criteria F – There is no interest in the tourist accommodation business being bought as a going concern

- (F1) Evidence that the Tourist Accommodation establishment has been on the market at a price that reflects its tourist accommodation use and condition for reasonable period (which the Council would expect to be a period of a minimum of **1 year**). The type of material that should be submitted to satisfy this includes:
- Details of the agent used to market the business for sale, including whether they have any local or specialist expertise, and evidence of active marketing;
 - Where and when the site was advertised, including copies of advertising material, sale particulars, website entries, brochures, etc.;
 - Details of responses received, what interest has been shown and why any offers have been rejected (if known);
 - Details of the agreed sale price, including any reductions made in asking price during the course of marketing.

Criteria G – The tourism accommodation business has been run in a reasonable and professional manner

- (G1) Evidence of occupancy and rooms rates for comparison with competitors, including:
- Number of trading weeks per year over the last 3 years
 - Total number of available room nights per year over the last 3 years
 - Details of occupancy per trading week over the last 3 years
 - Average room rate for each trading week over the last 3 years
 - RevPAR for each trading week over the last 3 years
- (G2) Evidence of efforts to sustain the business, including
- Engagement with Eastbourne Borough Council's Tourism Department (or a statement indicating why assistance was not sought)
 - Evidence of marketing activity over last 12 months

Tourist accommodation establishments within the Secondary Sector with 15 bedrooms or more should also provide the following evidence:

- (G3) Evidence of annual business plan, including financial budget and sale and marketing strategy

Criteria H – The running costs of the business cannot be covered

- (H1) Evidence of costs of running the business, including:
 - o Profit and Loss Accounts covering the previous three years

Appendices

Appendix 1: Glossary

Core Strategy – Adopted in 2013, this Local Plan sets out the long term strategic planning vision for Eastbourne to 2027.

Day-trippers – a visitor who visits for the day and spends the night elsewhere.

Development Plan - A set of documents, comprising the Eastbourne Borough Plan 2001-2011 saved policies, the Eastbourne Core Strategy Local Plan 2006-2027, the Eastbourne Town Centre Local Plan 2006-2027, and the East Sussex Waste and Minerals Plans.

Eastbourne Borough Plan 2001-2011 – Adopted in 2003, contains policies mainly related to development management. The policies were saved indefinitely in 2007, although some have since been deleted as a result of the adoption of other Local Plans.

Eastbourne Local Plan – Currently under production, the Eastbourne Local Plan will replace all existing adopted planning policies. It is anticipated that the Eastbourne Local Plan will be adopted in 2020.

Local Plan - The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004.

Online Travel Agency (OTA) – An Online Travel Agency is a website that allows booking of hotel rooms, holiday packages, etc. Tourist Accommodation providers can advertise their product with OTA and customers can book rooms via the OTA website, with the OTA taking a commission.

RevPAR – Revenue per available room is a performance measure used by the tourist accommodation industry and is calculated by dividing total room revenue by the number of rooms available (or multiplying the average daily room rate by the occupancy rate).

Section 106 Agreement - Section 106 (S106) Agreements are legal agreements between Local Authorities and developers linked to a planning permission, made under section 106 of the Town and Country Planning Act 1990 (as amended).

Tourism - The World Tourism Organisation's definition of tourism is: 'a social, cultural and economic phenomenon which entails the movement of people to countries or places outside their usual environment for personal or business/professional purposes'.

Tourist Accommodation - an establishment that has a room, or rooms, to rent for a fixed period generally no greater than three months. This accommodation is not the renter's primary residence and the renter generally contributes to the revenue of the town, is not registered to vote in the town and is not a burden on local social services.

Tourist Accommodation Study - A study undertaken by Acorn Tourism Consulting Ltd in 2015 on behalf of Eastbourne Borough Council to better understand the up to date position in relation to the amount of tourist accommodation in the town, the need to retain existing accommodation and the need for new or improved accommodation in the town.

Appendix 2: Adopted planning policies relating to tourist accommodation

Borough Plan TO1: Tourist Accommodation Area

Policy TO1: Tourist Accommodation Area

Within the tourist accommodation area, shown on the Proposals Map, planning permission will be refused for proposals which are incompatible with the tourist accommodation use.

In considering proposals for development within this area regard will be made to the different lifestyles and special requirements of tourists. This consideration will include the following:

- a) the effect on residential and visual amenity (see Policies HO20 and UHT4);
- b) the likely hours of operation;
- c) safety and security implications.

Borough Plan TO2: Retention of Tourist Accommodation

Policy TO2: Retention of Tourist Accommodation

Within the tourist accommodation area identified on the Proposals Map planning permission will not be granted for the redevelopment or change of use of tourist accommodation to any other use. In this Policy "tourist accommodation" means serviced tourist accommodation (Class C1 use) and unserviced tourist accommodation.

Only in exceptional circumstances will planning permission be granted for any other use. This means that the applicant must demonstrate that the continuing use of land as tourist accommodation is not viable.

In determining viability the following factors will be taken into account:

- a) the location of the premises;
- b) the physical condition and cost of repair of the premises;
- c) the potential for refurbishment, including the cost of works;
- d) the potential for conversion to other tourist uses, including the cost of works;
- e) the market valuation of the property reflecting the above factors;
- f) whether the direct costs of running the business can be covered; and
- g) whether a commercial rate of return on investment can be achieved.

However, factor g) above will be excluded from the viability analysis in all instances where the operator has private accommodation on the premises comprising at least 10% of the building (defined in terms of the proportion of the total habitable floor area, excluding hallways and landings).

Borough Plan HO14: Houses in Multiple Occupation.

Policy HO14: Houses in Multiple Occupation

Planning permission will be granted for the establishment and retention of Houses in Multiple Occupation (HMOs) provided they comply with residential, visual and environmental amenity considerations set-out in Policies HO20, UHT4 and NE28.

HMOs will not be permitted in the tourist accommodation area defined in Policy TO1.

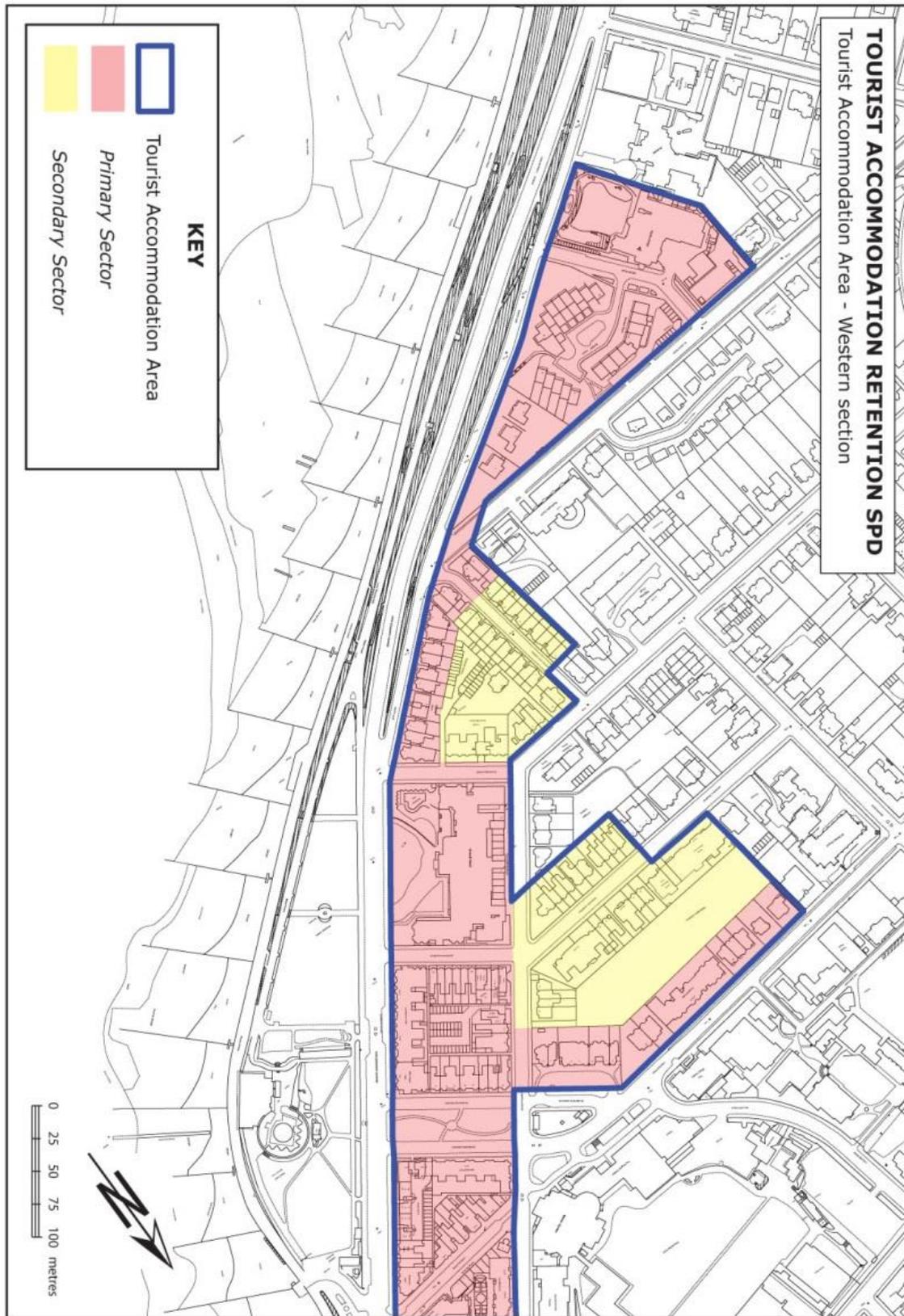
Core Strategy Policy D3: Tourism and Culture

