

Tuesday, 17 January 2017

at 6.00 pm

Town Hall, Eastbourne

EASTBOURNE

Borough Council



www.eastbourne.gov.uk

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 13 December 2016.** (Pages 1 - 4)
- 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 Site 3, Atlantic Drive, Sovereign Harbour. Application ID: 161092. (Pages 5 - 26)**7 Local Development Scheme 2017- 2020.** (Pages 27 - 66)

Report of Director of Regeneration and Planning.

8 Tourist Accommodation Retention Supplementary Planning Document. (Pages 67 - 90)

Report of Director of Regeneration and Planning.

9 Summary of Performance for the Planning Service for 2016. (Pages 91 - 104)

Report of the Specialist Advisor for Planning.

10 South Downs National Park Authority Planning Applications.**11 Appeal Decisions.** (Pages 105 - 116)

1) East Beach Hotel.

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
Tel: (01323) 415023/415021 Text Relay: 18001 01323 410000, Fax: (01323) 410322
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Tuesday, 13 December 2016
at 6.00 pm



Planning Committee

Present:-

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

82 Minutes of the meeting held on 15 November 2016.

The minutes of the meeting held on 15 November 2016 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

83 Apologies for absence.

Councillor Taylor.

84 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.

85 2 Fort Lane. Application ID: 160794.

Development of 7 residential units and 16 car parking spaces, located on 2 adjacent sites in Fort Lane: SITE A - Unit 2, located on east side of Fort Lane & SITE B - located to rear of 2 - 6 Myrtle Road, west side of Fort Lane, comprising: 4x 2 bed terraced houses, 1x 3 bed house (Site B) 1 x 2 bed houses (Site A). (REVISED SCHEME WITH AMENDMENTS TO ORIGINAL PROPOSAL)- **DEVONSHIRE.**

Two additional representations had been received which were not reflected in the committee report.

One letter of objection drew attention to the issues associated with high levels of on street parking in the area surrounding the development.

A further representation expressed concern about a loss of amenity as a result of the proposed development, that the existing rear passageway between the site and Myrtle Road be retained, and that car parking and waste storage be provided in the proposed development.

These issues were dealt with in the committee report.

Ms Weeks addressed the committee in objection stating that the parking issues would remain despite the reduction in the scale of the development and the increase in parking spaces. Ms Weeks felt that the regeneration of the industrial units would be more appropriate.

Mr Benyahya addressed the committee in support stating that the residents in neighbouring streets were in favour of the development and that the amended scheme, with the additional parking, would be sufficient for the new development. Mr Benyahya felt that the regeneration of this area would remove the antisocial behaviour in Fort Lane.

Mr Seath, agent for the applicant advised that the industrial units were now empty. There were often problems with deliveries to units and staff parking on the site. Fly tipping and antisocial behaviour had become an issue and it was anticipated that the scheme would greatly improve the area for all the neighbouring residents.

Members discussed the application and whilst they were in favour in principle, there were some concerns about the future removal of the obscure glass. The committee was advised that this could be dealt with by the Enforcement team.

RESOLVED: (By 4 votes to 1 with 2 abstentions) That permission be granted subject to the following conditions: 1) Development within 3 years 2) Development in accordance with approved plans 3) Areas of waste storage to set out on approved plans prior to occupation 4) Parking and turning areas provided prior to occupation 5) Details of cycle parking approved and occupied prior to occupation 6) Details of a) site investigation and b) remedial works provided prior to commencement of development 7) Details of a verification report demonstrating implementation of remediation prior to occupation 8) Development to be monitored and maintained in accordance with remediation measures approved 9) Contamination to be reported to Local Planning Authority 10) Obscure glass to be retained permanently 11) Parking to be retained permanently for residents and users 12) Working hours – Monday to Friday 8-6, Saturday 8-1 13) PD rights removed: Rear extensions 14) PD rights removed: Windows.

86 Victoria Drive Bowling Club, 153 Victoria Drive. Application ID: 160788.

Outline application for the development of a medical centre with all matters reserved except access (revised scheme) – **OLD TOWN.**

A petition of objection signed by 485 signatures, 48 letters of objection and 15 letters of support were received during the first round of consultation. During the second round of consultation two letters of support and no letters of objection had been received.

A further objection was submitted by Moore Planning on 25th November 2016 on behalf of the Victoria Drive and Eastbourne Ladies Bowls Club. The objections reinforced their earlier comments and were summarised as follows:

- The loss of playing field space was considered inappropriate.
- The applicant's assessment was considered to be insufficient in demonstrating why the loss of the playing field was justifiable as only Bowling facilities were assessed in the application enclosures, not all playing fields across the town.
- The loss of playing fields without adequate assessment were not permitted by Eastbourne Borough Council policies.
- In the interests of the wider community, the application should be refused.

Mr Moore addressed the committee in objection stating that the scheme was not acceptable in principle as the site was designated as a playing field and development on this site was contrary to Council policy. Mr Moore also felt that there was insufficient information available regarding the development.

Mr Henty addressed the committee in objection stating that the bowling green was important for the local community, which hosted many County tournaments. Mr Henty also referenced the petition objecting to the medical centre signed by 485 people.

Dr Gaffney addressed the committee in support stating that the nearby surgery was no longer fit for purpose and that a new medical centre would be able to cater for a large number of residents and provide specialist clinics to cater for changing patient requirements.

Mr Weis addressed the committee in support stating that it was essential to be able to provide the right services of the right quality for the residents of Eastbourne that were DDA compliant. Community facilities away from hospitals were increasing in demand and a medical centre would provide this vital service.

David Onions, agent for the applicant, addressed the committee in response stating that the current scheme was an outline application at this stage to establish if the site was suitable. The aim was to improve facilities for residents.

The committee was advised that the land was privately owned and that a notice to quit had been served to the Bowls Club. The landowner did not intend on granting a licence to bowl after 2017.

RESOLVED: (By 5 votes to 2) That subject to a S106 Legal Agreement regards the Highway issues and Local Labour Initiatives, permission be granted and be subject to the following conditions: 1) Time 2) Drawing 3) Reserved matters 4) Materials 5) Access construction 6) Parking provision 7) Detailed surface water drainage 8) Foul water drainage 9) SuDS management and maintenance plan 10) No unauthorised infiltration of surface water 11) Infiltration testing 12) Winter groundwater measures 13) Development evidence submitted (drainage) 14) Construction traffic management plan 15) Wheel washing 16) Turning space 17) Cycle parking areas 18) Visibility splays (access) 19) Travel plan (linked to S106) 20) Arboricultural assessment 21) Tree protection plan 22) No materials, machinery or equipment onsite until authorised tree protection is in place

23) Hard and soft landscaping (incl. boundary treatments) 24) Design and details of foundations 25) Tree planting 26) No bonfires 27) Archaeological works 28) External plant or equipment 29) External lighting

Informative:

- 1) S106 between applicant and ESCC (Highways)
- 2) S106 between applicant and EBC (Regeneration)
- 3) Licence (Highway access)

87 South Downs National Park Authority Planning Applications.

There were none.

88 Appeal Decisions.

- 1) 2 Uplands Road. The appeal was dismissed by the Inspector.
- 2) 4 Nuthatch Road. The appeal was dismissed by the Inspector.
- 3) 15 Hartfield Road. The appeal was dismissed by the Inspector.

RESOLVED: That the appeals be noted.

The meeting closed at 7.30 pm

Councillor Murray (Chairman)

Agenda Item 6

App.No: 161092	Decision Due Date: 9 th January 2017	Ward: Sovereign
Officer: Thea Petts	Site visit date: 21 st November 2016	Type: Planning Permission
Site Notice(s) Expiry date: 18 th November 2016 Neighbour Con Expiry: 9 th December 2016 Press Notice(s): 5 th December 2016		
Over 8/13 week reason: Cycle of Planning Committee and Reconsultation		
Location: Site 3, Atlantic Drive, Eastbourne		
Proposal: Fishing quay comprising buildings with fisherman's working areas, storage and chiller space, and office accommodation on upper floors, with separate visitor centre and associated development. (Previous Application 130442)		
Applicant: Eastbourne U10 Fishermen CIC		
Recommendation: Subject to S106 covering local labour issues then this scheme is recommended for conditional approval.		

Executive Summary:

A scheme almost identical to the current application was approved in 2013. That permission has now expired and the applicants wish to gain a new permission.

The proposal is for a mixed use redevelopment of the site primarily for the use of landing and preparing fish and shellfish, along with safe and secure storage for fishing equipment. The proposal includes provision of a Visitor Centre in order to promote fishing as a sustainable local industry and educate visitors about the history of the fleet, the harbour and the significance of fishing in general.

The site is currently used for the storage of fishing equipment and the landing of their catch. The site is open and there are currently no buildings; just an open yard with no services or hardstandings. Having regard to the existing use of the site, the principle of the proposed development is considered to be acceptable.

Planning Status:

Open yard used for operations associated with commercial fishing

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C14: Sovereign Harbour Neighbourhood Policy
- D2: Economy
- D8: Sustainable Travel
- D10a: Design

Eastbourne Borough Plan Saved Policies 2007

- NE15: Protection of Water Quality
- NE16: Development Within 250 Metres of a Former Landfill Site
- NE28: Environmental Amenity
- UHT1: Design of New Development
- UHT2: Height of Buildings
- UHT4: Visual Amenity
- UHT7: Landscaping
- HO2: Predominantly Residential Area
- HO20: Residential Amenity
- TR2: Travel Demands
- TR6: Facilities for Cyclists
- TR7: Provision for Pedestrians
- TR11: Car Parking
- US3: Infrastructure Services for Foul Sewage and Surface Water Disposal
- US5: Tidal Flood Risk

Sovereign Harbour Supplementary Planning Document (SPD) (2013)

The Sovereign Harbour SPD provides detail to the Eastbourne Core Strategy Local Plan Policy C14 in order to guide development and ensure that new and improved community facilities are at the heart of future building plans.

Sovereign Harbour is identified in the Core Strategy Local Plan as a Sustainable Centre and sets a vision and policy for the Sovereign Harbour Neighbourhood (Policy C14), which is a priority location for balanced housing growth alongside delivering significant improvements to the provision of community facilities and services and improving linkages.

The SPD provides a detailed strategy for the implementation of the policy by providing guidance on the uses considered to be appropriate for each of the remaining development sites at Sovereign Harbour, including details of the size, scale and form of development and the specific community benefits to be delivered.

The SPD identifies the application site as Site 3 – rear of The Harvester pub/restaurant. The Vision for this site is as follows:

'There is an opportunity to provide enhanced, permanent facilities for the fishermen on this site with appropriate storage. In addition, the provision of a new pedestrian link between The Waterfront and Atlantic Drive, via a new harbour walkway is likely to result in the site becoming more of a destination. It is therefore envisaged that alongside the fishermen, other ancillary and associated uses, such as a fresh fish shop could be provided, to the benefit of residents, visitors and Eastbourne's fishing community.'

The SPD acknowledges that one option for Site 3 is for the fishermen to continue using it to store their equipment, park their vehicles and land their catch. The site is screened from The Waterfront so the current use has no detrimental impact on visual amenity. In addition, the West Channel is one of only two places in the Harbour (the other being adjacent to Site 4) that has deep water and can allow large fishing vessels to pull up against the Harbour walls.

It is understood that it was originally intended for the fishermen to be located in the inner basin of the Outer Harbour, however this would require substantial works to be undertaken which would involve dredging the Outer Harbour, providing pontoons and access to the higher level spit. Bearing in mind the costs likely to be associated with these engineering works, it is considered unlikely that the fishermen would be able to relocate to the Outer Harbour.

The SPD confirms that the preferred option for Site 3 is to provide a permanent home for the fishermen to enable them to land their catch and to store their equipment. In addition, it is considered the site would also be suitable for associated and ancillary uses such as net shops.

Site Description:

The application site has an area of approximately 0.32 hectares and is located at the rear of the Harvester pub/restaurant at The Waterfront.

The site which is essentially rectangular in shape, extends to a maximum width of 110 metres and a maximum depth of 41 metres.

The site is currently used by fishermen for the storage of equipment and parking of their vehicles and a number of their boats are moored immediately adjacent to the site.

The southern boundary of the site adjoins the West Channel of the Harbour with three storey terraced residential properties on the opposite side of the channel.

The northern boundary of the site adjoins the service road at the end of Atlantic Drive which provides vehicular access to the site and delivery access for The Waterfront premises.

Whilst Site 3 is centrally located within Sovereign Harbour and is accessible by many residents, it does not occupy a prominent position, being sited at the rear of The Waterfront and backing on to the service areas of the adjacent bars and restaurants. Pedestrian linkage from The Waterfront is currently constrained by the existing layout around the West Harbour Bridge with a reduced width, changes in level and a lack of clear line of sight.

Relevant Planning History:

The original outline planning permission for the harbour development, comprising a comprehensive mixed use development for residential, commercial business, hotel, leisure and retail, including the construction of harbours and associated works was granted in 1988, following the completion of legal agreements (EB/1986/0431). The current application site was included in this original outline approval.

An almost identical planning application to the current scheme was submitted in 2013 for Site 3. Details appear below:

130442

Proposed Fishing Quay comprising of buildings with storage & chiller space, and office accommodation to upper floors and Separate Visitor Centre

Planning Permission

Approved conditionally

17/10/2013

Proposed development:

Planning permission is sought for the complete redevelopment of the site, transforming it from a makeshift storage and shipping area to a fully functioning fishing quay.

The main driver for the scheme is to provide a suitable and sustainable place for the fishing fleet to land their catch and store fish and shellfish prior to sale.

The development will involve the erection of three buildings on the site. Two buildings will be used for storing equipment, storage and preparation of fish as well as other associated uses on the ground floor and office space on the upper floors. The third building is proposed to be a Visitor Centre which will be used to promote fishing as a sustainable local industry and educate visitors about the history of the fleet, the harbour and the significance of fishing in general.

Building 1 will be the most important for the scheme. This building will house the majority of the chiller equipment, cold room, fish preparation areas and storage.

Building 2 will be the largest building on site and will contain storage on the ground and first floors with office space provided on the second floor.

The Visitor Centre will be connected to Building 1 in order to provide a view into the storage and preparation area. There will be open display space and other spaces for the use of training and education.

The proposal has been designed to meet the particular needs of the fleet as well as producing buildings that are well designed, with their own architectural merit.

The buildings take design inspiration from the traditional coastal fishing buildings with the use of 'boarded' elevations, as well as more contemporary architecture. The use of modern composite cladding is to reflect the timber cladding used in traditional quay side buildings and net shops.

The Visitors Centre will have a contemporary design with a flowing 'wave' roof which creates shaded glazed elevations, coupled with elevations constructed and clad like the other buildings. The design of the buildings allows them to be adaptable in order to be altered as the needs of the fishing fleet change.

The proposal includes the creation of formal on site parking for use by the fishing fleet as well as the creation of additional disabled parking spaces and cycle storage. To the rear of the site adjacent to Atlantic Drive it is proposed to provide 11 parking spaces and 3 disabled bays. There will also be adequate space to park the crew's trucks on the quay side in a similar fashion to the way they currently do.

The proposal will also include improved pedestrian access between The Waterfront and Atlantic Drive by way of a raised path way running in front of the proposed buildings. This will offer improved views of the waterside and enable visitors to observe the fishermen at work.

The application site is essentially an unmade yard at present with no landscaping.