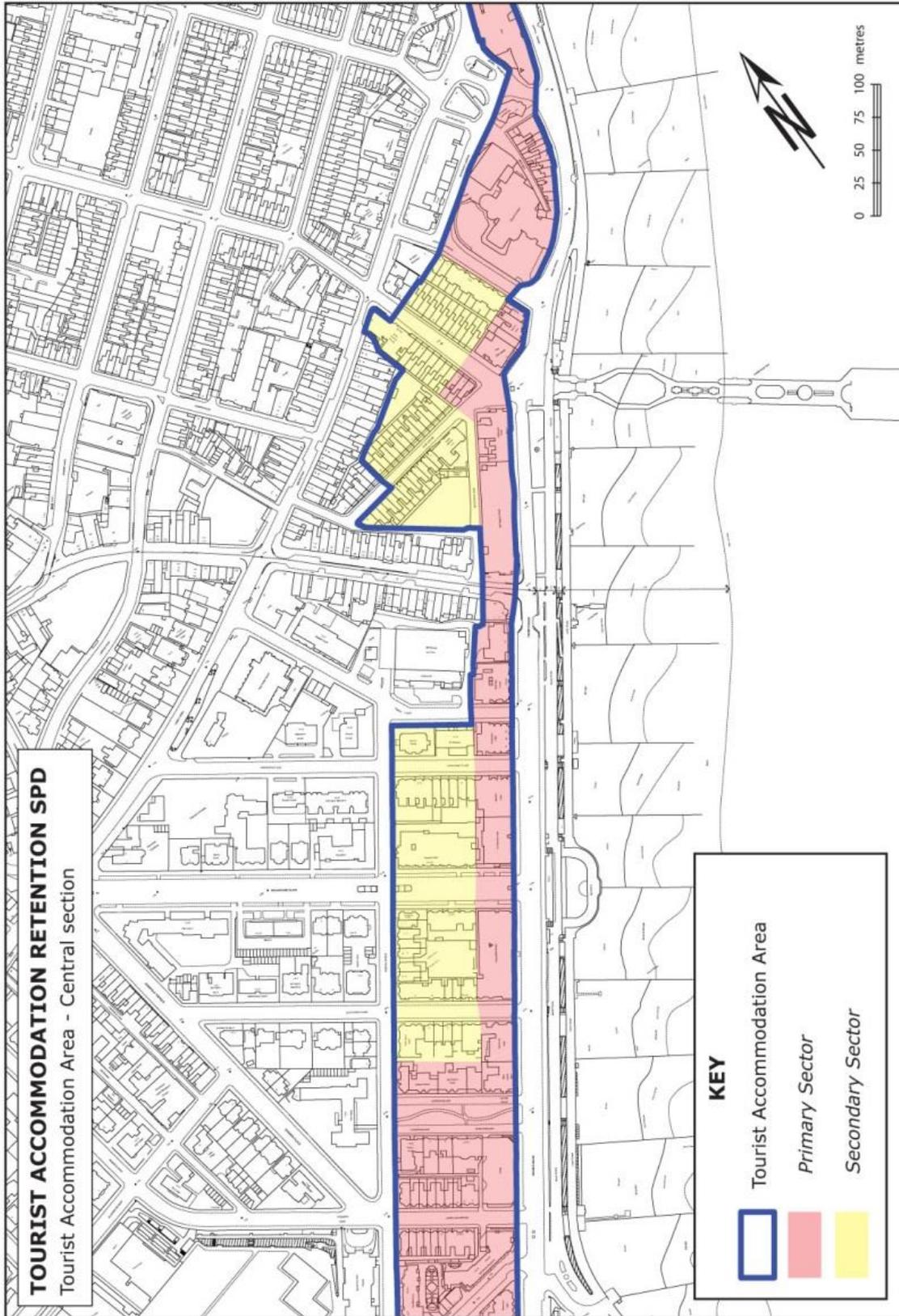
Policy D3: Tourism and Culture

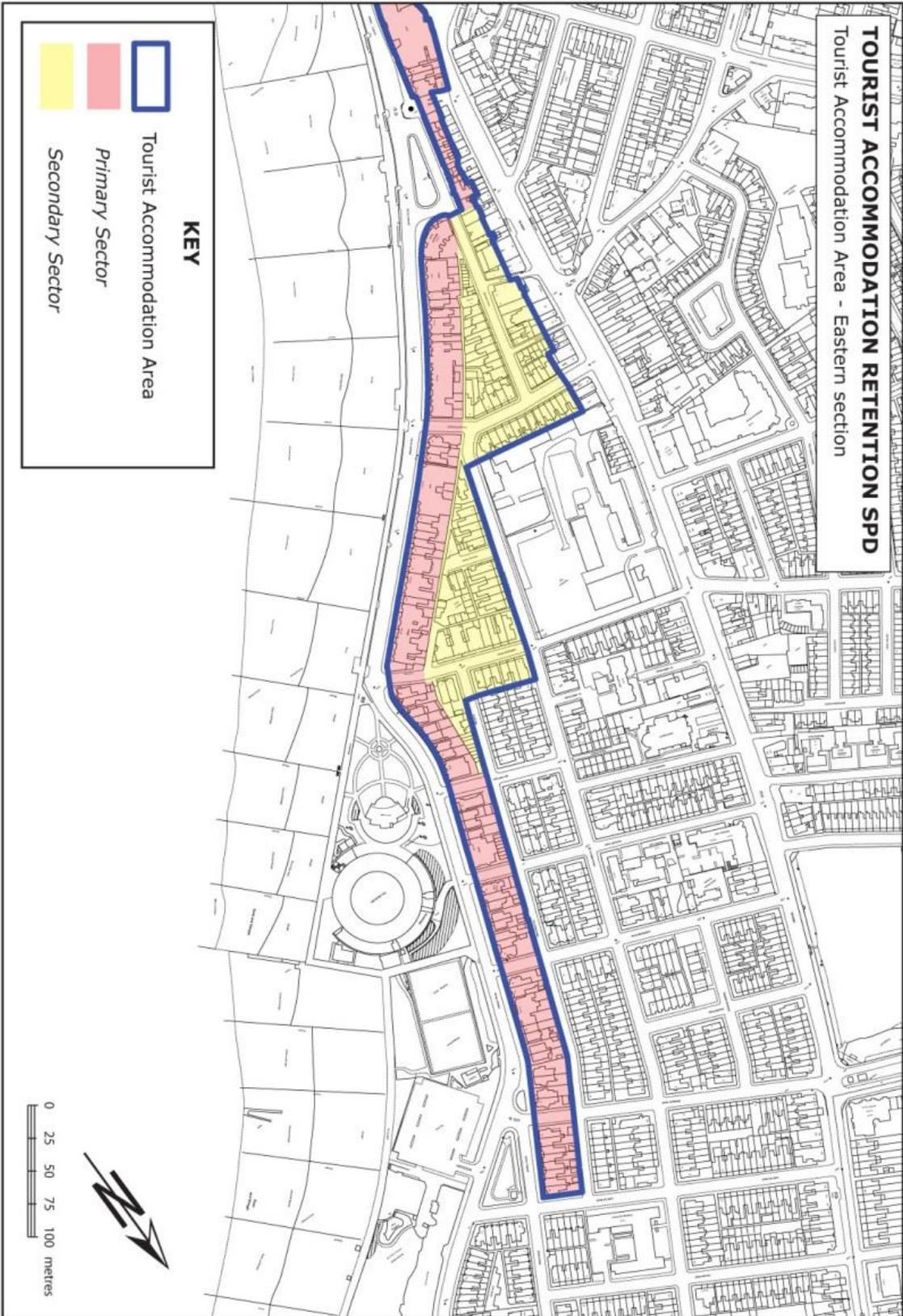
The importance of the entertainment, cultural and sports facilities to the economic prosperity of Eastbourne is recognised. The Council will support the preservation and enhancement of these through the following measures:

- Resist the loss of visitor accommodation through the retention of a tourist accommodation area and protection policy;
- Support the appropriate upgrading of existing hotels and holiday accommodation to provide improved facilities for visitors as well as supporting proposals for additional accommodation in the sustainable centres;
- Support new entertainment, cultural and sporting facilities in Eastbourne, where appropriate
- Recognise the value of the South Downs National Park as a visitor and recreation asset and work with the Park Authority, to protect the area from development which would damage or adversely affect its character and/or appearance;
- Support the retention and enhancement of the entertainment, cultural and sports facilities in Eastbourne through development management measures resisting changes which would lead to a downgrading in the town's cultural integrity and/or appearance;
- Prepare a strategy for the future of the seafront area through the production of a Seafront Area Action Plan; and
- Promote the development of the Wish Tower restaurant to provide an enhanced asset for the benefit of residents and visitors.

Appendix 3: Tourist Accommodation Area







COMMITTEE:	PLANNING
DATE:	30 August 2016
SUBJECT:	Update on Housing Delivery
REPORT OF:	Director of Regeneration and Planning

Ward(s):	All
Purpose:	To provide Members with an update on recent housing delivery and the current position in relation to the Five Year Housing Land Supply
Contact:	Matt Hitchen, Senior Strategy & Commissioning Officer (Planning Policy) Tel no: (01323) 415253 E-mail: matt.hitchen@eastbourne.gov.uk
Recommendations:	That Members note the contents of this report.

1.0 Introduction

- 1.1 This report provides an update on housing delivery in the first quarter of the 2016/2017 financial year. It is part of the quarterly feedback to Planning Committee on housing delivery rates.
- 1.2 This report identifies the number of units granted permission in the previous quarter and the financial year as a whole, the number of units with permission that have yet to start construction, the total number of units completed, and updates Members on the latest position in relation to the Five Year Housing Land Supply.

2.0 Background

- 2.1 Members will recall that the National Planning Policy Framework requires local planning authorities to identify and keep up-to-date a deliverable Five Year Housing Land Supply. A Five Year Housing Land Supply means identifying sufficient housing land in order to meet the cumulative annual housing delivery target for the next five years (i.e. annual target multiplied by five), plus a 5% buffer. This buffer is increased to 20% where there has been persistent under delivery of housing.
- 2.2 Sites that can be identified in the Five Year Housing Land Supply could include sites with planning permission, sites that have been allocated through a Local Plan, sites where pre-application discussions have taken place, and

sites identified as having potential for residential development through the Strategic Housing Land Availability Assessment (SHLAA).

- 2.3 However, it should be noted that demonstrating a Five Year Housing Land Supply is not just the identification of sites, but whether those sites will be delivered in the next five years. To be considered deliverable, sites should be available, be a suitable location for development, be achievable (i.e. with a realistic prospect that housing will be delivered within five years) and in particular that development on the site is viable.
- 2.4 It is important that Eastbourne Borough Council can demonstrate a five year housing land supply, as without it the opportunity for Eastbourne Borough Council to plan development properly could be lost through appeals determined by planning inspectors or by the Secretary of State.

3.0 Housing Completions

- 3.1 The Core Strategy plans for the delivery of 5,022 net additional dwellings between 2006 and 2027. As of the end of the 2015/2016 financial year (31 March 2016), a total of 2,373 units had been delivered since the start of the plan period. This leaves 2,649 units to deliver until the end of the plan period at an annual average of 240.8 units per year.
- 3.2 In the first quarter of 2016/17, a total of **40** new dwellings were completed. Of these 40 completed units, 30 units were at the Meadows View development on Kings Drive. There were four other development sites that had completed units in the first quarter of the year.
- 3.3 The 40 completed units in the first quarter is just below the average number of units completed per quarter over the last five years, which is 49.8 units per quarter. However, delivery in the Q1 2016/17 has been across significantly fewer sites than usual. A list of sites with completed units is provided in Appendix 1.
- 3.4 It should be noted that housing delivery over the last five years has been relatively low against the housing targets. Over this period, the annual target was met only once, with an average annual delivery of 199.2 units.

4.0 New Commitments

- 4.1 A total of **107** units were granted permission during the first quarter of 2016/17. The number of units committed in the first quarter was higher than average, although this is mainly due to the prior approval for St Anne's House for the conversion from offices to 35 residential units under Permitted Development rights. The completion of the Section 106 agreement for the Heatherleigh Hotel allowed the permission to be confirmed within the first quarter, committing an additional 16 units.

4.2 The 107 newly committed units are spread across 24 sites. A list of newly committed sites is contained in Appendix 2. Table 1 shows the number of newly committed units by quarter for the current and previous monitoring years.

4.3 **Table 1 - Units committed by quarter**

Year	Q1	Q2	Q3	Q4	Total
2014/2015	52	71	181	71	375
2015/2016	31	44	35	136	246
2016/17	107	-	-	-	107*

5.0 Total Commitments

5.1 As at the end of the first quarter of 2016/17, there were **648** net additional dwellings with permission that have yet to commence across **79** sites. A list of sites that have permission for housing development but have yet to start are provided in Appendix 3. It includes:

- 142 units at Sovereign Harbour
- 102 units at Bedfordwell Road Depot
- 61 units at the former Caffyns site on Upperton Road
- 36 units at 2-4 Moy Avenue
- 35 units at St Anne's House, St Anne's Road

6.0 Units under construction

6.1 As at the end of the first quarter of 2016/17, there were **201** units under construction across **38** development sites. A list of sites that are currently under construction are provided in Appendix 4. This includes:

- 57 remaining units at Kings Drive
- 16 units at 27 St Leonards Road
- 11 units at Twin English Centre, 25 St Anne's Road
- 9 units at Koala on King Edwards Parade

7.0 Update on Five Year Housing Land Supply Assessment

7.1 The annual requirement over the remaining plan period is 243 units per year, and therefore the five year requirement is 1,213 units. The additional 5% buffer equates to an additional 61 units, making the Five Year Housing Land Supply requirement for Eastbourne **1,274** units. Eastbourne Borough Council is required to identify sufficient land to meet this requirement.