Applicant's Points:

- The Eastbourne fishing fleet currently run 32 boats and employ up to 65 people, some of these are seasonal workers due to migratory patterns of the catch and Fishing Quotas set by the government. Annually the fleet land fish and shellfish worth between £1.8-2million
- The proposed development will offer additional employment opportunities on shore. The jobs available on the quayside directly

linked to the fleet, will range from fish preparation to the management and maintenance of the quay

- The fishing fleet cannot store their catch onsite or make ice to ensure its quality, because of this, they have to accept a mark down in the prices they can sell their catch for. Being able to ice their catch will ensure that the fleet can get best value for their catch, which will improve their profitability on the whole
- The new facilities will allow the fleet to begin catching Sprat and Herring and most significantly Spider Crabs and Velvet Crabs. The prominence of shellfish and its added value offers greater potential to create more jobs and more money. These species aren't hugely popular in the UK and will for the most part be exported to Europe or further afield. Rough projections suggest that around 100 tonnes of Spider crab could be landed in Eastbourne at a value of around £170,000
- The proposals include the construction of safe, flat hardstanding for stacking and carrying materials safely around
- The proposals will remove the sloping unfinished ground from the site
- Adequate drainage will be provided as the site is currently prone to puddling and in winter the site ices over
- Currently there isn't any suitable lighting on site, and the fishermen have to provide their own lights due to the hours they have to work
- Many of the fishermen work with the seasons and use different equipment at different times of the year. The proposed development will provide enclosed storage sheds for storing a variety of different kit and equipment.
- Being able to stow this equipment away when not in use will significantly reduce the visual clutter that is currently seen on the site
- There are currently no cold storage facilities on the site and this is one of the most important aspects of the proposals
- There is currently no facility to make or keep ice on the site
- There are no welfare facilities on site. The fleet has a great desire to improve their working conditions and the proposed development will provide toilets and showers
- Working hours are obviously a concern to local residents when proposing a scheme of this type. The use is established; the majority of boats start at 5am and return around 2-3 pm. Work then continues on shore. Most are finished by 5pm. There are exceptions notably quick shooting for soles, which start at midnight and most boats are finished by 8 am. Bass drifting takes place at night starting at 4-5 pm and continuing till 8 am. On windy days most crew and skippers will work on the quay performing maintenance and repairs to both boats and gear, this is from 8 am to 5 pm
- Deliveries and collection times are normally kept between 8am and 8pm
- The fleet causes minimal disturbance and the residents are used to the noise levels the fleet generate.

Consultations:

Internal:

Specialist Advisor (Economic Development) – support proposal and recommend a Local Labour Agreement

Specialist Advisor (Environmental Health) – no comments received

Specialist Advisor (Planning Policy) – support scheme in principle

- The vision for Sovereign Harbour Neighbourhood as described in Policy C14 is that it becomes more sustainable through the delivery of community infrastructure and employment development. This site has yet to be completed and is what is required to make this a sustainable area
- Sovereign Harbour has been identified as one of the least sustainable neighbourhoods in the town. This development will contribute to levels of sustainability across the neighbourhood
- Development will provide more facilities and access to jobs locally
- The Core Strategy aims to increase the importance of the Waterfront as a leisure and tourist destination. This development will work towards these aims.
- The Sovereign Harbour SPD identifies this site as the preferred option for a permanent home for the fishermen to enable them to land their catch and store equipment. Therefore, this development would comply with the SPD.
- There are only two sites in Sovereign Harbour that have water deep enough to allow fishing vessels to pull up against the harbour walls
- The previous application was supported (ref: 130442)

External:

Southern Water – comments summarised below

- Recommends an informative is added to any consent granted (connection to sewer)
- The applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- The Local Authority should seek details from the applicant with regards to the implementation and maintenance of any SuDS schemes
- Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove, House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

Highways ESCC – no major concerns

- It is proposed that a New Public Right of Way is to be formed; clarification on this point is required as the land is private
- Site is access via a private road and has facilitated use of the site for fishermen for many years in addition to serving other commercial operations
- Parking provision (14 spaces, including 3 disabled bays) is considered sufficient and in accordance with ESCC guidelines for the B1 and B8 uses only
- A1 and D2 uses (retail and community) will not have any parking, but it is considered that trips will be linked with those already visiting the Waterfront/Sovereign retail complex and would use the existing car parks
- The level of cycle parking is acceptable, but for sustainable and secure use, this cycle parking should be covered
- Inclusion of footway through to Atlantic Drive works is a benefit
- As the road is private, there is no requirement for a separate consent to build vehicle accesses from Highways if planning consent is obtained
- Recommends an informative regarding height of vegetation

Neighbour Representations:

13 representations have been made. 6 of these are objections to the scheme, 4 are in support of the scheme and 3 make general observations. Within this number, the Sovereign Harbour Resident's Association made a representation of support for the scheme and the residents of Daytona Quay have written in objection to the scheme (some residents of Daytona Quay have made individual representations also).

The points of all representations have been summarised as follows:

Objections have been received and cover the following points:

- Insufficient assessment has been carried out as part of the application with regards to traffic and parking
- Traffic and parking restrictions should be required to make the application acceptable such as double yellow lines, road signs and residents only parking in Daytona Quay
- Noise and traffic resulting from the operational use make the scheme unacceptable
- Concerns over access for large vehicles
- Big lorries already make a lot of noise (engines running) and this will worsen should the scheme go ahead
- Potential for night work and associated noise
- Boats positioned below apartment windows create disturbance due as they attract seagulls and flies
- Site located in a residential area
- Waste on the site associated with the fishermen has been dealt with poorly in the past, e.g. full/overflowing waste bins and boats disposing of fish guts into the water in the harbour

- Concerns over how the proposed development will be maintained in terms of funding
- The existing site is very unattractive
- All of the existing fishing equipment on the site will not fit inside the proposed building
- Concerns over waste water not draining adequately and polluting the harbour
- Existing road signs are misleading
- Overdevelopment of the site – three floors is unacceptable
- Smell from the fish shop in summer will be abhorrent
- Concerns over build quality
- Concerns over access for emergency vehicles if area is heavily parked up
- An increase in visitor numbers means an increase in refuse and the subsequent deterioration of the environment. Residents concerned they would have to pay for additional refuse services for the area

Notes of support have been received and cover the following points:

- Beneficial to Sovereign Harbour
- Will offer benefits for the local economy
- Helpful for the area
- Design and landscaping are entirely appropriate
- Development on the site will vastly improve its appearance
- Will create jobs
- The benefits of the scheme heavily outweigh any potential disadvantages
- Ideal use for this piece of land

Appraisal:

Principle of development:

Having regard to the existing use of the site and support of the previous scheme (conditional approval of planning case ref: 130442), the principle of the proposed development is considered to be acceptable and works towards the aims of the Policy C14 of the Core Strategy and the associated SPD.

Further to this, the site is currently occupied by the Eastbourne U10 Fishermen CIC. The fleet consists of some 32 boats and employs up to 65 fishermen; 40 full time and 25 seasonal workers. This is for the purpose of the storage of fishing equipment and the landing of the catch. The site is open and there are currently no buildings; just an open yard with no services or hardstandings.

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

It is noted that as a result of the consultation on this planning application, a number of nearby residents have made comments about noise disturbance resulting from the current fisherman's operational use. However, it is considered that the noise associated with the boats is unavoidable and the

fishermen already operate from the site. Therefore, the level of noise, despite the changes in operation if the development goes ahead, is unlikely to change. It should be noted also that the documents that have been submitted with the application confirm that there is no intention to increase the size of the fleet, and as such there will be no increase in the noise associated with the number of boats operating from the site.

It is acknowledged that large refrigerated lorries currently visit the site and often leave their engines running. However the proposed development will have its own refrigeration facilities which will mean the visits from refrigerated lorries are likely to be less frequent and are unlikely to need to dwell for extended periods in the way that they do now.

In addition, the purpose built facilities will enable the fishermen to clean and repair their equipment inside rather than outside on the quayside, further reducing noise associated with operational use. The buildings will also allow the fish to be prepared inside. This should result in a significant reduction in the noise, disturbance and odours that are currently experienced by local residents.

Furthermore, it is recommended that a condition is attached to any grant of consent to control any noise associated with any plant or equipment on site so there will be far more control over noise than there is now.

Therefore to conclude, it is acknowledged that a few residents have expressed concerns that they could be subjected to increased levels of noise. However it is considered that having purpose built facilities and carefully controlled access to the site will be likely to result in a reduced impact on residents. The proposed development is therefore considered to be acceptable in terms of its effect on the amenities of occupiers of surrounding residential properties.

Waste and Refuse

Within objections to the proposed development, refuse and waste were mentioned. It is proposed to have an enclosed refuse/waste store within a secure compound and the Waste Minimisation Statement that accompanied the application confirms that the waste will be dealt with as follows:

Cardboard - allocated bins specifically for cardboard will be sited within the waste compound.

Nylon – off-cuts of nylon nets can be quite springy and take up a lot of space, so the fleet plan to invest in a baler in order to reduce the space taken up by these off-cuts. The bales can then be easily stacked then taken off to be recycled.

Fish offal - the fishing quay will have a certain amount of fish processing on site; the fear of this can be an unpleasant odour permeating from the waste

compound. This waste is actually a valuable commodity; the strategy for all of this material is to recycle it into bait. This will be kept to one side in the on-site refrigeration facility, then taken to sea each morning. Little or no organic waste from fish processing will be sent to landfill.

General waste - it is inevitable that general waste will be produced. Where possible plastic and glass will be separated, but the remaining waste will have to be collected in bins by contractors who will have a duty of care to dispose of the waste responsibly.

It is likely, therefore, that if the proposed development goes ahead, the significantly enhanced facilities will ensure that waste can be dealt with more effectively than it is presently possible to do on the site.

Design issues:

There are currently no buildings on site. The sloping site is currently used as an open yard with outside storage of the fishermen's equipment.

The application site is currently one of the harbour's least attractive sites and it is considered that the proposed development will transform the appearance of the site with the provision of attractive modern buildings. Furthermore, it will enhance The Waterfront offer and attract tourists and visitors to the area. The level changes, proposed landscaping and street furniture will improve the character and appearance of the site.

The design of the new buildings is considered to be wholly appropriate for the location as they reflect the appearance of traditional quayside buildings and the provision of the proposed Visitor Centre with its contemporary design will reflect the character and appearance of other modern buildings in the Harbour.

For these reasons it is considered that the proposals will have a significant positive effect on the visual amenities of the locality.

Impacts on highway network or access:

The site is in close proximity to the Sovereign Harbour Retail Park and the car park serving The Waterfront and these areas have good pedestrian linkages to the application site. In addition, a new pedestrian walkway is to be provided alongside the Harvester to provide visitors and residents the opportunity of viewing the fishermen at work.

The site is currently used by the fishermen each day. Eight or nine pick-up trucks park on the site while the crews are at sea. Most crews operate an informal truck sharing scheme in order to reduce the number of vehicles that need to park on the site. The majority of the crew members are picked up and dropped off at home.

The site is currently served by trucks and lorries at intervals throughout the week. 2/3 vehicles up to a maximum of 7.5 tonnes visit the site each day to make collections. Around once a week an articulated lorry will visit to collect other catch.

The remaining catch is transported away in the crew's trucks. The times when the collection vans and lorries can visit the site is limited to 8am-8pm each day.

The largest vehicle to visit the site is a 44 tonne articulated lorry, which currently has to reverse across the unmade ground of the site. The proposal includes the creation of formal on-site parking for the use of the fishing fleet as well as the creation of additional disabled parking spaces and cycle storage. To the rear of the site adjacent to Atlantic Drive the formation of 10 parking spaces and 3 disabled bays will be provided. There will also be adequate space to park the crew's trucks on the quayside in a similar fashion to the way they do now.

The scheme will also benefit from the proposed bus link between the North and South Harbour areas. It is considered that the proposal will not lead to a significant increase in traffic movements using Atlantic Drive. The development of the quay will make the fishing operations more efficient, and the aim isn't to drastically increase the size of the catch as there is a limit to what can be caught by the 32 boats that operate from the quay. The fleet will not increase in size, so the number of fishermen will stay the same.

The main increase in vehicle traffic is likely to be attributed to those visiting the site. The fishing quay and Visitor Centre will hopefully become a significant draw in terms of tourism. However as detailed above, the additional traffic generated should have minimal impact due to the established use by the fishing fleet as well as the established car parking at the Retail Park and The Waterfront. Therefore, the traffic impact of the proposal should be minimal as there is already an established use on site. The development provides improvements in terms of efficiency and not an increase in traffic.

The office space and Visitor Centre has the potential to increase vehicle traffic in the area, however this is likely to be minimal. A small number of staff will be able to park on site, but the majority of visitors will be expected to use the existing Waterfront car park. Therefore in light of the above, the proposed development is considered to be acceptable in highway and parking terms.

Planning obligations:

The scheme has been found to qualify for the requirement of a Local Labour Agreement under the 'Thresholds for Development' in accordance with the Local Employment Technical Guidance Note, adopted 1st April 2013. This

being the case, a legal agreement should be entered into regarding local labour requirements prior to the commencement of any development.

Sustainable development implications:

Essentially an open super-structure with clear spans and sympathetic cladding means that in years to come the buildings could be completely altered if the needs of the fleet change. This should enhance the lifetime of the development and ensure its viability for many years to come.

The scheme will contribute to improving the sustainability of Sovereign Harbour, which is a neighbourhood that has been identified as one of the least sustainable in the town. Furthermore, the ambition to have a working fisherman's quay was identified in the original masterplan for the Sovereign Harbour redevelopment. Site 3 is one of the few remaining undeveloped sites identified at that time and an established home for the fisherman's quay is something that must be provided within Sovereign Harbour to accord with the Sovereign Harbour SPD. The Vision Statement for Site 3 (Sovereign Harbour SPD [adopted February 2013]) states:

There is an opportunity to provide enhanced, permanent facilities for the fishermen on this site with appropriate storage. In addition, the provision of a new pedestrian link between The Waterfront and Atlantic Drive, via a new harbour walkway is likely to result in the site becoming more of a destination. It is therefore envisaged that alongside the fishermen, other ancillary and associated uses, such as a fresh fish shop could be provided, to the benefit of residents, visitors and Eastbourne's fishing community.

Therefore, development of this site to provide a permanent facility for the fishermen is considered wholly appropriate in terms of strategic development and sustainability within the area.

Ecology and Environmental Issues

A Habitat Survey for ecological purposes has been submitted with the application and confirms that the site is 'insignificant' in terms of ecology. As such, it is considered that there will be no associated issues/impacts resulting from development.

Site 3 is within a 250m zone for a known former landfill site. The applicant intends to carry out a site inspection which is to include a below surface investigation to assess ground conditions and a gas monitoring station prior to carrying out any works on site. In addition, conditions have been recommended to deal with any potentially contaminated land which may be disturbed/affect the site as a result of development. As a point to note, such conditions were recommended as part of the approval for the previous application.

Community Infrastructure Levy

Although an element of retail space is proposed as part of the scheme, and new retail space is usually subject to a CIL charge, the retail area proposed as part of this scheme falls below the chargeable threshold, due to its small size. The scheme is, therefore, liable for CIL but exempt. As such, no CIL fee/charge will be required as a result of the development.