7.2 The current assessment of the Five Year Housing Land Supply identifies that as of 30 June 2016, Eastbourne has a supply of housing land equivalent to

912 units. This means that Eastbourne currently has a **3.76 year** supply of housing land (or 75% of the Five Year Housing Land Supply requirement).

- 7.3 Therefore we are 362 units short of having a Five Year Housing Land Supply (including 5% buffer). Currently we do not have a five year housing land supply and therefore we are at risk of future planning refusals for residential development being overturned at appeal.

8.0 Update on Actions

- 8.1 The Housing Delivery report to Planning Committee on 2 February 2016 identified a number of actions to address the issues arising from a lack of Five Year Housing Land Supply. An update on those actions is provided below.
- 8.2 **Strategic Housing Market Assessment (SHMA)** – evidence study that updates the objectively assessed housing need data for Eastbourne is due to be completed in Autumn 2016.
- 8.3 **Strategic Housing and Employment Land Availability Assessment (SHELAA)** – evidence study that identifies land that is available, suitable, viable and has potential for residential development – a ‘Call for Sites’ was undertaken in July and August and the sites that were identified will now be assessed for their potential for development. The SHELAA is due to be completed in early 2017.
- 8.4 **Five Year Housing Land Supply Methodology** – a new methodology for calculating the five year housing land supply, including an allowance for windfall development, is currently being completed. This will provide a more consistent and accurate approach for Five Year Housing Land Supply.
- 8.5 **New Local Plan** – the preparation of a new Local Plan to replace the Core Strategy is currently underway through the preparation of evidence to inform its development. It is anticipated that an ‘Issues and Options’ consultation will take place in mid-2017.

9.0 Conclusion

- 9.1 National planning policy places considerable weight on the delivery of new housing. Housing delivery rates in Eastbourne have been falling over recent years, and the annual delivery targets are not being achieved. This trend is expected to continue.
- 9.2 Eastbourne Borough Council is required to identify sufficient land to accommodate the next five years’ worth of annual housing target. At present this would equate to land for 1,274 units.
- 9.3 The status of the Five Year Housing Land Supply is a material consideration in

the determination of planning applications. Currently, it is only possible to identify a 3.76 year supply of housing (equating to 912 units), and the lack of a five year supply means that decisions to refuse applications for residential development have the potential to be overturned on appeal.

- 9.4 Members will continue to be provided with an update on the latest position in relation to housing delivery and the Five Year Housing Land Supply on a quarterly basis.

Background Papers:

The Background Papers used in compiling this report were:

- Eastbourne Core Strategy Local Plan 2006-2027
- National Planning Policy Framework (2012)

To inspect or obtain copies of the background paper, please refer to the contact officer listed above.

Appendix 1 – List of sites with completions in Quarter 1 2016/17

LA Reference	Site Name	Description	Ward	Gross dwellings completed	Losses dwellings completed	Net dwellings completed
151194	20 Farlaine Road	Deletion of condition 2 of permission EB/1993/0133 to permit the unrestricted occupation of the property as a single dwelling with annexe	Old Town	1	0	1
151341	20 Gorringe Road	Change of use from nursery (D1) on the ground floor and a flat on the first floor to a single dwellinghouse (C3).	Upperton	1	1	0
160002	60 Susans Road	conversion of basement, mezzanine, first and second floors, from 1 single residential property into to 3 self-contained one bedroom flats	Devonshire	3	1	2
130897	Kings Drive Cross Levels Way	Reserved matters application of EB/2010/0003 for residential development of 119 dwellings, associated access and parking, open space, play areas and allotments.	Upperton	30	0	30
EB/2012/0724	Land rear of 2-18 Clarence Road	Erection of four detached and two semi-detached 2 bedroom houses	Devonshire	6	0	6
160142	Le Mer, 7 Marine Road	Change of use of a guest house (C1) to single family dwelling (C3)	Devonshire	1	0	1

Appendix 2 – Newly Committed Site in Quarter 1 2016/17

LA Ref	Site Name	Description	Ward	Gross Newly Committed	Losses Newly Committed	Net Newly Committed
150803	7 Upperton Road	Demolition of existing buildings and redevelopment to form circa 61 one and two bed sheltered apartments for the elderly including communal facilities, access, car parking and landscaping	Upperton	61	0	61
151011	2a St Marys Road	Redevelopment of site to provide 3no. self-contained flats with three undercroft parking spaces	Old Town	3	0	3
151134	Courtlands Hotel, Wilmington Gardens	Change of use to convert a 45 bedroom hotel to a 14 bedroom guest house hotel with owner's accommodation and 15 residential apartments	Meads	15	0	15
151170	Land at Sumach Close	Erection of a three storey building consisting of 13 flats (8 x 2 bed and 5 x 1 bed)	Hampden Park	13	0	13
151175	The Meads Club	Use of building as 3x residential units. External alterations comprising roof extension to create additional habitable living space and associated works	Meads	3	1	2
151194	20 Farlaine Road	Deletion of condition 2 of permission EB/1993/0133 to permit the unrestricted occupation of the property as a single dwelling with annexe	Old Town	1	0	1
151201	Map House	Construction of two additional floors on top of existing building to provide six flats (in conjunction with previously issued prior approval ref:150598 for change of use from B1 to C3), together with external alterations (windows, doors and cladding)	Upperton	6	0	6
151227	41 Pevensey Road	Proposed conversion of a previously approved 2-bedroom ground floor flat into 2no. 1-bedroom self-contained flats for single occupancy including a new single storey rear extension	Devonshire	2	1	1
151291	21a Manifold Road	Demolition of existing commercial unit and partial demolition and alterations to other structures. Alterations and extensions within footprint of existing buildings including installation of blind dormer along east elevation and rooflights. In association with the creation of 4x2 bedroom units with four parking spaces.	Devonshire	4	0	4
151298	15-17 Seaside	Change of use of the ground floor shop unit to residential (c3) with separate entrance at street level, associated external works	Devonshire	2	1	1
151303	Gloucester House, 9	Use of first, second and third floor levels of building as 5x	Meads	5	0	5

LA Ref	Site Name	Description	Ward	Gross Newly Committed	Losses Newly Committed	Net Newly Committed
	Gloucester Mews	residential units (4x1 bed, 1x2 bed). Creation of balcony at third floor level. Associated alterations to external elevations.				
151341	20 Gorringe Road	Change of use from nursery (D1) on the ground floor and a flat on the first floor to a single dwellinghouse (C3)	Upperton	1	1	0
151349	Ashberry Court	Conversion of residential care home into nine self-contained flats, together with external alterations and the provision of a refuse store, cycle store and five parking spaces accessed from Lewes Road	Upperton	9	0	9
151361	56b Grove Road	Converting two 3 bed maisonettes into three one bedroom flats and one two bedroom flat at 56A and 56B Grove Road	Meads	4	2	2
151363	6 Cornfield Terrace	Conversion of lower ground floor, ground floor and first floor to two self-contained one bedroom flats	Meads	2	0	2
151364	51a Grove Road	Replacement shopfront and conversion of first floor to self-contained flat with alterations to include alterations to windows, creation of rear door and external staircase	Upperton	1	0	1
160003	8 Dalton Road	Conversion of an existing maisonette at second and third floor level into two self-contained flats. Enlargement of existing dormer windows and creation of new dormer at rear of property, and use of part of flat roof as a terrace.	Meads	2	1	1
160056	Regent Hotel 3 Cavendish Place	Conversion of property into 5 flats 3no 2 bed flats and 2no 1 bed flats	Devonshire	5	0	5
160076	157 Terminus Road	Change of use from Office (B1) to Dwellinghouse (C3) (Application for prior approval under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015)	Devonshire	5	1	4

Appendix 3 – List of sites with permission were development is yet to commence

LA Reference	Site name	Description	Lapse Date	Ward	Gross Units	Net Units
130396	2 The Avenue	Conversion of office to flat - Change of Use	20/08/2016	Upperton	1	1
130463	Land Adjacent to 1 Melbourne Road	Erection of 2 two bedroom houses and 1 three bedroom house including the provision of two parking spaces	03/04/2017	Devonshire	3	3
130708	2-4 Moy Avenue	Demolition and redevelopment to provide 36 (Class C3) residential units, with associated car parking access and landscaping	16/01/2018	St Anthony's	36	36
130907	Bedfordwell Road Depot	Residential development of 102 dwellings (flats and houses), including the conversion of the existing Pump House into flats, together with access roads and parking spaces.	31/03/2018	Upperton	1	1
131002	Sovereign Harbour	Outline planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour, Eastbourne: Site 1 - up to 72 dwellings and access Site 4 - Commercial and employment uses (A1-A5 3,200sqm)(B1, C1 and D13,600sqm) Site 7 - Mix of employment uses (B1 6,700sqm) (C1 & C2 up to 5,500sqm)(D1 up to 200sqm), up to 70 dwellings and open space (0.80 has) Site 8 - Up to 8 dwellings, open space and berth holder facilities	02/12/2017	Sovereign	142	142
131060	4 St Anne's Road	Proposed change of use of a detached timber framed office building located in rear garden into a single self-contained resident's accommodation	05/02/2017	Upperton	1	1
140035	62A Tideswell Road	Demolition of existing premises and erection of 3 new 2-storey mews houses with garaging/parking facilities	27/03/2017	Devonshire	3	3
140041	174-176 Seaside	Erection of new two storey structure to the rear of 174 - 176 Seaside to form 4 new self-contained flats	25/04/2017	Devonshire	5	4
140071	Land At Rear And To Side Of No. 2 Ringwood Road	Proposed residential development of 7 three bedroom houses together with garage/car parking spaces and access road, at rear and to the side of 2 Ringwood Road, Eastbourne (formerly known as the Swan Laundry)	08/04/2017	St Anthony's	7	7
140084	2 Priory Road	New Build of four flats and five parking spaces	06/05/2017	St Anthony's	5	4
140172	29 Bedfordwell Road	Change of use from sui generis (hostel) to single private dwelling	09/05/2017	Upperton	1	1
140634	28 Carlton Road	Proposed conversion of a house in to two flats	16/07/2017	Devonshire	2	1
140677	St Anne's Veterinary Group, 6	Outline application for Access, Appearance, Layout and Scale (Landscaping Reserved) for the proposed demolition of existing building	22/07/2017	Upperton	8	8

LA Reference	Site name	Description	Lapse Date	Ward	Gross Units	Net Units
	St Anne's Road	and redevelopment to provide 8 No. self-contained flats				
140741	51 Upperton Lane	Change of use of a one storey building with parking space and garden from B1 (office) to C3 (a dwelling)	24/07/2017	Upperton	1	1
141112	Hurst Arms 76 Willingdon Road	Subdivision of residence above The Hurst Arms public house into two self-contained flats facilitated by a rear metal staircase and access at first floor level, conversion of existing outbuilding to rear of site into one self-contained residential unit and associated alterations.	07/01/2018	Upperton	2	1
141159	37 Grove Road	Prior Approval for proposed change of use from Retail (Class A1 or A2) to Dwellinghouse (Class C3) and for associated Operational Development.	13/10/2017	Meads	1	1
141333	56 Grove Road	Prior Approval for proposed change of use from Retail (Class A1 or A2)to Dwelling (Class C3)	17/12/2017	Upperton	1	1
141346	183a Langney Road	Demolition of 3 vacant retail units and construction of 9no. one and two bed apartments	29/07/2018	Devonshire	9	9
141349	70 Susans Road	Change of use from shop and 2 bedroomed flat (A1 and C3) into one 2 bedroomed flat, one 1 bedroomed flat and one studio flat (C3) with associated alterations	23/12/2017	Devonshire	3	2
141439	22-24 Langney Road	Change of use of ground floor to gymnasium, change of use of first floor to provide 2no. 1 bedroom apartments and 2no. studio flats together with private amenity space	22/04/2019	Devonshire	4	4
141511	20 Gorringe Road	Proposed change of use of existing ground floor from D1 (day nursery) to C3 (residential), comprising of 4no. self-contained flats together with the provision of 4no. off-road parking spaces to the front elevation	28/01/2018	Upperton	4	3
141521	Heatherleigh Hotel, Royal Parade	Proposed change of use from redundant hotel into 12no. holiday flats and 16no. residential flats including demolition of 4no. garages at rear, alterations to remaining three garages to form secure cycle storage and refuse storage, together with the formation of parking spaces. Removal of front sun lounge	20/04/2019	Devonshire	16	16
141527	Greencoate House 22 St Leonards Road	Change of use from office (class B1) to residential (class C3), comprising 12no. self-contained apartments	19/02/2018	Upperton	12	12
141531	Greencoate House 32 St Leonards Road	Rebuilding of third floor and construction of a new fourth floor to provide two self-contained apartments. (NB: Prior Approval to convert the existing building from office (B1a) use to residential (C3) use comprising twelve self-contained apartments is being considered under a separate	23/03/2018	Upperton	2	2

LA Reference	Site name	Description	Lapse Date	Ward	Gross Units	Net Units
		application ref: 141527).				
141568	17 Cornfield Road	Change of use of offices (B1a) to form two residential units (C3)	14/01/2018	Meads	2	2
150031	6 Cornfield Terrace	Demolition of single storey extension at rear, internal alterations and conversion of whole building to a single dwellinghouse	08/06/2018	Meads	1	1
150092	The Drive, 153 Victoria Drive	Conversion of first floor residential accommodation to form 1 one-bedroom flat and 2 two-bedroom flats with access from the rear	15/12/2018	Old Town	3	2
150141	Land to rear of 48 St Leonards Road	New build 2 storey residential accommodation consisting of 7 dwellings and 7 car parking spaces	26/02/2019	Upperton	7	7
150342	The Drive 153 Victoria Drive	Demolition of existing garage and erection of one four-bedroom dwelling with one parking space	03/06/2018	Old Town	1	1
150415	21 Wish Road	Change of use from YMCA Training Centre to single private dwelling (C3, residential)	05/06/2018	Meads	1	1
150478	7c Bolton Road	Installation of new shopfront, erection of a second floor and provision of two self-contained flats.	20/10/2018	Meads	2	2
150517	45 Susans Road	Conversion of property into four one bedroom self-contained flats from non self-contained bedsitting rooms.	02/07/2018	Devonshire	4	3
150537	70 Seaside	Change of use of vacant commercial unit into a self-contained 2 bedroom flat and replacement shopfront with a new ground floor facade.	21/07/2018	Devonshire	1	1
150598	Map House 36-38 St Leonards Road	Change of use from B1 (office) to C3 (dwelling)	04/08/2018	Upperton	10	10
150706	35 Susans Road	Proposed change of use from a single private dwelling to 2no self-contained flats with a room in the roof	27/08/2018	Devonshire	2	1
150738	1 Stuart Avenue	Erection of a three-bedroom, detached, two storey dwelling house with vehicular access from Baldwin Avenue	28/10/2018	Old Town	1	1
150800	3 Selwyn Road	Demolition of lean to extension, conservatory and garage and erection of new bungalow together with associated off-street parking	06/11/2018	Upperton	1	1
150803	7 Upperton Road	Demolition of existing buildings and redevelopment to form circa 61 one and two bed sheltered apartments for the elderly including communal facilities, access, car parking and landscaping	03/02/2019	Upperton	61	61
150847	2a 2 The Avenue	Conversion from maisonette to 2No. 2bed self-contained flats	23/09/2018	Upperton	2	1