Other matters:

A Flood Risk Assessment has been submitted with the application and confirms that the development is 'Water Compatible' and 'not significant' in terms of flood risk. This being the case, it is considered that the investigation carried out thus far is sufficient to not warrant further analysis or mitigation measures. However, work should be carried out in accordance with the recommendations made in the FRA submitted as part of this application.

Southern Water has recommended that an informative should be attached to any consent granted and that the applicant should engage with Southern Water to discuss the development prior to the commencement of any works. This is with regards to the disposal of foul water, surface water and the potential for dealing appropriately with oil/petrol spillages.

The site currently has no drainage facilities and is prone to puddling, and in the winter the site ices over. As part of the development it is proposed to provide a full drainage scheme.

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 appropriate in this location as the previously submitted scheme was in 2013.

The proposals will have no detrimental impact on ecology or the visual amenities of the locality.

The proposals are acceptable in terms of their impact on the highway network.

The proposed development works positively towards meeting the requirements of a number of Policies from across the Development Plan and as there have been no significant changes to policy which would affect this proposal since the previously supported scheme, and further to this, there are not considered to have been any changes which have materially changed

the site or the area there is not considered any reason to now refuse the scheme.

As the proposed development will work positively towards improving the sustainability of Sovereign Harbour, the fishermen already operate from the site and any negative impacts resulting from the scheme are considered minimal or surmountable, the scheme is recommended for conditional approval.

Recommendation:

Subject to S106 covering local labour issues then this scheme is recommended for conditional approval.

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission.
Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)
2. The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 22nd September 2016
B037.06A – General Site and Block Plans
B037.07 – Pedestrian, Public Transport and Cycle Routes
B037.08 - General Site Arrangement & Site Uses
B037.09 – Building One and Visitors Centre Plans
B037.10 – General Elevations Building One & Visitors Centre
B037.11 – Building Two Plans
B037.12 - General Elevations Building Two
B037.14A – Full Elevations North & South Street Scene
B037.16 – Waterfront Access Detail
Reason: For the avoidance of doubt and to ensure that development is carried out in accordance with the plans to which it relates
3. No development shall take place until samples of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.++
Reason: To secure that the development is in harmony with the surrounding area
4. No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- i. the proposed methods of demolition, piling, recycling activities and dust suppression and all other construction methods associated with the development;
- ii. noise and vibration monitoring arrangements - to be self monitoring by the applicants - for the key demolition and construction phases; and
- iii. measures, methods of working and the means of screening the site that will be employed to minimise disturbance to neighbouring properties during all demolition and construction work.++

Reason: To secure a satisfactory standard of development and in the interests of residential amenity

5. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. ++

Reason: To ensure effective management of the site for the duration of the construction period and in the interests of residential amenity

6. Prior to demolition works commencing on site a Construction Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the size of vehicles, routing of vehicles and hours of operation. (Given the restrictions of the access and the approach road the hours of delivery/collection should avoid peak traffic flow times). ++

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

7. No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details. ++

Reason: To enable the recording of any items of historical or archaeological interest, as the development is likely to disturb remains of archaeological interest, in accordance with requirements within the National Planning Policy Framework

8. No development shall commence until details of a Phase II soil investigation (as recommended in the submitted Preliminary Soil Investigation Report) is submitted to and approved in writing by the Local Planning Authority. If contamination is found to be present, then details of a remediation strategy detailing how this unsuspected contamination shall be dealt with shall be submitted to and approved

- by the Local Planning Authority prior to the commencement of excavation work. ++
Reason: To minimise the risks to human health, controlled waters or buildings by ensuring that the development is suitable for the proposed use
9. No development shall commence until full details of the proposed SUDS system shown in the supporting Drainage Strategy is submitted and approved in writing by the Local Planning Authority in consultation with Southern Water and the Lead Local Flood Authority. The works shall be fully implemented in accordance with the approved details. ++
Reason: In the interest of the amenities of the site and surrounding area and to ensure satisfactory drainage
10. No development shall commence until full details of a lighting strategy is submitted to and approved by the Local Planning Authority and thereafter implemented in accordance with the approved details. The submitted scheme shall include details of times of illumination of all lights, road lighting, floodlighting, security lighting, signage and any variations in brightness. Thereafter the lighting shall continue to be operated only in accordance with the approved details, and no additional lighting shall be installed unless first approved in writing by the Local Planning Authority. ++
Reason: In the interests of the amenity of the area and also in the interest of crime prevention and ecology
11. No development shall commence until full details of the refuse and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the commencement of the use. ++
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling
12. a) No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:
- i. proposed finished levels or contours;
 - ii. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;
 - v. hard surfacing materials;
 - vi. minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting);
 - vii. proposed and existing functional services above and below ground (eg drainage, power, communication)

- cables, pipelines, etc, indicating lines, manholes, supports etc);
- viii. retained historic landscape features and proposals for restoration, where relevant;
- ix. planting plans;
- x. written specifications (including cultivation and other operations associated with plant and grass establishment);
- xi. schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- xii. implementation timetables.

b) All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation. ++

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

13. Prior to occupation of the development, full details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details. ++

Reason: In the interests of visual appearance and integrating the development into its surroundings

14. That any car parking and loading and unloading area and access thereto shown on the approved plan shall be properly constructed with a surface material to be agreed by the Local Planning Authority and marked out and shall be available for use prior to the use/development hereby approved being first occupied.

Reason: In the interest of maintaining the capacity and free flowing highway network

15. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

- Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles
16. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval for, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.
Reason: To ensure that the site is suitable for the proposed use by ensuring that the remediated site has been reclaimed to an appropriate standard
 17. That, while the development hereby permitted is being carried out, a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud on the highway caused by such vehicles shall be removed without delay and in no circumstances left beyond the end of the working day.
Reason: In the interests of pedestrian and vehicular safety
 18. Notwithstanding the approved Noise Impact Assessment, external noise levels from items of new mechanical services and external plant equipment shall not exceed $LA_{eq,T} = 35dB$ at any time at a distance of 1 metre from the nearest residential dwelling.
Reason: To ensure that surrounding residential amenity is not adversely affected
 19. That no demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place unless previously been agreed in writing by the Local Planning Authority.
Reason: In the interest of maintaining the amenities of nearby residents/occupiers and also in the interest of maintaining the character of the wider area
 20. There shall be no burning of any waste on site at any time.
Reason: In the interests of the amenities of the locality in general and occupiers of adjacent residential properties in particular
 21. No development shall take place until details of the arrangements for the servicing of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.++
Reason: For the avoidance of doubt and to secure a satisfactory standard of development

22. The development hereby permission shall be carried out in strict accordance with the Flood Risk Assessment dated June 2013.
Reason: To ensure suitable flood mitigation measures
23. Prior to the commencement of the approved development the details of all plant and machinery (e.g air conditioning, refrigeration units, extraction system) including predicted noise level shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. ++
Reason: To protect the amenity of surrounding residential properties and in the interests of the visual amenities of the area
24. Prior to the commencement of the development hereby permitted details of the construction access to the site and locations and size of any temporary structures shall be submitted to and approved in writing by the Local Planning Authority, thereafter the works shall be undertaken in accordance with the approved details. ++
Reason: To avoid a proliferation of access in order to prevent danger to pedestrians and other road users
25. Prior to the operational use of the development hereby permitted details of directional signage shall be submitted to and approved in writing by the Local Planning Authority prior to the display of any such advertisement, and shall be carried out as approved. ++
Reason: To avoid the over-display of advertisements on the premises to the detriment of the amenities of the locality
26. Prior to the commencement of the development hereby permitted details of the proposed foundations to all buildings/structures shall be submitted to and approved in writing by the Local Planning Authority, thereafter the works shall be undertaken in accordance with the approved details. ++
Reason: To minimise the risks by ensuring that the development is suitable for the proposed use
27. Prior to the commencement of the approved development details of temporary structures or hoardings shall be submitted to and approved in writing by the Local Planning Authority. The works/development shall be carried out in accordance with the approved details. ++
Reason: To protect the amenity of surrounding residential properties and in the interests of the visual amenities of the area
28. Prior to the commencement of the approved development details of finished floor levels and details of any changes to the site levels shall be submitted to and approved in writing by the Local Planning

Authority. The development shall be carried out in accordance with the approved details. ++

Reason: To reduce flood risk, and to ensure a satisfactory relationship with the surrounding properties

29. That, before the development hereby approved is commenced; details of measures for bird deterrent shall be submitted to and approved by the Local Planning Authority. The approved measures shall be implemented before the building is first brought into use and retained as such thereafter. ++

Reason: In the interest of maintaining the character and appearance of the site and surrounding area as well as maintaining the amenities of the occupiers of the adjacent/nearby plots/properties

30. The visitors Centre hereby approved shall not be open to customers/visitors outside the following times: 07.00am and 10.00pm Monday to Sunday including Bank Holidays

Informatives:

1. The vegetation between the footway and the secure compound to the east of the vehicle access should be a type that will not grow/kept at a height under 600mm to ensure adequate visibility.
2. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
3. Your attention is specifically drawn to the conditions above marked ++. These conditions require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT OR USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may take appropriate enforcement action to secure compliance. You are advised that sufficient time for the Authority to consider the details needs to be given when submitting an application to discharge conditions. A period of between five and twelve weeks should be allowed. A fee of £97 is payable for each submission to discharge conditions.

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	17 January 2017
SUBJECT	Local Development Scheme 2017-2020
REPORT OF	Director of Regeneration and Planning

Ward(s) All

Purpose To seek Planning Committee views on the Local Development Scheme 2017-2020 that is due to be considered by Cabinet on 8 February 2017.

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 1. That Planning Committee provide their comments on the Local Development Scheme, which will be reported orally to Cabinet on 8 February 2016.

1.0 Introduction

- 1.1 The Local Development Scheme (LDS) is the Council's timetable for the production of planning policy documents. It covers a three year period from 2017 to 2020 and outlines the policy documents to be produced with the key dates and milestones.
- 1.2 Local Planning Authorities are required to produce a LDS under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. The LDS must be made publicly available and kept up-to-date.
- 1.3 The current LDS was approved in February 2016. Progress against the LDS is monitored on an annual basis through the Authority Monitoring Report (AMR). The AMR has recognised that some documents identified in the LDS are no longer being produced, and that there has been some minor slippage in the preparation of the Local Plan.
- 1.4 The Government have introduced the monitoring of progress in local plan preparation. This monitoring will take place against the LDS, so therefore it is

necessary to amend the LDS by April 2017 to ensure that it is up-to-date.

2.0 Background

- 2.1 The Government has set out a clear expectation that all local planning authorities should have a local plan in place, and that it should be kept up-to-date to ensure policies remain relevant.
- 2.2 The main document in Eastbourne's current Local Plan is the Core Strategy, which was adopted in 2013. The Core Strategy identifies that 5,022 new dwellings should be provided in Eastbourne over the period from 2006-2027. The Core Strategy contains planning policies to manage the delivery of development, including the meeting of the housing requirement.
- 2.3 The National Planning Policy Framework (NPPF) is clear that housing policies should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Furthermore, guidance sets out that a local plan is likely to require updating in whole or in part at least every five years.
- 2.4 As at 31 October 2016, Eastbourne could only demonstrate a 3.47 year supply of housing land. The lack of a five-year housing land supply in Eastbourne means that our Local Plan policies cannot be considered to be up-to-date, as outlined in the NPPF.
- 2.5 The implications of not having an up to date Local Plan are that the Council may lose control over what development takes place in the Borough. The Five Year Housing Land Supply is a material planning consideration in the determination of planning applications, and if the Council is unable to demonstrate a five year supply of housing land there is a significant risk that refusals of planning permission for residential development could be overturned on appeal. Appeal losses can result in unbalanced distribution of development, development in areas considered unsuitable by the Council, and lower levels of funding for affordable housing, community facilities and service infrastructure, as well as costs being awarded against the Council as a result of losing the appeals.
- 2.6 In addition, the AMR identifies that 2015/2016 was the first year that Eastbourne has delivered less housing than should have been delivered in the Core Strategy plan period. The annual target across the plan period is 240 dwellings, which means that by the end of 2015/16, a total of 2,400 units should have been built. The actual housing completion figure over that period is 2,373 dwellings; just 27 less than should have been delivered but this is set against a trend of falling housing delivery over recent years. This means that the Core Strategy is no longer delivering the levels of housing that it should be doing.

- 2.7 The lack of a five year housing land supply, continued under-delivery of housing and the fact that the current Local Plan is already four years old demonstrate the need for the Council to prepare a new Eastbourne Local Plan.
- 2.8 In 2015, the Government committed to take action to get plans in place and ensure plans have up to date policies by:
- publishing league tables, setting out local authorities' progress on their local plans;
 - intervening where no local plan has been produced by early 2017, to arrange for the plan to be written, in consultation with local people, to accelerate production of a local plan; and
 - establishing a new delivery test on local authorities, to ensure delivery against the number of homes set out in local plans.
- 2.9 In those instances where progress is not being made on producing Local Plans, the Government intend to intervene to ensure plans with up-to-date policies are put in place in consultation with local communities using powers under the Planning & Compulsory Purchase Act 2004. Where it is necessary to intervene, the Government will take over responsibility for the remaining process of plan-making by appointing an external party to undertake the work.
- 2.10 The Government monitor progress on each local authorities' Local Plan preparation through their Local Development Schemes. Therefore it is important that the LDS reflects an achievable timetable for preparation of the Local Plan, and that this timetable is adhered to.

3.0 Progress against 2016 LDS

- 3.1 Progress against the LDS timetable is monitored on an annual basis through the AMR. The AMR covering the financial year 2015/16 was published in December 2016.
- 3.2 The 2016 LDS included the production of a Core Strategy Policy Review on Affordable Housing. The reason for this was to address changes in national policy on affordable housing requirements that were not consistent with the adopted Core Strategy policy position on affordable housing.
- 3.3 However, it has since been identified that these issues could be adequately addressed through the preparation of an Affordable Housing SPD, and therefore Core Strategy Policy Review on Affordable Housing is no longer being progressed. This allowed resources to be concentrated on the examination of the Employment Land Local Plan that took place in summer 2016.

3.4 Current progress on new Local Plan

3.4.1 Work on the production of the new Local Plan has commenced through the gathering of evidence to inform what the Local Plan needs to address. The following evidence studies are currently being prepared, as the first stage in the preparation of the Local Plan:

- Strategic Housing Market Assessment (*SHMA*) – an assessment of the objective assessed housing need in Eastbourne
- Strategic Housing & Employment Land Availability Assessment (*SHELAA*) – an assessment of the amount of land that is potentially developable based on each site's *suitability, availability* and *achievability*.
- Strategic Flood Risk Assessment (*SFRA*) – an assessment of the level of flood risk in Eastbourne from tidal, fluvial, surface water and groundwater flooding.
- Eastbourne Park Flood Storage Scheme Review – a review of the capacity of the flood storage in Eastbourne Park to identify if additional capacity will be needed and how it could be provided.
- Community Facilities Assessment – an assessment of the current quantity and quality of community facilities and future needs.

3.4.2 However, the AMR has identified that progress on the Local Plan is around three months behind the schedules set out in the 2016 LDS. The main reasons for this are difficulties commissioning suitably qualified consultants to produce important evidence studies, and continued difficulties in recruiting a full-time Strategy & Commissioning Officer. The position was successfully filled in September 2016, taking the staff resource working on the Local Plan up to 3.5 FTE.

4.0 Future Work Programme

4.1 A new LDS covering the period from 2017 to 2020 is provided as Appendix 1.

4.2 Local Plan

4.2.1 The timetable for the preparation of the new Local Plan in the updated LDS is as follows:

- Evidence gathering and on-going engagement: July 2016 – July 2017
- Issues and Options Consultation: October – November 2017
- Publication: September 2018
- Submission: January 2019
- Examination: May 2019
- Adoption: November 2019

4.3 Other Documents

4.3.1 *Statement of Community Involvement (SCI)*

The SCI explains to stakeholders and the community how they can be involved in the preparation of Local Plans, and the steps that will be taken to facilitate their involvement. Before consultation on the Local Plan takes place, the existing SCI (adopted 2006) needs to be updated. A new version will be published for consultation in March, with adoption anticipated in July before the Local Plan Issues & Options consultation.

4.3.2 *Community Infrastructure Levy (CIL) Charging Schedule*

CIL is a charge which local authorities are empowered to charge on types of new development in their area, with the proceeds being spent on infrastructure to support the development of the area. The Charging Schedule sets out how much different types of development will be charged. It is intended that a review of the CIL Charging Schedule will be undertaken with the intention to allocate a CIL charge for apartments, which are current exempt from CIL under the existing charging schedule.

4.3.3 *Tourist Accommodation Retention SPD*

Changes in the tourism market and the expectations of overnight visitors have meant that current policy relating to tourist accommodation is out of date. This Supplementary Planning Document will provide a new interpretation of existing planning policies relating to tourist accommodation. Consultation has already taken place, and this is due for adoption in February.

4.3.4 *Affordable Housing SPD*

The current adopted policy relating to affordable housing is not consistent with recent changes in national policy on affordable housing requirements. This Supplementary Planning Document will provide an update to the implementation of Core Strategy Policy D5: Housing in relation to securing affordable housing in development. A draft SPD will be published for consultation in March 2017, and it is anticipated that it will be adopted in July 2017.

5.0 Consultation

5.1 The Local Plan Steering Group was consulted in the preparation of the LDS. The Local Plan Steering Group oversees the preparation and finalisation of Local Plan documents and SPDs before approval by the Cabinet.

6.0 Conclusion

6.1 The current LDS (Feb 2016) is no longer up-to-date and needs to be revised to take into account the removal of Core Strategy Policy Review on Affordable Housing and a minor change in the timetable for the preparation of the Local Plan.

- 6.2 A new LDS has been prepared, covering the period 2017-2020. This focuses on the production of a new Local Plan, which is anticipated to be adopted towards the end of 2019.
- 6.3 Planning Committee is asked for their views on the Local Development Scheme 2017-2020, which will be reported orally to Cabinet on 8 February 2017.
-

Background Papers:

- Draft Local Development Scheme 2017-2020 (EBC, February 2017)
- Local Development Scheme 2016-2019 (EBC, February 2016)
- Eastbourne Authority Monitoring Report 2015/16 (EBC, December 2016)
- 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 – Local Development Scheme 2017-2020

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Eastbourne LOCAL DEVELOPMENT SCHEME 2017 - 2020



February 2017



LOCAL DEVELOPMENT SCHEME 2017-2020

**To be adopted by Full Council on Wednesday
22 February 2017**

Regeneration & Planning Policy
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Date: February 2017

The document can be viewed and downloaded from:
www.eastbourne.gov.uk/lds

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1.0 Introduction

- 1.1 The Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to prepare and maintain a Local Development Scheme (LDS). A Local Development Scheme sets out the work programme for the preparation of documents that will form the Local Plan over a rolling three year time period.
- 1.2 The Local Plan contains the policies which all planning applications are considered against, unless a material consideration indicates otherwise.
- 1.3 Legislation requires that the Local Development Scheme specifies the Local Plan documents that are to be produced; the subject matter and geographical area to which each document relates; and the timetable for the preparation and revision of these documents. It must be made publicly available and kept up-to-date as it is important that local communities and interested parties can keep track of progress.
- 1.4 Although the Planning and Compulsory Purchase Act originally required Local Planning Authorities to submit their Local Development Scheme to the Secretary of State, the Localism Act 2011 removed this requirement and allows Local Planning Authorities to adopt their own Local Development Schemes without approval from the Secretary of State.
- 1.5 This Local Development Scheme covers the period 2017-2020, and sets out the timetable for the production of the Eastbourne Local Plan. Progress will be monitored against the targets and milestones set out in this Local Development Scheme each year through the Local Monitoring Report, which will be published annually each December.

2.0 Background

- 2.1 Planning law requires that applications for planning permission must be determined in accordance with the Local Plan unless material considerations indicate otherwise¹.
- 2.2 The National Planning Policy Framework (NPPF), which was published in 2012, requires Local Planning Authorities to produce a Local Plan as the plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the local community.
- 2.3 The NPPF sets out mandatory guidance as to how Local Plans should be shaped to accord with the principles of sustainable development, and all new Local Plans must be consistent with the NPPF in order to be sound. At the heart of the NPPF is a presumption in favour of sustainable development, which is supported by a number of core planning principles.
- 2.4 Local Plans must also be based on a proportionate evidence base which includes adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. In addition, Local Plans are subject to the European Strategic Environment Assessment Directive and should incorporate a sustainability appraisal to ensure that they accord with the principles of sustainable development.
- 2.5 The Local Plan was previously known as the Local Development Framework (LDF), and comprised a number of different Local Development Documents (LDDs); however these terms are no longer used in national policy. The Core Strategy and other planning policies, which under the regulations would be considered to be Development Plan Documents (DPDs), now form part of the Local Plan.
- 2.6 Rather than produce a series of DPDs as part of the LDF, the NPPF requires the Local Plan to be produced as one single document, which can be reviewed in whole or in part to respond flexibly to changing circumstances. Any additional DPDs should only be used where clearly justified.
- 2.7 Supplementary Planning Documents (SPDs) can be produced to provide additional detail on a policy within a Local Plan, and are a material consideration in the determination of a planning application. The NPPF

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990

requires that they should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.

- 2.8 The Town & Country Planning (Local Planning) (England) Regulations 2012 (also known as '*the Local Plan Regulations*') sets out the stages in the preparation of Local Plans, which includes independent examination by a person appointed by the Secretary of State. The process for SPDs is similar but does not require the document to be subject to independent examination. The only exception to this is a Community Infrastructure Levy Charging Schedule, which has its own set of planning regulations, outlining how it is prepared and examined.

3.0 Purpose of Local Development Scheme

- 3.1 Under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and the Housing and Planning Act 2016), Local Planning Authorities must produce a Local Development Scheme (LDS).
- 3.2 The LDS is a 3-year project plan setting out the timetable for the preparation of the Local Plan and any other DPDs that are proposed. It provides a starting point for the local community, businesses, other stakeholders to find out what planning documents the Council is intending to prepare and to see when they will be able to view and make comments on the contents of new planning policies and proposals. The LDS is available on the Council's website at www.eastbourne.gov.uk/lds.
- 3.3 Community Involvement throughout the preparation of the Local Plan is very important in order to ensure local views are taken into account. The Council is committed to the close involvement of stakeholders and the wider local community and this approach is set out in the Council's Statement of Community Involvement (SCI), which is due to be reviewed within this three year period. The SCI is available on the Council's website at www.eastbourne.gov.uk/sci.
- 3.4 In July 2015, the Government committed to publishing league tables setting out each local planning authority's progress in plan-making. Authorities without a Local Plan in place and authorities which have not kept the policies in their Local Plan up-to-date will be a high priority for intervention.
- 3.5 Each authority's Local Development Scheme will be used to provide the information required to assess whether the authority is meeting the timetable it has set itself. The Government will also compare this information against any subsequent updates to an authority's Local Development Scheme to identify any slippage in plan-making progress to identify where intervention may be needed.

4.0 Planning Context in Eastbourne

Current Local Plan Position

- 4.1 The main focus of the LDS in recent years has been the preparation and submission of the Core Strategy, the Town Centre Local Plan and the Employment Land Local Plan.
- 4.2 The previous LDS was adopted in February 2016. This set out the Employment Land Local Plan as the main focus of work, but also included a timetable for the preparation of a partial review of the Core Strategy in relation to the affordable housing policy, as well as the production of a new Local Plan.
- 4.3 The effectiveness of adopted Local Plans and the progress against the LDS is assessed through the Annual Monitoring Report (AMR), which is published each December.
- 4.4 The AMR 2015/16 identifies that Eastbourne can only demonstrate a 3.47 year housing land supply, which means that in accordance with the NPPF the Core Strategy policies relating to housing delivery cannot be considered to be up to date.
- 4.5 The AMR 2015/16 also identifies that the previous LDS (February 2016) is out of date. The LDS 2016 identified the preparation of a Core Strategy Policy Review: Affordable Housing in order to address issues relating to changes in national policy regarding the thresholds for affordable housing contributions.
- 4.6 However, it is now considered that these issues can be adequately dealt with through the production of a Supplementary Planning Document, rather than a new DPD. This will allow work to be focused on the preparation of a new Local Plan to address the five year housing land supply issue. Therefore the LDS needs to be updated to reflect the removal of the Core Strategy Policy Review on Affordable Housing.

Joint Transformation Programme

- 4.7 Eastbourne Borough and Lewes District Councils are embarking on an exciting and ambitious three year business transformation programme to modernise services and generate significant savings for both Councils. The programme will see the introduction of a new business model with joint teams delivering

shared services that deliver great outcomes for customers, and is known as the Joint Transformation Programme.

4.8 The purpose of the Joint Transformation Programme is the formation of two strong Councils through the full integration of management, services and ICT to:

- a) **Protect Services** - delivered to local residents while at the same time reducing costs for both Councils to together save £2.8m annually
- b) **Greater strategic presence** - create two stronger organisations which can operate more strategically within the region while still retaining the sovereignty of each Council
- c) **High quality, modern services** - meet communities and individual customers' expectations to receive high quality, modern services focused on local needs and making best use of modern technology
- d) **Resilient services** - building resilience by combining skills and infrastructure across both Councils.

5.0 Adopted Local Plan and Other Planning Documents

Local Plan

- 5.1 The Eastbourne Local Plan currently consists of:
- Saved Policies from the Eastbourne Borough Plan 2001-2011 (adopted 2003)
 - The Eastbourne Core Strategy Local Plan (adopted 2013)
 - The Eastbourne Town Centre Local Plan (adopted 2013)
 - The Eastbourne Employment Land Local Plan (adopted 2016)

Saved Policies from the Eastbourne Borough Plan

- 5.2 The Eastbourne Borough Plan 2001-2011 was adopted in 2003. Selected policies from the Borough Plan were saved indefinitely in 2007.
- 5.3 The saved Borough Plan policies are mainly those related to Development Management issues that are used on a day-to-day basis in determining planning applications and guiding development.

Core Strategy

- 5.4 The Eastbourne Core Strategy Local Plan was adopted in February 2013 following Public Examination by a Planning Inspector in May 2012.
- 5.5 The Core Strategy is the main strategic planning document and all other DPDs that are prepared will need to conform to the primary policies in this Plan. It sets out the Council's spatial vision for Eastbourne up to 2027, and the primary land use objectives which will deliver it. It includes broad locations for residential and economic development along with time frames and delivery mechanisms where appropriate. It also sets the direction for the Town Centre Local Plan, and future Local Plans and Supplementary Planning Documents.

Town Centre Local Plan

- 5.6 The Eastbourne Town Centre Local Plan (TCLP) was adopted in November 2013 following Public Examination by a Planning Inspector in May 2013.

5.7 The Town Centre is an area which will experience considerable change over the coming years. The purpose of the TCLP is to provide a shared vision and strategy of actions, for the whole of the town centre. This Plan covers a wide range of issues relating to general planning and design management of the centre. It provides the basis of an agreed strategy for the allocation of land and other policies to guide the further development of the Eastbourne Town Centre.

Employment Land Local Plan

5.8 The Employment Land Local Plan (ELLP) will re-examine Policy D2: Economy and the identification of land for employment uses within the Core Strategy Local Plan. It will review the employment needs of Eastbourne to 2027 and consider how much land needs to be identified to provide for uses within Class B of the Use Classes Order. The location and quality of the land currently identified within the Core Strategy will be re-assessed to ensure it is suitable to meet future economic needs.

5.9 The early review is being undertaken as a direct result of the Inspector's consideration of the Core Strategy Local Plan employment policy at the Examination in 2012, and therefore the production of an additional Local Plan is justified.

Other Planning Documents

5.10 In addition, Eastbourne Borough Council has also produced the following documents:

- The Eastbourne Policies Map (adopted 2016)
- Statement of Community Involvement (adopted 2009)
- Community Infrastructure Levy – Charging Schedule (adopted 2015)
- Sovereign Harbour Supplementary Planning Document (adopted 2013)
- Eastbourne Park Supplementary Planning Document (adopted 2013)
- Sustainable Building Design Supplementary Planning Document (adopted 2013)
- Local Employment & Training Supplementary Planning Document (adopted 2016)
- Tourist Accommodation Retention Supplementary Planning Document (adopted 2017)
- Annual Monitoring Report

Policies Map

- 5.11 The Policies Map (previously referred to as the Proposals map) illustrates graphically the policies and proposals of the Local Plan. The Policies Map excludes that part of the Borough which now forms part of the South Downs National Park, and falls under the jurisdiction of the South Downs National Park Authority (SDNPA). The SDNPA are responsible for planning policies and making development management decisions within the designated area of the National Park.
- 5.12 The current Policies Map was adopted alongside the Employment Land Local Plan in 2016. It will be revised and updated as new policies are adopted.

Statement of Community Involvement

- 5.13 The Statement of Community Involvement (SCI) sets out how we will involve the community in the planning process, including Local Plans and planning applications (Development Management). It sets out the activities that the Council will undertake to reach stakeholders and the public during the various stages of preparation of Local Plan documents. The most recent SCI was adopted in 2009, although a review of the SCI is proposed for 2017. The current SCI can be viewed at www.eastbourne.gov.uk/sci.

Community Infrastructure Levy Charging Schedule

- 5.14 The Community Infrastructure Levy (CIL) Charging Schedule was adopted on 1 April 2015 and builds upon information contained in the Council's Infrastructure Delivery Plan (IDP), which identifies the infrastructure needed to support future growth within the Borough. CIL takes the form of a levy per square metre of additional floorspace, based on £50 per square metre for residential uses (except apartments) and £80 per square metre for retail uses. The CIL rates were determined in order to ensure the overall viability of development in the area will not be compromised, and this was confirmed by an Examiner in January 2015.

Sovereign Harbour SPD

- 5.15 The Sovereign Harbour SPD provides guidance on the future of Sovereign Harbour in support of Policy C14 of the Core Strategy. It was adopted alongside the Core Strategy in February 2013.

- 5.16 The SPD sets out a strategy for the completion of the planned Sovereign Harbour development proposals, whilst meeting the community needs of local residents. It ensures that any future development on the remaining sites provides the social infrastructure necessary to ensure the neighbourhood becomes a sustainable centre. In order to maximise the community benefits this infrastructure will include a community centre, children's play areas and public open space. A maximum of 150 homes will be permitted.
- 5.17 The SPD provides guidance on the uses considered to be appropriate for each of the remaining development opportunity sites, including details of the size, scale and form of development and the specific community benefits to be delivered.