LA Reference	Site name	Description	Lapse Date	Ward	Gross Units	Net Units
150889	1 Crown Street	Demolition of single storey extension and outbuildings at rear, provision of dormer to rear roof slope, repositioning of roof light to front roof slope and excavation of a lightwell at rear, together with internal alterations to provide four self-contained flats involving the reduction of the retail are on the ground floor.	04/11/2018	Upperton	4	3
150992	Garages between 5 and 10 North Street	Outline planning permission (Layout and Scale) for construction of three storey building containing 4x1 bedroom apartments over ground and first floor and 1x2 bedroom apartment to second floor	19/11/2018	Devonshire	5	5
151011	2a St Marys Road	Redevelopment of site to provide 3no. self-contained flats with three undercroft parking spaces	26/01/2019	Old Town	3	3
151061	56 Beach Road	Use of building as 3x residential units (2x1 bed, 1x2 bed). Erection of single storey rear infill extension, full width rear dormer roof extension with new windows and juliette balcony and further dormer roof extension on top of existing rear extension. Installation of rooflight on front elevation.	07/12/2018	Devonshire	3	2
151134	Farrars Hotel	Change of use to convert a 45 bedroom hotel to a 14 bedroom guest house hotel with owner's accommodation and 15 residential apartments	24/02/2019	Meads	15	15
151157	The Drive, 153 Victoria Drive	Provision of a one bedroom flat within the ground floor of the existing building, accessed from Beechy Avenue	24/12/2018	Old Town	1	1
151170	Land at Sumach Close	Erection of a three storey building consisting of 13 flats (8 x 2 bed and 5 x 1 bed)	24/03/2019	Hampden Park	13	13
151174	Land to the rear of 10 Spring Lodge Close	Application for approval of reserved matters (Landscaping) following outline approval for erection of 2 three bedroom terrace houses, together with the creation of 7 no. car parking spaces off Spring Lodge Close	14/12/2018	St Anthony's	2	2
151175	The Meads Club	Use of building as 3x residential units. External alterations comprising roof extension to create additional habitable living space and associated works	03/03/2019	Meads	3	2
151201	Map House	Construction of two additional floors on top of existing building to provide six flats (in conjunction with previously issued prior approval ref:150598 for change of use from B1 to C3), together with external alterations (windows, doors and cladding).	07/01/2019	Upperton	6	6
151249	26 Terminus Road	Erection of roof extension on rear extension of building to create enlarged third floor level to create 2x additional 1 bedroom units, with balcony to rear at third floor level. Alterations to front and rear elevation and at roof	18/12/2018	Meads	2	2

LA Reference	Site name	Description	Lapse Date	Ward	Gross Units	Net Units
		level.				
151291	21a Manifold Road	Demolition of existing commercial unit and partial demolition and alterations to other structures. Alterations and extensions within footprint of existing buildings including installation of blind dormer along east elevation and rooflights. In association with the creation of 4x2 bedroom units with four parking spaces	29/01/2019	Devonshire	4	4
151349	Ashberry Court	Conversion of residential care home into nine self-contained flats, together with external alterations and the provision of a refuse store, cycle store and five parking spaces accessed from Lewes Road	08/02/2019	Upperton	9	9
151361	56b Grove Road	Converting two 3 bed maisonettes into three one bedroom flats and one two bedroom flat at 56A and 56B Grove Road	11/03/2019	Meads	4	2
151363	6 Cornfield Terrace	Conversion of lower ground floor, ground floor and first floor to two self-contained one bedroom flats (in conjunction with Listed Building Consent ref. 151386)	08/03/2019	Meads	2	2
151364	51a Grove Road	Replacement shopfront and conversion of first floor to self-contained flat with alterations to include alterations to windows, creation of rear door and external staircase	12/02/2019	Upperton	1	1
151382	Land at Rodmill Drive	Erection of four dwellings with car parking spaces at the rear accessed from Rushlake Crescent	31/05/2019	Ratton	4	4
160003	8 Dalton Road	Conversion of an existing maisonette at second and third floor level into two self-contained flats. Enlargement of existing dormer windows and creation of new dormer at rear of property, and use of part of flat roof as a terrace.	28/02/2019	Meads	2	1
160036	70 Kings Drive	Erection of two semi-detached dwellinghouses adjacent to the existing house, together with the provision of new access and four parking spaces	20/05/2019	Upperton	2	2
160076	157 Terminus Road	Change of use from Office (B1) to Dwellinghouse (C3) (Application for prior approval under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015)	24/03/2019	Devonshire	5	4
160100	Crossways, 35 Prideaux Road	The demolition of existing garage and the erection of a single storey dwelling with rooms in the roof and parking accessed from Ashburnham Road	07/04/2019	Upperton	1	1
160129	Corner House, 69 Percival	Erection of 4 bed end of terrace dwelling attached to 69 Percival Crescent	06/05/2019	Hampden Park	1	1

LA Reference	Site name	Description	Lapse Date	Ward	Gross Units	Net Units
	Crescent					
160202	Rear of 110 Longstone Road	Proposed conversion of a first floor disused storage area to provide a self-contained flat	16/06/2019	Devonshire	1	1
160224	Land off Oak Tree Lane	Proposed erection of 2no. detached dwellings with 4 off street parking spaces.	05/05/2019	Langney	2	2
160242	32-34 Cornfield Road	Change of use of first floor of property from retail (A1) to residential (C3) under Class G, part 3 of schedule 2 of the GPDO 2015	14/04/2019	Meads	1	1
160267	29a Grove Road	Change of use of first/second and third floors from B1(offices) to C3 Dwellinghouses) to 4no self-contained flats comprising of one flat over each first floor, second and third floors and one maisonette to the rear	29/04/2019	Meads	4	4
160337	St Anne's House 2 St Anne's Road	Change of use from office B1 to one and two bedroom flats C3	05/05/2019	Upperton	35	35
160411	Fitzmaurice Mews, Fitzmaurice Avenue	Proposed demolition of existing garages and development of 6 no.3 bedroomed houses together with parking spaces	27/06/2019	St Anthony's	6	6
160425	14 Lismore Road	Conversion of offices to provide 6no. self-contained flats with single storey rear extension and replacement UPVC windows throughout the property.	13/06/2019	Devonshire	6	6
160437	219 Terminus Road	Conversion of upper floor single maisonette into 3 self-contained one-bedroom flats, with alterations to shop front to form separate entrances for residential flats and shop. Replacement and relocation of metal fire staircase to rear elevation. Installation of replacement UPVC sash windows to the front elevation	15/06/2019	Devonshire	3	2
160526	66 Willingdon Road	Change of use from Retail to dwelling house C3	30/06/2019	Upperton	1	1
160558	9 Churchdale Road	Conversion of two existing dwellings (9&11) into single dwellinghouse including internal structural alterations, rewire, new heating installations and external alterations consisting of alterations to windows and doors	09/06/2019	St Anthony's	1	-1
EB/2011/0783	41 Susans Road	Redevelopment of site comprising part demolition of existing building, erection of 2 no. 2 bedroom semi-detached houses, one no. 2 bedroom bungalow, together with conversion of existing offices into two flats	02/04/2017	Devonshire	5	5
EB/2012/0059	Burlington Road Garage premise	Proposed residential development of a four storey block of 12 No. apartments with associated parking and landscaping, including continued parking provision for the Burlington Hotel	08/09/2016	Devonshire	12	12

LA Reference	Site name	Description	Lapse Date	Ward	Gross Units	Net Units
EB/2012/0082	The Cedars 26 Upperton Road	Redevelopment of site with four storey building, including accommodation in the roof space, comprising 12 flats and two detached houses to the rear together with access from Upperton Road and Selwyn Road, car parking spaces, bin and cycles stores	24/04/2017	Upperton	14	13
EB/2012/0112	Wood Winton, 63A Silverdale Road	Redevelopment of site including demolition of existing building and erection of three detached dwellings with parking and garages together with lengthening access drive (outline application)	30/08/2016	Meads	3	3
EB/2012/0243	MVM Site, 87-89 Pevensey Bay Road	Application for the extension of time to implement EB/2009/0421 for the demolition of existing buildings and erection of seven dwellings with vehicular access	11/05/2017	St Anthony's	7	7
EB/2012/0748	2 Upland Road	Erection of a detached two storey dwelling with garage and parking.	18/02/2018	Old Town	1	1
EB/2013/0091	99a / 99b Cavendish Place	Conversion of two commercial premises to two houses and two self-contained flats with associated rear gardens and boundary treatment to front, and re-alignment of passageway (revised scheme)	02/10/2016	Devonshire	4	4