Eastbourne Park SPD

- 5.18 The Eastbourne Park SPD was adopted in February 2013 alongside the Core Strategy, and provides additional detail to Core Strategy Policy D11: Eastbourne Park. Eastbourne Park covers the area of Willingdon Levels and forms a green largely undeveloped heart of the Borough, and is mostly an area of grazing fields and small scale recreational activities.
- 5.19 The future of Eastbourne Park is a key priority for the Council and the SPD builds on policies in the Core Strategy to provide a sustainable development framework for future management and change in the area.

Sustainable Building Design SPD

- 5.20 The Sustainable Building Design SPD was adopted alongside the Core Strategy in February 2013. It provides guidance on Core Strategy Policy D1: Sustainable Development in relation to the provision and design of sustainable buildings and environmentally friendly developments, reflecting best practice and the latest technologies.

Local Employment & Training SPD

- 5.21 The Local Employment and Training SPD was adopted alongside the Employment Land Local Plan in November 2016. It provides additional detail on the implementation of the requirement for local labour agreements within Policy EL1.

- 5.22 It provides a framework and guidance as to how local labour agreements (including employment and training measures) will be secured and how to maximise local employment opportunities at both the construction and first operational phase of the development.

Annual Monitoring Report

- 5.23 The Annual Monitoring Report (AMR) looks at how Local Plan policies and proposals are being implemented, and identifies any emerging issues that may need to be addressed. It has the following functions:
- to measure progress made in respect of the planning documents being prepared;
 - to review the effectiveness of the adopted planning policies;
 - to monitor the extent to which policies and targets in adopted documents are being achieved against a range of indicators.
- 5.24 All of the Council's Annual Monitoring Reports can be viewed at www.eastbourne.gov.uk/amr.

6.0 Work Programme for 2017-2020

Eastbourne Local Plan 2015-2035

- 6.1 There is a clear expectation that local planning authorities should have a Local Plan in place, and that it should be kept up-to-date to ensure policies remain relevant.
- 6.2 The NPPF is clear that housing policies should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.3 As at 31st October 2016, Eastbourne had a 3.47 year housing land supply, which means that the Core Strategy is out of date. It is considered that the lack of a Five Year Housing Land Supply is due to sites identified in the Core Strategy not coming forward, and the majority of development taking place on unidentified 'windfall' sites.
- 6.4 Therefore Eastbourne Borough Council are preparing a new comprehensive Local Plan as a single document, as promoted by the NPPF. The Eastbourne Local Plan will provide a review of the Core Strategy and consider strategic development requirements, including updated housing targets and how these targets will be met. It will also contain development management policies, which are the general policies taken into account when reaching decisions on planning applications. A profile for the Local Plan is provided in Appendix 1.
- 6.5 Evidence gathering for the new Local Plan has commenced with the production of a Strategic Housing Market Assessment (SHMA) and a Strategic Housing & Employment Land Availability Assessment (SHELAA). On-going engagement with the community and stakeholders under Regulation 18 of the Local Plan Regulations will take place throughout the first half of 2017.
- 6.6 The LDS identifies that an Issues & Options document will be published for consultation in autumn 2017, with the publication of a 'Pre-Submission' version under Regulation 19 of the Local Plan Regulations taking place in autumn 2018. Submission of the Local Plan to the Secretary of State for Examination under Regulation 22 of the Local Plan Regulations will take place in early 2018, with the examination hearings take place in mid 2018. This would result in adoption of the Local Plan in late 2019. The LDS timetable is provided in Appendix 2.

- 6.7 The previous LDS identified that an Issues & Options consultation would take place in summer 2017, and the 'Pre-Submission' version would be published in June 2018. This represents a slippage of around 3 months. A full analysis of progress against the previous LDS is set out in the Annual Monitoring Report 2015-16.
- 6.8 The previous LDS also identified the production of a Core Strategy Policy Review on Affordable Housing. The reason for including this in the previous LDS was due to changes in national policy on affordable housing requirements that were not consistent with the adopted Core Strategy policy position on affordable housing.
- 6.9 However, since the publication of the previous LDS, it has been identified that these issues could be adequately addressed through the preparation of an Affordable Housing SPD.

Other Planning Documents

- 6.10 The work programme for 2017-2020 also identifies that Eastbourne Borough Council will progress other planning documents:
- Statement of Community Involvement
 - CIL Charging Schedule
 - Tourist Accommodation Retention SPD
 - Affordable Housing SPD
- 6.11 In addition, the Annual Monitoring Report will continue to be produced on an annual basis and published in December each year.

Statement of Community Involvement

- 6.12 The current Statement of Community Involvement (SCI) was adopted in 2007 and updated in 2009 to reflect changes in legislation. The SCI sets out how, when and where the Council will consult with local and statutory stakeholders in the process of planning for the local authority area, both in producing development plan documents and in carrying out the development management functions.
- 6.13 A new Statement of Community Involvement is proposed to take into account legislative changes since 2009 and to reflect on previous experience of consultation in order to make the process more efficient and effective.

- 6.14 The new SCI is due to be published for consultation in March 2017, and is anticipated to be adopted in July 2017.

Community Infrastructure Levy Charging Schedule

- 6.15 The current Community Infrastructure Levy (CIL) Charging Schedule was adopted in 2015. Changes in development viability and the production of a new Local Plan provide justification for reviewing the CIL Charging Schedule in order to provide funding for infrastructure required to meet development needs.
- 6.16 A new CIL Charging Schedule will be progressed alongside the production of the new Local Plan. Work on this is scheduled to commence in summer 2017.
- 6.17 Consultation on the preliminary draft charging schedule will take place in summer 2018, with publication of the draft charging schedule in March 2019. As the CIL Charging Schedule will not be able to be examined until the examination of the Local Plan has concluded, this is scheduled for late 2019, leading to adoption in 2020.

Supplementary Planning Documents

- 6.18 Since the publication of the Planning Act 2008, Supplementary Planning Documents no longer have to be included in the LDS, but the Council has included these to provide a comprehensive picture of the planning documents that apply to the Borough. The purpose of SPDs is to provide guidance and more detail on the application of Local Plan policy.

Tourist Accommodation Retention SPD

- 6.19 A Tourist Accommodation Retention SPD is being prepared 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.
- 6.20 The Tourist Accommodation Retention SPD was published for consultation with the local community and stakeholders, between 23 September and 4 November 2016, and will be adopted in February 2017.

Affordable Housing SPD

- 6.21 The Affordable Housing SPD is being produced to provide an update on the implementation of Core Strategy Policy D5: Housing, specifically affordable housing, in light of changes in national guidance that have been published since the Core Strategy was adopted.
- 6.22 The Affordable Housing SPD will be published for consultation in March 2017, and it is anticipated that it will be adopted in July 2017.

7.0 Resources and Programme Management

Governance

- 7.1 The implementation of this LDS will require effective governance support procedures.
- 7.2 The preparation of Local Plans and SPDs is guided by the Local Plan Steering Group. This consists of six Councillors, including the Leader of the Council, the Portfolio Holder for Place Services and Chair of Planning Committee, as well as a Member of the Opposition.
- 7.3 Local Plans and SPDs are to be reported to Cabinet for approval for publication and consultation at Regulation 18 stage and Regulation 19 stage according to the Local Plan Regulations, following a consultation with the Planning Committee. According to the Council's constitution, Full Council approval is required prior to formally adopt a Local Plan or SPD.
- 7.4 The timeframe necessary to comply with the Council's in-house processes and procedures have been included within timeline given for preparing the Local Plan and SPDs. The timescale for preparing the Local Plan also assumes that resources will be available to handle the workload.

Resources

- 7.5 The Council's Regeneration & Planning Policy team will take the lead on preparing all Local Plans and SPDs, as well as the SA/SEA and the preparation of evidence base studies to support the Local Plan. The Regeneration & Planning Policy team will be supported by the Specialist Advisory team where necessary.
- 7.6 Overall management responsibility for the Local Plan will be with the Head of Regeneration & Planning Policy, who will be responsible for appropriate allocation of staff and negotiating for resources and funding where necessary.
- 7.7 Following the adoption of the Employment Land Local Plan, the Regeneration & Planning Policy team's top priority is the preparation of the Local Plan. SPDs will only be produced where it is considered necessary to address a significant issue that has arisen.

- 7.8 The following officers within Regeneration & Planning Policy will be involved, to varying degrees, in preparing the Local Plan and SPDs:
- Head of Regeneration and Planning Policy (1 FTE)
 - Senior Strategy & Commissioning Officer (Planning Policy) (1 FTE)
 - Strategy & Commissioning Officer (Planning Policy) (2 FTE)
- 7.9 However there may be the potential for additional resources to be available following the implementation of Joint Transformation Programme.
- 7.10 In addition, external specialist consultants may also be used to supplement existing resources where studies are of a specialist nature and/or where there are benefits in terms of timing to outsource the work, or in providing a critical friend to the Council's teams.

Risk Assessment

- 7.11 It is important that the risks associated with delivery of the Local Plan are acknowledged and mitigating measures put in place to avoid adverse impact on the delivery of the LDS.
- 7.12 The main risks to delivery together with proposed mitigation measures are identified in Table 1.

Table 1 - Risk Assessment

Issue	Risk / Implications	Mitigation
Staff Resources	<p>The team working on the Local Plan is relatively small compared to other Local Authorities. This means that the LDS is more vulnerable to staff health issues or staff vacancies.</p> <p>EBC have also had issues recruiting suitably qualified staff. If positions become vacant and cannot be quickly filled by qualified staff, there may be a need to review the LDS.</p>	<p>Robust management of staff resources and cross-service and partnership working.</p> <p>Joint working with Lewes District Council under the JTP could mean additional resources are available across the two Councils.</p> <p>Consideration of additional external resources where appropriate</p>

Issue	Risk / Implications	Mitigation
Evidence	<p>Delay to Plan progress if the production of evidence studies is delayed.</p> <p>Additional unforeseen evidence base requirements and the need for specialist information and expertise which is unavailable in-house.</p>	<p>Early and thorough assessment of available evidence and need. Prioritisation of further work.</p> <p>Management of consultants, including setting of appropriate deadlines. Timely provision of information/comments for consultants. Close monitoring of adherence to project timescales.</p>
Political Decision-making	<p>Potential changes in political support for the Local Plan, due to events such as local and national elections.</p> <p>Politically contentious issues may require unforeseen procedures to resolve.</p>	<p>Ongoing engagement and progress updates given to the cross party Local Plan Steering Group</p> <p>Provide opportunities for Councillors to discuss emerging policies through Member Training sessions.</p>
Legal compliance (including Duty to Co-operate) and Tests of Soundness	<p>Risk that Local Plan could be found unsound or fail tests relating to legal compliance & Duty to Co-operate. Being found unsound could cause a potential resultant major delay to the progress of the Local Plan.</p> <p>There may be risks to the timetable in securing the appropriate level of 'co-operation' with neighbouring authorities at officer and member level.</p>	<p>Continuous soundness self-assessment. Consultation with the Planning Inspectorate and Planning Advisory Service.</p> <p>Make use of the East Sussex Strategic Planning Members Group to discuss duty to co-operate issues.</p>
Changes to National Planning Policy or procedural requirements	<p>Changes to national policy and planning guidance could result in abortive or inappropriate progress.</p> <p>Changes to procedural requirements and new legislation</p>	<p>Closely monitor new policy and practice guidance and anticipate changes to national policy.</p> <p>Take into account any</p>

Issue	Risk / Implications	Mitigation
	may alter the stages in plan preparation.	changes at the next appropriate stage in preparation. Consistent and ongoing legal advice from within the Council.
Financial Resources	Undertaking evidence gathering projects, public consultation events and the examination of the new Local Plan require significant financial resources. Any additional unforeseen costs would place a further burden on the budget.	Close monitoring of the new Local Plan preparation budget and likely future commitments.
Consultation	Unexpectedly large numbers of representations may require extra work to respond to issues raised, or could require a longer examination in public and a delay in the Inspector reporting.	Identify expected level of response during consultation period and prioritise response to representations post consultation period.
Timescales	The scale and uncertainty of the content of a single Local Plan presents potential risks to its deliverability.	Robust scoping. Keep Local Development Scheme under constant review and amend as necessary. Ensure sound project planning.

8.0 Monitoring and Review

- 8.1 The Local Plan Steering Group will oversee the preparation and finalisation of Local Plan documents and SPDs before approval by the Council's Cabinet and Planning Committee. Local Plan Steering Group meets on a monthly basis and consists of six Councillors, including the Leader of the Council, the Portfolio Holder for Place Services and Chair of Planning Committee, as well as a Member of the Opposition.
- 8.2 Overall responsibility for the ongoing management of the LDS programme rests with the Head of Regeneration and Planning Policy. Input on certain documents and evidence studies will be required from other internal Council officers and external specialists as appropriate.
- 8.3 The Local Development Scheme will be monitored on an annual basis through the Annual Monitoring Report.

Appendices

Appendix 1: Local Plan Profile

EASTBOURNE LOCAL PLAN	
Role and Subject:	A new comprehensive Local Plan as a single document, as promoted by the NPPF. It will replace the Core Strategy and all other existing planning policies. It will consider strategic development requirements, including updated housing targets and how these targets will be met. It will also contain development management policies, which are the general policies taken into account when reaching decisions on planning applications.
Geographical coverage:	Whole of Eastbourne Borough outside SDNP.
Status:	Local Plan document which will form part of the statutory Development Plan. Once adopted it will replace all existing adopted planning policy.
Conformity:	The Eastbourne Local Plan will conform to the National Planning Policy Framework, the Town and Country Planning (Local Planning) Regulations (2012), and other national policies.
Timetable & Key Milestones	
Engagement and evidence gathering (Reg. 18):	April-Sept 2017
Consultation on Issues and Options (Reg. 18):	Oct-Nov 2017
Publication of Pre Submission version (Reg. 19):	Sept 2018
Representations on Pre Submission version (Reg. 20):	Oct-Nov 2018
Submission to Secretary of State (Reg. 22):	Jan 2019
Public Examination (Reg. 24):	May-June 2019

EASTBOURNE LOCAL PLAN

Adoption and Publication (Reg. 26): Nov 2019

Production Arrangements

Organisational lead:	Regeneration & Planning Policy Team
Management Arrangements:	Local Plan Steering Group
Resources:	Regeneration & Planning Policy team, Specialist Advisors (Planning) and external consultants
Approach to consultation:	Set out in the Statement of Community Involvement. Consultation will be led by Eastbourne Borough Council.

Post Production

Monitoring and review mechanisms:	The implementation of the objectives and policies of the Eastbourne Local Plan will be monitored in the Annual Monitoring Report
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Appendix 2: LDS Timetable

Year	2017												2018												2019											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Eastbourne Local Plan																																				
Statement of Community Involvement																																				
CIL Charging Schedule																																				
Tourist Accommodation Retention SPD																																				
Affordable Housing SPD																																				
Annual Monitoring Report																																				
Policies Map																																				

Key

C Commence preparation

Preparation Period

Town & Country Planning (Local Planning) (England) Regulations 2012

- R** Representations on a supplementary planning document (Regulation 13)
- A** Adoption of a supplementary planning document (Regulation 14)
- P** Preparation of a local plan (Regulation 18)
- PS** Publication of a local plan (Regulation 19)
- R** Representations relating to a local plan (Regulation 20)
- S** Submission of documents and information to the Secretary of State (Regulation 22)
- E** Consideration of representations by appointed person (Regulation 23)
- E** Independent Examination (Regulation 24)
- I** Publication of the recommendations of the appointed person (Regulation 25)
- A** Adoption of a local plan (Regulation 26)
- A** Authority monitoring reports (Regulation 34)

The Community Infrastructure Levy Regulations 2010

- C** Consultation in a preliminary draft charging schedule (Regulation 15)
- P** Publication of a draft charging schedule (Regulation 16)
- R** Representations relating to a draft charging schedule (Regulation 17)
- S** Submission of documents and information to the examiner (Regulation 19)
- E** Consideration of representations by examiner (Regulation 20)
- I** Publication of examiner's recommendations (Regulation 23)
- A** Approval and publication of a charging schedule (Regulation 25)

Appendix 3: Glossary

Term	Definition
Adoption	The final confirmation of a Development Plan / Local Plan or Supplementary Planning Document status by a Local Planning Authority.
Annual Monitoring Report (AMR)	Local Planning Authorities are required to prepare and publish an Annual Monitoring Report containing information on the implementation of the Local Development Scheme (LDS) and the extent to which the policies set out in the Local Plan documents are being achieved (previously known as Local Monitoring Report). Also known as <i>Authority Monitoring Report</i> .
Community Infrastructure Levy (CIL)	The Community Infrastructure Levy is a charge which local authorities in England and Wales are empowered, but not required, to charge on types of new development in their area. The proceeds of the levy will be spent on local and sub-regional infrastructure to support the development of the area.
Community Strategy	A strategy developed by the local community, focusing on what is important to people who live, work and visit the town and to make positive changes.
Conservation Area	An area of special architectural or historic interest, the character or appearance of which is desirable to preserve or enhance.
Core Strategy	The main planning policy document for Eastbourne that sets out the long term strategic planning vision between 2006 and 2027.
Corporate Plan	Sets out the major place-shaping initiatives crucial to the future success of Eastbourne. Examples of these initiatives are the Town Centre Regeneration and the development of a Business Park at Sovereign Harbour.
Development Plan	The set of documents that provide the Local Planning Authority's policies and proposals for the development and use of land and buildings in the authority's area. This includes adopted Local Plans, any Neighbourhood Plans and the Waste & Minerals Local Plan.

Term	Definition
Development Plan Document	Statutory documents which are subject to specified consultation periods and are subject to independent examination. Also known as Local Plans.
Eastbourne Strategic Partnership (ESP)	A non-statutory body made up of a wide range of representatives from the public, private and voluntary sector. The ESP is responsible for producing, monitoring and reviewing the Eastbourne Community Strategy, reducing duplication in the provision of services and developing joint projects.
Evidence Base	The information and data gathered by local authorities to justify the "soundness" of the policy approach set out in the Local Plan, including physical, economic, and social characteristics of an area.
Examination / Examination in Public	The process by which a Planning Inspector may publicly examine a Local Plan for legal compliance and 'soundness' before issuing a binding report.
Infrastructure Delivery Plan (IDP)	Detailed assessment of the infrastructure required to deliver the spatial development strategy and how this will be delivered.
Inspectors Report	A report issued by a Planning Inspector regarding the planning issues debated at an Independent Examination of a Development Plan or a Planning Inquiry.
Joint Transformation Programme (JTP)	A business transformation programme involving Eastbourne Borough and Lewes District Councils to modernise services and generate significant savings for both Councils. The programme will see the introduction of a new business model with joint teams delivering shared services that deliver great outcomes for customers.
Local Development Document (LDD)	A generic term for documents prepared by Local Planning Authorities for the use and development of land or containing environmental, social and economic objectives relevant to the development and use of land which are intended to guide the determination of applications for planning permission.

Term	Definition
Local Development Scheme (LDS)	The LDS sets out the programme for the preparation of the Local Development Documents. All plan making authorities must maintain an up to date LDS.
Local Plan (LP)	The plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the community
Local Plan Regulations	See Town & Country Planning (Local Planning) (England) Regulations 2012
National Planning Policy Framework (NPPF)	The NPPF sets out the Government’s planning policies and how these are expected to be applied. It was published on 27 March 2012.
Planning and Compulsory Purchase Act 2004	The legislation that introduced a new development planning system, based on the preparation of Local Development Frameworks. The Act commenced 28th September 2004.
Policies Map	A map which shows the policies and proposals in the Development Plan on a map.
Soundness / Test of Soundness	<p>In order to be sound, a Local Plan must be:</p> <ul style="list-style-type: none"> • Positively prepared – the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development; • Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence; • Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and • Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
South Downs National Park (SDNP)	England's newest National Park, covering the South Downs and Western Weald, situated in the counties of Hampshire, and West and East Sussex. Planning responsibility within this area falls to the South Downs National Park Authority.

Term	Definition
Statement of Community Involvement (SCI)	Document explaining to stakeholders and the community how they can be involved in the preparation of Local Development Documents, and the steps that will be taken to facilitate their involvement.
Strategic Environmental Assessment (SEA)	The term used internationally to describe the environmental integration of policies, plans and programmes. The SEA Directive (2001/42/EC) requires a formal 'environmental assessment' of plans and programmes that are to be adopted by a public authority including those in spatial planning. This assessment is often combined with the Sustainability Appraisal.
Supplementary Planning Document (SPD)	These provide additional planning policy guidance to the policies and proposals in the Local Plan. They do not need to be subject to independent examination
Sustainability Appraisal (SA)	Assessment of the social, economic and environmental impacts of proposals in Local Development Documents.
Town & Country Planning (Local Planning) (England) Regulations 2012	Regulations that govern the process for preparing Local Plans and Supplementary Planning Documents. Also known as 'Local Plan Regulations'.

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COMMITTEE	PLANNING
DATE	17 January 2017
SUBJECT	Tourist Accommodation Retention Supplementary Planning Document
REPORT OF	Director of Regeneration & Planning

Ward(s) Devonshire, Meads

Purpose To seek Planning Committee views on the Tourist Accommodation Retention Supplementary Planning Document (SPD) that is due to be considered by Cabinet on 8 February 2017.

Contact Matt Hitchen, Senior Strategy & Commissioning Officer (Planning Policy)
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Recommendations 1. That Planning Committee provide comments on the Tourist Accommodation Retention SPD, which will be reported orally to Cabinet on 8 February 2017.

1.0 Introduction

1.1 Eastbourne Borough Council has prepared 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 2019, it is not possible to create a new policy for Tourist Accommodation at this current time. However, the production of a new SPD allows a new interpretation of the existing policy, which will allow a new policy position to be provided.

1.3 A 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 was subject to public consultation between 23 September and 4 November 2016. In order for it to be a material consideration in the determination of planning applications, it needs to be formally adopted by Full Council.

1.5 Once adopted, the Tourist Accommodation Retention SPD will supersede the existing Assessment of Financial Viability of Tourist Accommodation Supplementary Planning Guidance (SPG), which was adopted in 2004. Therefore the Assessment of Financial Viability of Tourist Accommodation SPG will need to be revoked by Full Council.

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 providers 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 the Assessment of Financial Viability of Tourist Accommodation SPG (adopted 2004).
- 3.2 The current position is that part of the seafront area is designated 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 2004 SPG provides details on what evidence needs to be submitted to demonstrate that it is unviable.
- 3.4 The way that the 2004 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 until at least 2019. Therefore, the 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 New approach to Tourist Accommodation retention

- 4.1 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 change 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.
- 4.2 As the Borough Plan policy cannot be changed, the Tourist Accommodation Area has to remain as it is. 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.
- 4.3 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.
- 4.4 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.
- 4.5 It is estimated that the Primary Sector contains 60 hotels and guesthouses, equating to approximately 2,600 rooms. The Secondary sector contains 25 hotels and guesthouses, equating to approximately 500 rooms.

5.0 Assessment of Viability of Tourist Accommodation

- 5.1 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 to allow additional flexibility for tourist accommodation in the Secondary areas.
- 5.2 Primary Sector
- 5.2.1 Within the Primary Sector, applications for loss of tourist accommodation will have to submit evidence to demonstrate compliance with a two-stage test.

- 5.2.2 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 building would be prohibitive to running a viable business; and
 - The running costs of the business cannot be covered.
- 5.2.3 Details of the evidence required to be submitted in order to allow this to be assessed is set out in the SPD.
- 5.2.4 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 should show that they have considered 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.
- 5.3 Secondary Sector
- 5.3.1 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 agreement.
- 5.3.2 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.
- 5.3.3 The evidence required to be submitted in order to allow this to be assessed is set out in the SPD.

6.0 Consultation

- 6.1 The drafting of the Tourist Accommodation Retention SPD was informed by a

Tourist Accommodation Study, produced in 2015 by consultants Acorn Tourism Consulting Ltd. It was also 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.

- 6.2 Planning Committee was consulted in the development of the draft SPD on 21st June and 30th August 2016.
- 6.3 The Draft Tourist Accommodation Retention SPD was 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.
- 6.4 During the SPD consultation period, a total of 17 representations were submitted from 10 respondents. It is not considered that any of the representations raised any major issues. A full list of the representations received and responses is provided as Appendix 1.
- 6.5 In response to representations and reflection on the SPD since it was drafted, a small number of minor modifications are proposed to the SPD before adoption. A schedule of changes to the SPD is provided as Appendix 2.

7.0 Tourist Accommodation Consultative Group

- 7.1 The draft SPD that was published for consultation contained reference to the formation of a Tourist Accommodation Consultative Group that could be used to assess the calibre of the application and whether or not the criteria have been met. This is a similar approach to that taken by other local authorities with similar issues to Eastbourne, most notably Bournemouth Borough Council.
- 7.2 It is envisaged that the Tourist Accommodation Consultative Group would evaluate proposals that would result in the loss of partial loss of tourist accommodation against the criteria set out in the Tourist Accommodation Retention SPD. It is considered that this would be beneficial as it would provide a trade perspective on the factors which might influence the viability of a tourism accommodation business and would allow appropriate constructive criticism and advice to be given to business owners that will enhance the quality of any planning application submitted and allow it to be determined within statutory time limits.
- 7.3 The comments and recommendations of the Group would be a material consideration in the determination of an application for planning permission. However it is important to note that the role of the group would be strictly advisory and that the Council would not bound by its advice.
- 7.4 It is envisaged that the Tourist Accommodation Consultative Group would

contain representatives from the Eastbourne Hospitality Association (one of whom would chair the group), officers from Eastbourne Borough Council, and a local property agent who is not connected with the proposal. The Eastbourne Hospitality Association has agreed to provide all administrative support to the group.

7.5 The Terms of Reference for the group is provided as Appendix 3.

8.0 Conclusion

8.1 There is a need for a change of planning policy approach to tourist accommodation as a result of changes in the tourism market and visitor behaviour since the policy was adopted. At this stage, the most appropriate method of implementing a new approach is through the creation of a new SPD to provide guidance on how planning policy should be interpreted.

8.2 The Tourist Accommodation Retention SPD was published for consultation between 23 September and 4 November 2016. A total of 17 representations were submitted from 10 respondents. It is not considered that any of the representations raised any major issues, although some minor amendments are proposed to the SPD.

8.3 The formation of a Tourist Accommodation Consultative Group, consisting of representatives from the Eastbourne Hospitality Association, EBC officers and a local property agent, will help to provide a trade perspective on proposals and ensure the quality and standard of applications for the loss of tourist accommodation so that they can be determined more swiftly.

8.4 The SPD will need to be adopted by Full Council before it can be used in the determination of planning applications. The Assessment of Financial Viability of Tourist Accommodation SPG, which the new SPD will replace, will also need to be revoked.

8.5 Planning Committee is asked for their views on the final version of the Tourist Accommodation Retention SPD, which will be reported orally to Cabinet on 8 February 2017.

Background Papers:

- Tourist Accommodation Retention Supplementary Planning Document (EBC, January 2016)
- Tourist Accommodation Retention SPD Statement of Consultation (EBC, January 2016)
- Tourist Accommodation Retention SPD Sustainability Appraisal Screening Report (EBC, August 2016)

- Assessment of Financial Viability of Tourist Accommodation Supplementary Planning Guidance (EBC, 2004)
- Tourist Accommodation Study (Acorn Tourism Consulting Ltd, 2015)
- Eastbourne Core Strategy Local Plan 2006-2027 (EBC, 2013)
- Eastbourne Borough Plan 2001-2011 (EBC, 2003)
- 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

Table of Representations Received on Draft SPD

Rep ID	Name	Section	Representation	Officer Response
TAR_SPD/01	A Bythesea	Introduction	Why does the tourist area not extend to the harbour? There was planning permission for a hotel by the Martello tower the far side of water treatment works. This would provide another tourist area with great beaches and allow a recreational bar/cafe for residents in that area.	<p>The SPD provides a detail to assist in the interpretation of an existing policy. The SPD is not able to amend existing policy. The Tourist Accommodation Area is part of existing policy, and therefore cannot be amended by this SPD to extend as far as Sovereign Harbour.</p> <p>The Tourist Accommodation Area as defined by existing policy represents the area where it would be most expected to find tourist accommodation. It is considered that the area around Treasure Island is the eastern extent of the area in which visitors would expect to find accommodation.</p> <p>Although the site at Sovereign Harbour close to the Water Treatment Works was identified for a tourism use in the past, this site is now subject to an extant planning permission for residential development, and therefore is no longer available for a hotel.</p>
TAR_SPD/02	Mike Reid (Reid+Dean)	Assessment of Viability	I consider the threshold of 15 bedrooms (better defined as 15 letting bedrooms) is too high. I think the determining factor on whether the business is "lifestyle" is whether staff need to be employed to run it. The majority of businesses with up to 8 letting bedrooms are	The SPD recognises that a 'lifestyle business' is a blend of home and business, set up with the aim of achieving a certain level of income. This definition would suggest that the business does not employ staff to help run it.