Appendix 4 - List of Sites under construction

LA Reference	Site name	Description	Ward	Total Under Construction
130897	Kings Drive Cross Levels Way	Reserved matters application of EB/2010/0003 for residential development of 119 dwellings, associated access and parking, open space, play areas and allotments.	Upperton	57
150179	27 St Leonards Road	Change of use from B1 (office) to C3 (residential) - comprising 12no.self-contained flats	Upperton	12
140833	Twin English Centre, 25 St Anne's Road	The conversion of the existing building with rear extension to provide 11 no. residential flats together with landscaping, waste and cycle storage. The proposals include the removal of the existing rear external escape gantry, and a single storey ground side addition	Upperton	11
EB/2011/0023	Koala, King Edwards Parade	Re-development of site with five-storey building (with basement) comprising ten apartments (6 no. 2 bed apartments, 4 no. 3 beds apartments)with car parking together with terrace of four three-storey houses (with basement) and widening of vehicular access	Meads	9
120665	Lathom House Hotel, 4-6 Howard Square	Conversion of hotel to provide for two town houses (fronting Howard Square) six self-contained flats (fronting Howard Square/Compton) together with provision of new entrance steps	Meads	8
130987	Senlac House 53-59 Seaside	Convert offices on ground floor, facing Seaside and Marine Road, into 6 x 1 bedroom apartments and 2 x 2 bedroom apartments	Devonshire	8
131002	Sovereign Harbour	Development of site 8 at Sovereign harbour for up to 8 dwellings, open space and berth holder facilities	Sovereign	8
140892	Latham House Hotel	Conversion of part of vacant hotel fronting Howard Square (nos. 4 and 5) to form 10 self-contained flats.	Meads	8
130133	28 Grange Road	Demolition of existing building and erection of 9 two-bedroom flats with 5 parking spaces with alteration to vehicular access (renewal of planning application EB/2009/0705(FP)).	Meads	6
150070	Land To The Side And Rear Of 2-8 Queens Crescent	Demolition of 10 lock-up garages and erection of 6 x terraced 2 bedroomed houses together with access drive and ancillary parking	Sovereign	6
130775	21-23 Langney Road	Change of use of first floor office/gaming centre use to 5 flats (no.2x 2-bed and No.3 x 1-bed) including some minor window alterations	Devonshire	5
151303	Gloucester House, 9 Gloucester	Use of first, second and third floor levels of building as 5x residential units	Meads	5

LA Reference	Site name	Description	Ward	Total Under Construction
	Mews	(4x1 bed, 1x2 bed). Creation of balcony at third floor level. Associated alterations to external elevations.		
160056	Regent Hotel, Cavendish Place	Conversion of property into 5 flats 3no 2 bed flats and 2no 1 bed flats	Devonshire	5
141478	17 Lushington Lane	Demolition of existing garages and erection of a three-storey block of four self-contained flats with garaging on the ground floor	Meads	4
150172	27 St Leonards Road	Erection of mansard roof to provide for four self-contained flats. Alterations to fenestration on building's facade.	Upperton	4
150298	14 Jevington Gardens	Conversion of dwelling into five self-contained flats	Meads	4
150457	Seaside Garage 10-16 Fairlight Road	Demolition of existing garage and construction of 4 x 3 bedroom, 2 storey terraced houses	Devonshire	4
160247	2 Hyde Gardens	Application for prior approval for the change of use of 2 Hyde Gardens from offices to 4x residential units	Meads	4
140151	67-69 Seaside Road	Conversion of existing maisonette above retail shop to four self-contained one bedroom flats, with ground floor single storey extension and new dormer to rear elevation at third floor over rear outrigger. The ground floor and basement is to remain as retail	Devonshire	3
140357	1-5 Seaside	Conversion of existing maisonette above take away restaurant to three self-contained one bedroom flats with the ground to remain commercial in the form of a retail unit; with a single storey side extension to the ground floor providing additional space for the retail unit.	Devonshire	3
141403	28 Gorringe Road	Extension of existing bungalow to form new storey and 2 level side extension incorporating one existing three bedroom unit, two new 1 bedroom units and a new 2 bedroom unit	Upperton	3
150096	Birley House 13 College Road	Erection of a two storey detached building at rear containing two flats and one cottage.	Meads	3
160178	Falconhurst, 16 Jevington Gardens	Use of existing building (ground to third floor level) as 4x 2 bedroom residential units. Alterations to elevations including new windows outside elevation	Meads	3
131003	218 Seaside	Change of storage area for takeaway restaurant (Class A3) to form 2 self-contained flats (C3)	Devonshire	2
151053	41 South Street	Prior approval for change of use from office B1 to dwellinghouse C3 under class 0 of the GPDO 2015 for use of the first and second floors as 2x1	Meads	2

LA Reference	Site name	Description	Ward	Total Under Construction
		bedroom flats		
160165	Falcondale House, 5 South Cliff Avenue	Change of use from 1no dwelling unit into 3no self-contained units	Meads	2
140036	6 Bolton Road	Change of use from A3 (Restaurants & Cafes) to C3 (dwelling house); including the removal of the external staircase	Meads	1
140153	Land within curtilage of 35 Mevill Lane	Erection of a five bedroom dwelling including annexe, with access from Melvill Lane.	Ratton	1
141087	41 South Street	Prior approval for the change of use from office (B1) to dwellinghouse(C3) under Class J	Meads	1
150097	Land to the rear of 221 Kings Drive	Demolition of existing garage at rear and erection of a detached chalet bungalow with integral garage and parking space. Provision of parking space in rear garden to serve existing dwelling.	Ratton	1
150266	218 Seaside	Proposed change of use from A3/A5 (restaurant/take-away) to a 2 bedroom self-contained unit of accommodation (C3)	Devonshire	1
150467	218 Seaside	Conversion of existing first floor 2 bedroom flat to form two studio flats	Devonshire	1
150538	79 Seaside	Proposed Change of use to empty ground floor commercial Unit (A1 Use)to 2 bedroom flat	Devonshire	1
150662	218 Seaside	Second Floor Roof Extension to form a 1 Bedroom self-contained flat	Devonshire	1
150959	112 Cavendish Place	Use of part of ground floor as a single dwelling unit (flat) Class C3	Devonshire	1
151025	18 Southfields Road	Conversion of existing building, currently a House of Multiple Occupation (HMO) with more than 6 bedrooms, to form single private dwelling along with associated external alterations including the installation of two sets of bi-fold doors to the rear elevation at ground floor level, and installation of an obscurely glazed window to South East elevation at First Floor level to serve bathroom.	Upperton	1
151298	15-17 Seaside	Change of use of the ground floor shop unit to residential (c3) with separate entrance at street level, associated external works.	Devonshire	1
160296	62 Seaside Road	Conversion of an existing first and second floor maisonette to two self-contained flats with alteration to shop front to provide separate access	Devonshire	1

COMMITTEE: Planning Committee

DATE: **30 August 2016**

SUBJECT: **Tree Preservation Order - Land at Boyne House 55 Blackwater Road, Eastbourne No. 177 (2016)**

Report: Ian Fitzpatrick (Director of Service Delivery)

Ward(s) **Meads**

Purpose **This report seeks confirmation of a Tree Preservation Order.**

Contact: Lee Michael, Specialist Advisor (Arboriculture) Customer First on telephone number 01323 415266 or internally on extension 5266.
E-mail address: lee.michael@eastbourne.gov.uk

Recommendation: That The Eastbourne Borough Council Tree Preservation Order (Land at Boyne House 55 Blackwater Road, Eastbourne, East Sussex) No.177 (2016) be confirmed without modification as follows.