Rep ID	Name	Section	Representation	Officer Response
			run by a husband and wife team and are truly "lifestyle". Any more letting bedrooms than this then staff will normally need to be employed.	It is accepted that a business of 15 letting bedrooms is likely to require staff to be employed to assist in running the business. Therefore the threshold for 'lifestyle businesses' will be amended to 8 'letting bedrooms'.
TAR_SPD/03	Mike Reid (Reid+Dean)	Assessment of Viability – Proposals within the Primary Sector of the Tourist Accommodation Area – para 5.12	The phrasing of Criteria B is wrong. Change "save" to "promote"	Applications submitted for change of use in the Primary sector will be on the basis that the applicant believes that the tourist accommodation is unviable and cannot be saved. If the tourist accommodation can be saved, it would not satisfy the criteria in the SPD as a whole. Therefore it is considered the "save" is the correct word in this context.
TAR_SPD/04	Mike Reid (Reid+Dean)	Assessment of Viability – Proposals within the Primary Sector of the Tourist Accommodation Area – para 5.20	At 5.20 it should be noted that for many years banks will not lend on a closed business (on its own account). They will usually only be interested in funding after three years of trading.	The unwillingness of banks to lend on a closed business is noted. However, for the purposes of the SPD, if a tourist accommodation establishment with no trading history provided the information required and had been turned down for a bank loan, this would demonstrate a clear intention to get the establishment up and running, but it has not been possible. Therefore it is considered that there is no reason to amend para 5.20.
TAR_SPD/	Mike Reid	Assessment of Viability –	Taken overall there is no reference to the Council's attitude to "winter lettings". Each	It is not considered appropriate for the SPD to encourage "winter lettings" of tourist

Rep ID	Name	Section	Representation	Officer Response
05	(Reid+Dean)	Proposals within the Secondary Sector of the Tourist Accommodation Area	establishment will have its own season and for many smaller ones they will effectively be closed for more than half the year. The policy should have regard to, and maybe encourage the use of winter lettings even if that does not include any meals being provided. It should at least give the opportunity for this kind of letting without incurring enforcement.	<p>accommodation where it would function as permanent accommodation.</p> <p>The main conference season in Eastbourne is in the 'shoulder' months and it is considered that there is sufficient demand for a well-run business to run all year round. In addition, as a blend of home and income, a 'Lifestyle business' should be able to open and close accordingly.</p> <p>The use of an establishment as permanent accommodation, even if just in the winter, would constitute a HMO, which is not permissible by policy.</p>
TAR_SPD/06	Kath Boak	Assessment of Viability – Proposals within the Primary Sector of the Tourist Accommodation Area	This policy does a lot to update the current policies in line with modern tourism. I think it is good.	Noted.
TAR_SPD/07	Stuart Bannerman	Tourist Accommodation Area	Whilst the objective is sound, some idea is needed about what other uses will be acceptable in the secondary area. A more comprehensive plan is essential to prevent uncertainty and/or confusion leading to a planning vacuum - which in turn (and in time) could undermine the primary area. Obviously not HMOs, so what else can be ruled out and	<p>Other uses that are compatible with tourist accommodation uses would be considered acceptable, in accordance with existing policy. The compatibility of any proposed use with tourist accommodation uses would be assessed through the planning application process.</p> <p>Conversion to HMO is specifically ruled out as</p>

Rep ID	Name	Section	Representation	Officer Response
			what might be ruled in?	it is considered that it would be incompatible with the tourist accommodation use. There may be other uses that would also be incompatible. It is not possible to identify exactly what uses would be appropriate – this would be determined at the planning application stage.
TAR_SPD/08	Craig Booth	Tourist Accommodation Area	I agree that it is essential that redundant tourist accommodation is not allowed to be turned in to HMO's, or bed-sit style accommodation. Is there a method by which the planning authority could insist that buildings were kept as single family dwellings, or larger flats? I think such usage would encourage better maintenance, which will be crucial to maintain the welcoming appearance of the tourist accommodation areas.	It is not possible to insist that tourist accommodation that changes use to residential only does so in the form of single family dwellings or large flats. However, the Government have published nationally described space standards for new dwellings, and new residential units should comply with these standards.
TAR_SPD/09	Einar Solgaard	Assessment of Viability – Proposals within the Primary Sector of the Tourist Accommodation Area	Additional criteria: Demonstrate that it has been attempted without success to merge the tourist accommodation with neighbouring TAs to create a more robust business.	It is not considered reasonable to require that tourist accommodation establishments merge with neighbouring establishments. In addition, the Tourist Accommodation Study recognises that the establishments with between 10 and 50 rooms are too large for a lifestyle business, but too small to operate efficiently as a mainstream commercial hotel. Requiring tourist accommodation to consider merging could recreate more establishments between 10 and 50 rooms, and therefore would not necessarily create a more robust

Rep ID	Name	Section	Representation	Officer Response
				business.
TAR_SPD/10	Einar Solgaard	Assessment of Viability – Proposals within the Secondary Sector of the Tourist Accommodation Area	Additional criteria: Demonstrate that it has been attempted without success to merge the tourist accommodation with neighbouring TAs to create a more robust business.	See response to TAR_SPD/09.
TAR_SPD/11	Roger Clark	Background & Context – Background – para 2.7	<p>Since 1984 we have been a holiday accommodation provider on Eastbourne's seafront & adjacent to it also. We have noticed over the past decade or so there has been a decline in visitors wanting accommodation with us. Thankfully we have many repeat bookings, because we provide what is expected/ needed. Our visitors love Eastbourne & the surrounding areas, & use their own transport to explore.</p> <p>Unfortunately the decline began years ago when the big coach companies came to Eastbourne offering in their hotels "cut price all-in holidays" (for a few days-- not a week), which included ease of travel, in house entertainment, trips out etc. This is still on going. Of course it is mainly visitor age related, but has had a knock on effect for us, re our age related guests, as it has for the rest of smaller accommodation establishments.</p> <p>Thankfully we do have families, younger people</p>	<p>The Tourist Accommodation Study recognises that there is a need to upgrade the supply of tourist accommodation in order to meet future market needs and attract a wider range of people. However, due to Eastbourne being a highly seasonal destination this does not necessarily mean expanding the number of available rooms, but rather focusing on diversifying the product and enhancing the overall quality. The Tourist Accommodation Retention SPD aims to do this by allowing additional flexibility for tourist accommodation establishments in secondary locations to exit the market and reduce some of the oversupply. The advantage of this is that this will help change the structure of the tourist accommodation stock in order to appeal to a wider range of visitors and respond to market trends.</p> <p>Eastbourne Borough Council is also</p>

Rep ID	Name	Section	Representation	Officer Response
			too, who stay.	undertaking a rebranding exercise that will help with aspirations for changing the perception of the destination and attracting more families and younger people to visit.
TAR_SPD/12	Roger Clark	Tourist Accommodation Area – para 4.6 / 4.7	Regarding the “gradual reduction of stock” in the Primary & Secondary areas (Eastbourne's eastern seafront) tourist accommodation buildings should be returned wholly to residential use, with the proviso that a building is not divided into separate flats, or made into an HMO, or let for student accommodation.	It is not possible to insist that tourist accommodation that changes use to residential only does so in the form of a single dwelling and not in the form of flats. However, the current policy does resist changes of use within the Tourist Accommodation Area to uses that are considered to be incompatible with tourist accommodation use. Borough Plan Policy HO14 specifically states that HMOs will not be permitted in the tourist accommodation area.
TAR_SPD/13	Roger Clark	Tourist Accommodation Area – para 4.9	“Gradual reduction of stock” should be returned to wholly residential use, not divided into separate flats, or given to student accommodation, or HMO's	See response to TAR_SPD/12.
TAR_SPD/14	Natural England	General	Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.	Noted.
TAR_SPD/15	Highways England	General	We have reviewed the consultation document and do not wish to make any comments.	Noted.
TAR_SPD/	Marie Nagy	Background and	It is appreciated that the SPD deals specifically	The Tourist Accommodation Retention SPD

Rep ID	Name	Section	Representation	Officer Response
16	(Teal Planning on behalf of Sovereign Harbour Limited)	Context	<p>with the retention of tourist accommodation and how proposals for the loss of accommodation within the proposed primary and secondary tourist accommodation areas will be assessed. The document's Background and Context Sections however has two significant omissions. These should be addressed if future trends in the visitor accommodation sector are to be fully understood and future planning applications appropriately appraised.</p> <p>The significance of the Business / Conferencing Sector, as a demand group for accommodation is not recognised. Trends in this sector (and within the local economy overall) are important for Eastbourne and for its accommodation providers across the town, including outside of the proposed primary and secondary areas set out in the SPD.</p>	<p>aims to update the interpretation of existing policy relating to the loss of tourist accommodation in light of changes in the tourism market. The SPD is only relevant to existing policy and cannot change this.</p> <p>However, it is accepted that the conferencing sector and associated demand for accommodation is part of the context to the changes in the tourism market, and therefore reference to this will be added into the Background and Context section.</p>
TAR_SPD/ 17	Marie Nagy (Teal Planning on behalf of Sovereign Harbour Limited)	Background and Context	<p>The role of Sovereign Harbour as a visitor destination, with EBC's ambitions to strengthen this, in particular for business based visitors should also be acknowledged. Sovereign Harbour currently has no formal tourist accommodation. The Draft Tourism Accommodation SPD however includes a photograph of Sovereign Harbour on its front cover, thereby acknowledging the neighbourhood's importance as a visitor attraction.</p>	<p>The SPD interprets existing policy relating to the retention of tourist accommodation. This policy only applies to the Tourist Accommodation Area and not to Sovereign Harbour. The design of the front cover of the SPD follows a standard template for all of Eastbourne Borough Council's planning policy documents. The picture of Sovereign Harbour is part of this template and not specific to the Tourist Accommodation Retention SPD.</p> <p>The SPD updates the interpretation of existing</p>

Rep ID	Name	Section	Representation	Officer Response
			<p>Site 1 at the Harbour was previously set aside for a new hotel, the Sovereign Harbour SPD lists hotel accommodation as an appropriate addition to the Harbour, and outline permission has been granted for possible new accommodation on Sites 4 and 7a. EBC's other emerging policy document, the ELLP, as drafted and promoted by EBC, however actively seeks to limit the provision of such accommodation to the remaining smaller sites within the neighbourhood which will limit the format of visitor accommodation that can be provided and in turn limit operator interest and take-up.</p> <p>If visitor accommodation can progress here (on the smaller sites or ultimately the larger available site, Site 7a), this will support both tourist and business based visitors.</p> <p>The SPD must recognise this planning background, the new offers that may come forward at the Harbour and how it will contribute to the overall range of tourist accommodation for the town's visitors. This may impact on the Draft SPD's proposed primary and secondary tourist accommodation area but it will support the provision a wider choice for visitors, strengthening the town's as well as the Harbour's offer overall.</p>	<p>policy relating to the retention of tourist accommodation; it does not deal with new accommodation. The 'Background & Context' section of the SPD recognises that there is an oversupply of accommodation stock, and a reduction is required to help stimulate investment in better quality accommodation appealing to a broader range of visitors. It is considered that this planning background is sufficient for the purposes of this SPD.</p>

APPENDIX 2

Schedule of Changes to the Draft SPD

Note: Deleted text highlighted by ~~strikethrough~~. New text highlighted in red and underlined.

Ref	Section	Modification
C1	Introduction – Status of Supplementary Planning Document	Amend para 1.6: This draft Tourist Accommodation Retention SPD has been prepared for consultation with the local community and other stakeholders. <u>It was subject to public consultation between 23rd September and 4th November 2016.</u>
C2	Introduction – Status of Supplementary Planning Document	Amend para 1.7: Once adopted, the <u>The</u> Tourist Accommodation Retention SPD will be <u>is</u> a material consideration in the determination of planning applications. It will then supersede <u>has superseded</u> the <i>Assessment of Financial Viability of Tourist Accommodation Supplementary Planning Guidance</i> , which was adopted 2004.
C3	Introduction - Consultation	Delete para 1.9 to para 1.12.
C4	Background and Context – Background	Add new paragraph after para 2.7: <u>In terms of conferencing, Eastbourne hosts an average of between 18 and 20 conferences per annum, attracting an average of between 12,500 and 14,500 delegates per year. However one of the constraints facing the conference market in Eastbourne in terms of attracting more corporate residential conferencing is that the majority of corporates do not book two- or three-star independent hotels, which are prevalent within Eastbourne’s tourist accommodation stock.</u>
C5	Background and Context - Issues	Add new paragraph after para 2.18: <u>A £40m upgrade is being made to the town’s theatre and cultural offer at the Devonshire Park Complex, which will help to attract a new conference market to the</u>

Ref	Section	Modification
		<p><u>town. It is anticipated that rebalancing the tourist accommodation supply will attract investment to deliver the quality of accommodation that would appeal to the conference market, which will complement the Devonshire Park development.</u></p>
C6	Assessment of Viability	<p>Amend para 5.5:</p> <p>It is envisaged that a consultative group could be formed <u>A Tourist Accommodation Consultative Group has been set up</u> to assess the calibre of the application proposals for the loss of tourist accommodation and <u>provide a view on</u> whether or not the criteria have been met. <u>The Tourist Accommodation Consultative Group will consist of Council officers and industry experts, including representation from the Eastbourne Hospitality Associations who will provide a trade perspective on proposals.</u> 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.</p>
C7	Assessment of Viability	<p>Add new paragraphs after para 5.5:</p> <p><u>It is strongly recommended that any prospective applicant for a proposal involving the loss of tourist accommodation should engage with this group before submission of an application. This can be done by submitting a request for pre-application advice via the Eastbourne Borough Council website (footnote: http://www.eastbourne.gov.uk/businesses/planning-and-building-control/make-planning-application/pre-application-advice/), which will be passed to the Tourist Accommodation Consultative Group for consideration.</u></p> <p><u>There is no obligation for prospective applicants to engage with the Tourist Accommodation Consultative Group; however it is considered that this would be in the interests of the prospective applicant so that they can better understand the way in which an application will be judged against the criteria in the SPD. This will help to ensure that any future application is complete and comprehensive, which will ensure a smoother and quicker passage through the decision making process and avoid early refusal of permission because of inadequate or insufficient information.</u></p>

Ref	Section	Modification
C8	Assessment of Viability	<p>Amend para 5.10:</p> <p>It is considered that an appropriate threshold for 'lifestyle businesses' is 15 bedrooms <u>eight letting bedrooms</u>. Establishments that are over 15 rooms <u>eight letting bedrooms</u> 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.</p>

APPENDIX 3

Tourist Accommodation Consultative Group – Terms of Reference

Name of group: EASTBOURNE TOURIST ACCOMMODATION
CONSULTATIVE GROUP

Title: TERMS OF REFERENCE (FEBRUARY 2017)

Purpose / role of the group:

1. The purpose of the Eastbourne Tourist Accommodation Consultative Group ("*the Group*") is to evaluate proposals that would result in the loss or partial loss of tourist accommodation against the criteria set out in the Tourist Accommodation Retention Supplementary Planning Document (SPD) (February 2017), in order to improve the standard and quality of applications and ensure that policy requirements have been met before planning application is submitted.
2. The role of the Group, which is independent from the development management function of the Council, is to provide a trade perspective on the factors which might influence the viability of a tourism accommodation and provide appropriate constructive criticism and advice to business owners and their appointed agents that will enhance the quality of the details to be submitted in support of a planning application for loss of tourist accommodation.
3. The aim of the Group is to ensure that sufficient information has been provided for a proposal for the loss of tourist accommodation to satisfy the criteria within the Tourist Accommodation Retention SPD. The Group will provide a recommendation to the Council as to whether the criteria have been met.
4. There will be a collective responsibility of those involved in the group to publicise the group's existence and encourage prospective applicants to engage with the group at the pre-application stage. However there is no obligation for a prospective applicant to use the pre-application advice service.
5. Although the intention is for the Group to be engaged at the pre-application stage, where an applicant submits a planning application without seeking the views of the Group, the Group will still make a recommendation as to whether the criteria set out in the Tourist Accommodation Retention SPD have been complied with.
6. The Group does not have any statutory planning function in its own right, but its guidance will be a material consideration for Eastbourne Borough Council's statutory planning function. For the avoidance of doubt the Council is under no obligation to strictly adhere to the advice of the Group.

Structure of the Group:

7. The Group will be composed of:
 - Two representatives from the Eastbourne Hospitality Association;
 - The Head of Tourism & Enterprise at Eastbourne Borough Council;
 - A member of the Regeneration & Planning Policy team at Eastbourne Borough Council; and
 - A local property agent who is not connected to the proposal.
8. The Planning Case Officer from Eastbourne Borough Council will be invited to Group meetings as an observer and discretionary contributor.
9. The Group will be chaired by a representative from the Eastbourne Hospitality Association. The chair will act as a co-ordinator at all meetings. Recommendations should be made by vote of group members, based on a majority vote, which may include the chair.
10. All activity carried out under the auspices of the Group is to be done with prior agreement from the group members; this should also include declaration of interests of conflict.
11. The administration for the Group will be provided by the Eastbourne Hospitality Association. This will include, but not be limited to: setting up meetings; inviting Group members to meetings; taking minutes of meetings; and circulating minutes for approval.