1. Introduction

1.1 On 31st March 2016 the Senior Specialist Adviser (Planning) exercised his delegated powers and authorised the making of a tree preservation order in respect of a tree on the above land. The tree is a *Fagus sylvatica* 'Purpurea' (Purple Beech)

The Senior Specialist Adviser (Planning) took this action because the tree makes a significant contribution to the visual amenities of the area, and its loss would be detrimental to those amenities.

The Order was made on 29th April 2016.

1.2 The Order will continue in force until the expiration of a period of six months from the making of the Order or the date on which the Order is confirmed, whichever first occurs.

2. Confirmation Procedure

The Committee must now decide whether to confirm the Order. The Committee may:

- confirm an Order without modification or subject to such modification as it considers it expedient; or

- decline to confirm the Order, in which case it lapses.

Before making a decision the Committee must take into account any objections or representations made within the prescribed period.

3. Consultations

- 3.1 Copies of the Order and statutory notice have been served on the owners and occupiers of the land and adjoining land.
- 3.2 The following is a summary of the representations and objections received together with the response of officers.

Representation/Objection

From the owner of Flat 1 Boyne House 55 Blackwater Road who has the following objections:

- The damage to an adjoining wall which he owns has been caused by the tree and the tree is also subject to an unresolved dispute, and further damage to the wall appears inevitable. An engineering assessment has been commissioned and provides evidence on the extent of the structural damage and its cause, with the conclusion of the report indicating that the wall is at risk of collapse and beyond repair.
- The map in the order is not correct as it doesn't show the garage forecourt structure.
- The justification for the order rests on qualitative judgement of the significant contribution that the Beech tree makes to the visual amenity of the area, and the assertion that its loss would be detrimental to these in the absence of any other engineering and planning considerations, and that there is an abundance of other established trees in the area which would mitigate detriment in local visual amenity, and compensatory planting could be provided.
- Risk to personal safety and damage to property with regards the trees canopy, leaf fall, falling branches and bird droppings.

Officers Response

The Specialist Advisor (Arboriculture) assessed the tree using the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, which is a method tested in the courts to ascertain whether trees are suitable for protection by a Tree Preservation Order. The tree is entirely visible from a public place, and makes a significant contribution to the visual amenity of the area.

- The damage to the wall is apparent and is indicated in the objection as "at risk of failure and beyond repair"; if the wall requires removal due to its risk of failure it offers an opportunity for a permanent engineering solution to be found which allows longevity for both the

- wall and the tree, without the need for felling.
- The purpose of the map is to ensure it is clear which tree is to be protected. The map provided as part of TPO 177 Boyne House 55 Blackwater Road, Eastbourne clearly identifies which tree is to be protected and therefore does not require changing.
- The loss of this tree cannot be mitigated by the fact that other trees are in the vicinity. The TEMPO (Tree Evaluation Method for Preservation Orders) scoring system has been used, which is a method tested in the courts to ascertain whether trees are suitable for protection by a Tree Preservation Order and the score was 18 which indicates the tree merits a Tree Preservation Order. All engineering and planning considerations can still be taken into account if submitted with an application to fell the tree.
- No arboricultural report has to date been submitted indicating the tree poses a danger, and any report would be taken into consideration when submitted with a planning application to undertake tree works. Falling leaves and bird detritus is not considered a legal nuisance and is not an appropriate reason for the removal of a protected tree.

4. Resource Implications

4.1 Financial

There are none.

4.2 Staffing

There are none.

5. Environmental Implications

The confirmation of the Order will ensure the protection of the tree, which makes a significant contribution to the visual amenity of the area.

6. Legal Implications

The Council has the power to make and confirm a tree preservation order under S.198 of the Town and County Planning Act 1990. The procedure to be followed is contained in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

7. Human Rights

Whilst the owners have the right to the peaceful enjoyment of their property, the Council have the right to make the Order to preserve and protect the visual amenity to which the trees make a significant contribution.

8. Conclusion and Recommendation

- 8.1 The tree makes make a significant contribution to the visual amenity of the area. It is therefore recommend that the Tree Preservation Order be confirmed without modification.

IAN FITZPATRICK
Director of Service Delivery

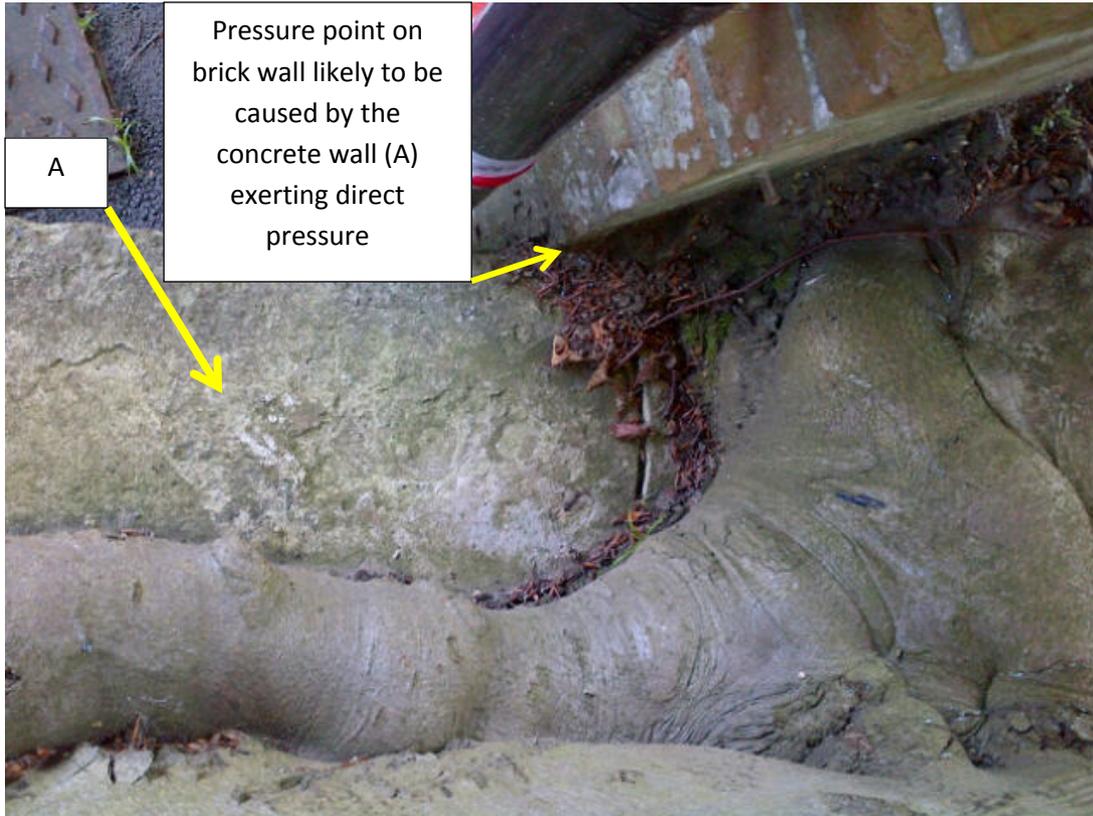
Background Papers:

The Background Papers used in compiling this report can be found on files:
049038EBC-DF TPO 177

TPO 177 Land at Boyne House 55 Blackwater Road, Eastbourne supporting photographs.

A. Shows an area of concrete retaining wall which has moved, possibly causing direct damage to the adjacent brick wall indicated as **B.** The brick wall (B) is the wall at the centre of the objection.







Points of failure
to brick wall (B)





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1:1250

T.P.O 177

LAND AT 55 BLACKWATER ROAD

Signed on behalf of
Eastbourne Borough Council

Authorised Signatory



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