Working Methods:

12. The Group will carry out its functions through group meetings. These meetings will be held as and when necessary to discuss proposals that are submitted. The meetings are not public meetings.
13. The prospective applicant should submit a pre-application advice request to Eastbourne Borough Council, including evidence to support their proposal.
14. There is no obligation to use the Group at pre-application stage. However, where the view of Group has not been obtained and the required information has not been submitted with the application, this will impact upon the Local Planning Authority's ability to assess the application within the required timeframe, and will run the risk of the Council refusing permission on the basis of inadequate viability information being presented.
15. When a pre-application advice request or a planning application relating to the loss of tourist accommodation is submitted, Eastbourne Borough Council will inform the Eastbourne Hospitality Association about the proposal and request that a Group meeting be arranged.
16. Meetings will be organised by the Eastbourne Hospitality Association. Details and papers relating to the proposal up for discussion should be distributed by the

Eastbourne Hospitality Association to the other group members at least five working days in advance of the meeting.

17. The business owner or an agent acting on their behalf should be invited to the meeting to present their proposal and evidence. The group will discuss the proposal and the evidence submitted, and provide advice to the prospective applicant as to whether evidence submitted is in accordance with policy, or whether additional evidence/actions are required.
18. Following the group meeting, the Eastbourne Hospitality Association will circulate notes of meeting for approval, and subsequently feedback to applicant who can decide whether to submit application. The recommendation of the Group will be a material consideration in any future planning application.

Accountability:

19. The Eastbourne Hospitality Association is responsible for arranging meetings, writing up the notes of the meeting and circulating them to Group members who attended the meeting for revision and refinement. Once approved, the Eastbourne Hospitality Association is responsible for sending the final comments to the prospective applicant and the Local Planning Authority.
20. All Group members are expected to be objective and professional in making comments and will be excluded from discussing proposals where they may be exposed to conflicts of interest. Where a conflict of interest becomes apparent, that member should inform the remaining group members and nominate a substitute to replace them.
21. Group Members will be expected to:
 - Focus on whether or not proposals are consistent with the Tourist Accommodation Retention SPD
 - Act respectfully and politely to presenting property owners/agents and fellow Group members
 - Conduct themselves in accordance with the Nolan Principles for public service¹.
 - Encourage fair interpretation of relevant, up-to-date, legislation, policy and guidance
 - Contribute to a sound, collective, well-informed, professional opinion and avoid making personal or prejudiced comments
 - Respect the confidential nature of the proposals at the pre-application stage.

Sharing of information and resources:

22. The Group will use email as a means of communication, including the sharing of information and resources related to any proposals that are to be discussed by the group.

¹ The 7 principles of public life (<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>)

23. Through the Group, confidential information relating to a proposal may be disclosed. This information should remain confidential and not be discussed outside of the Group meeting.
24. Information about the proposal and the response and recommendations from the Group will remain confidential at pre-application stage. However, the response and recommendations from the Group will be made public once the proposal is formally registered as a planning application.

Review:

25. The operation of the Group will be subject to a process of on-going review to refine and adjust the process in the light of practical experience, in an effort to ensure its function remains responsive and effective.
26. The Group Terms of Reference will be reviewed annually through the Council's Local Plan Steering Group and the Cabinet Portfolio Holder, in consultation with the Eastbourne Hospitality Association.

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COMMITTEE	PLANNING
DATE	17 January 2017
SUBJECT	Summary of Performance of the Planning Service for 2016
REPORT OF	Leigh Palmer Senior Specialist Advisor (Planning)
Ward(s)	ALL
Purpose	This report provides a summary of performance in relation to key areas of the Development Management Services for the relevant period
Contact	Leigh Palmer Leigh.palmer@eastbourne.gov.uk 01323 415 215
Recommendations	That Members note the content of this report

1.0 Introduction

- 1.1 Members will be aware that together we deal with a whole host of planning applications covering a range of differing forms of development.
- 1.2 Given the many varied types of planning application received Central Government require that all Councils report the performance in a consistent and coherent manner. To this end the many varied applications are clumped together into three broad categories Major, Minor and Other and the government have recently amended the criteria for the assessment of the Council's performance (see section on special measures below)
- 1.3 This report looks at the performance of the DM team across a number of elements of work in the following sections:
 - **Section 2 Special Measure Thresholds** – looking at new government targets
 - **Section 3 Planning Applications** – comparing volumes/delegated and approval rates
 - **Section 4 Pre Application Volumes** – comparison by type and volume over time
 - **Section 5 Refusals of Applications** – comparison of ward and decision level
 - **Section 6 Appeals** – An assessment our appeal record over time
 - **Section 7 Planning Enforcement** – An assessment of volumes of enforcement related activity.

2.0 Special Measures

- 2.1 Members may be aware that the Government have recently introduced new National performance criteria (Nov 16 on speed and quality) against which all Council's will be judged. Failure to perform against these targets runs the risk of the Council be designated as 'Non- Performing' and special measures will be initiated by Central Government.
- 2.2 The assessment of the draft against this new 'special measure' threshold has two limbs to it and will be reviewing our performance on a backward rolling two year basis, see tables below:

1. Looking at the **speed** of decision

The speed with which applications are dealt with measured by the proportion of applications that are dealt with the statutory time or an agreed extended period.

Application type	2018 threshold
Major Speed	60% of all applications (October 2015 – September 2017)
Non Major Speed	70% of all applications (October 2015 – September 2017)

2. Looking at the **quality** of the decision made (with reference to overturned appeal decisions).

Application type	2018 threshold
Major Quality	10% of all appeal overturns (April 2015 – September 2017)
Non Major Quality	10% of all appeal overturns (April 2015 – September 2017)

The quality of decisions made by the Council measured by the proportion of decisions on applications that are subsequently overturned at appeal.

- 2.3 If the Council are identified as not complying with these standards/criteria they would be declared as 'non performing' and formal designation would follow.
- 2.4 In terms of formal designation there are two potential outcomes:-
- Major applications the applicant would have the ability to bypass the Council and go straight to the Planning Inspectorate for determination. This would mean that the Council would lose deamination control until such time as the designation is lifted.
 - Non-Major applications the Council would have to submit the Central

Government an action plan addressing the areas of weakness that it has identified as having contributed to the underperformance.

2.5 In analysing this data it is important to note that the development type categories have changed with regard to type of applications falling under the non-major category. The data included in this section of the report has been reproduced in this new format.

2.6 SPEED OF DECISION

It is evident from the table below that the decisions taken for the survey period are currently above the special measures threshold.

Table 1

Criteria: Speed		District matter Majors					Non-majors						
		All Major Decisions	Major Decisions within 13 weeks	PPA, EoT or EIA Decisions	PPA, EoT or EIA Decisions in time	Out of time	Result	M&O Decisions	M&O Decisions within 8 weeks	PPA, EoT or EIA Decisions	PPA, EoT or EIA Decisions in time	Out of time	Result
Quarter 01	Oct - Dec 2015	1	0	1	0	1	0.00%	124	96	4	2	26	79.03%
Quarter 02	Jan - Mar 2016	2	0	2	2	0	100.00%	119	101	5	5	13	89.08%
Quarter 03	Apr - Jun 2016	4	1	2	2	1	75.00%	151	136	6	6	9	94.04%
Quarter 04	Jul - Sep 2016	2	0	2	2	0	100.00%	117	96	3	3	18	84.62%
Quarter 05	Oct - Dec 2016	2	0	1	1	1	50.00%	121	90	2	2	29	76.03%
Quarter 06	Jan - Mar 2017												
Quarter 07	Apr - Jun 2017												
Quarter 08	Jul - Sep 2017												
	total	11	1	8	7	3	72.73%	632	519	20	18	95	84.97%
							Minimum level required						60.00%
													70.00%

2.7 Risk Area

It is considered that there is significant headroom against these targets and as such the risk of Special Measures for Non-Performance is low.

2.8 QUALITY OF DECISION

This section looks at appeal decisions and specifically the number/volume that have been allowed/overturned at appeal. The Government view that this performance indicator as a measure/reflection on the relevance of an up to date local plan and that the decision makers (officers at delegated and Members at planning committee) make the correct and informed decisions.

Table 2

Criteria: Quality		District matter Majors						Non-majors								
		All Major Decisions	Refusals	Appeals	Dismissed	Upheld	Pending	Result	Non-Major Decisions	Refusals	Appeals	Dismissed	Upheld	Pending	Result	
Quarter 01	Apr - Jun 2015	0	0	0	0	0			117	14	2	1	1	0	0	
Quarter 02	Jul - Sep 2015	0	0	0	0	0			134	11	6	5	1	0	0	
Quarter 03	Oct - Dec 2015	1	0	0	0	0		0.00%	124	19	3	1	2	0	1	
Quarter 04	Jan - Mar 2016	2	0	0	0	0		0.00%	119	14	5	3	2	0	1	
Quarter 05	Apr - Jun 2016	4	1	0	0	0		0.00%	151	17	12	8	4	0	2	
Quarter 06	Jul - Sep 2016	2	0	0	0	0		0.00%	117	12	2	1	1	0	0	
Quarter 07	Oct - Dec 2016	2	2	1	0	0	1	0.00%	121	9	4	2	2	0	1	
Quarter 08	Jan - Mar 2017	0	0	0	0	0				0	0	0	0			
	total	11	3	1	0	0	1	0.00%	883	96	34	21	13	0	1	
		Minimum level required						10.00%								10

2.9 Risk Area

One area for Members to note from these criteria is that given the very low volumes of major applications progressed/determined within the survey period the implications of this are that a small number of appeal decisions can have a significant impact upon performance.

By way of an example Members will note that we have one pending appeal falling within the Majors category (BT Site Moy Avenue) and if this is upheld (allowed) then our performance would be jump from 0% up to 9% just below the threshold. In addition if we received ONE additional appeal decision that is upheld then we would be above the non-performing threshold at 15%.

2.10 Given the huge potential swing in performance given the very low volumes involved that there is a very high risk of the Council falling under special measures in this category.

2.11 Officers will advise on the this issue when major applications are discussed/debated at future planning committees and Members are requested to mindful of the impacts and consequences of refusing major applications.

3.0 Planning Applications

3.1 Given the new 'Non-Performing' special measure thresholds referred to above it is clear therefore that with the regular (quarterly) reporting of performance to Planning Committee so that issues, trends and pressures can readily be identified and where necessary may give sufficient time to address the issues.

3.2 The figures in Tables 3 – 4 below include the data from the Government return (currently excludes 'Notifications Prior Approvals and Certificates of Lawful development, trees and pre application submission). It is accepted that the Government have changed the content of the data that analyse, however this data is reported here to give the year of year comparison.

Table 3

3.3	Decisions	2013	2014	2015	2106
	All determined	574	596	545	569
	Delegated	510 (89%)	521 (87%)	472 (87%)	505 (89%)
	Granted	521 (91%)	546 (92%)	488 (90%)	515 (91%)
	Refused	49 (9%)	50 (8%)	57 (10%)	54 (10%)

3.4 Table 4

3.5		TYPE	NUMBER
	2013	All determined	574
	2014	All determined	596
	2015	All determined	545
	2016	All determined	569
	2017	All determined	
	2016 Q1 (Jan - Mar)	All determined	133
		Delegated	113 (85%)
		Granted	120 (90%)
		Refused	13 (9%)
	2016 Q2 (Apr - Jun)	All determined	168
		Delegated	143 (85%)
		Granted	150 (89%)
		Refused	18 (11%)
	2016 Q3 (Jul - Sep)	All determined	134
		Delegated	119 (89%)
		Granted	121 (90%)
		Refused	13 (10%)
	2016 Q4 (Oct - Dec)	All determined	134
		Delegated	130 (97%)
		Granted	124 (93%)
		Refused	10 (7%)

3.6 It is clear from the tables above that the volume of the cases determined during the survey period has percentage levels consistent with previous years.

3.7 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. (see appeal section below)

3.8 It is acknowledged that for the last quarter of 2016 that the % of applications

determined at delegated level has significantly increased; this is reflective of the changes recently made to the scheme of delegation.

- 3.9 A future report will highlight the benefits of this change in terms of the costings to the Council and the speed of decision for the applicant.

4.0 PRE-APPLICATION ADVICE

- 4.1 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 5

PROCESS NAME	NUMBER 2016	NUMBER 2015	NUMBER 2014
PRE APP (Old Process)	0	0	53
PRE APP HOUSEHOLDER	220	163	126
PRE APP MEDIUM	147	159	108
PRE APP MAJOR	18	10	16
TOTAL	385	332	303

- 4.3 This information is considered to be relevant given that it is a barometer of the additional workload of the team. Members should note a significant spike being reported during 2016 and if this level continues there may well be a staffing/resource issue. Going forward Member should be aware that Cabinet have agreed that EBC should explore the potential for pre-application charging. The full impact of this charging regime upon the volumes of cases coming through the system can only be assessed once the charging regime has been embedded. At the time of writing there is an expectation that the charging regime will commence on the 1st April 2017.
- 4.4 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.
- 4.5 Members should note that the Table 6&7 includes further application data by ward.
- 4.6 Table 6&7
Number for the Calendar Year 2016 and the 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 6

YEAR	TOTAL AMOUNT
2015	1319
2016	1433
2017	

4.7 Table 7

Year 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 Anthonys	120
SV Sovereign	91
UP Upperton	198
(blank)	
Grand Total	1319

4.8 2016

4	DV Devonshire	216
5	HP Hampden Park	71
6	LG Langney	58
7	MD Meads	375
8	OT Old Town	155
9	RN Ratton	145
10	SA St Anthonys	127
11	SV Sovereign	107
12	UP Upperton	179
13	(blank)	
14	Grand Total	1433

4.9 Risk Area

Members will acknowledge that there has been an increase in the 114 cases in 2016 compared to the 201, this represents a 9% increase in workload. It is considered that this increase in workload needs to be monitored as it may have a resource impact going forward.

5.0 REFUSALS

5.1 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 8 & 9 below.

5.2 Member should be aware that in common with other years we refuse fewer

than 10% of the applications received, with the overwhelming majority being refused at delegated level. For 2016:- 49 cases were refused at Delegated and 7 were refused at Planning Committee level.

5.3 TABLE8

REFUSALS BY WARD

4	DV Devonshire	9
5	HP Hampden Park	2
6	LG Langney	4
7	MD Meads	10
8	OT Old Town	4
9	RN Ratton	4
10	SA St Antonys	9
11	SV Sovereign	5
12	UP Upperton	9
13	(blank)	
14	Grand Total	56

5.5 TABLE9

REFUSAL BY DECISION LEVEL (COMMITTEE REFUSAL)

160152	CCC Planning Committee	retention of 3m x 4.05 m x 2.75 m brick outbuilding build in rear	DV Devonsh
160316	CCC Planning Committee	Proposed two storey dwelling with parking space.	RN Ratton
160398	CCC Planning Committee	Extension to the front of the existing dwelling and a roof raise loft	MD Meads
160538	CCC Planning Committee	New build 3 storey residential accommodation consisting of 11	
160617	CCC Planning Committee	Change of use from class A1 (Bakery), to A3 & A5 (restaurant &	SV Sovereig
160677	CCC Planning Committee	To erect raised decking 1.1m above ground level projecting 3m from the	SA St Antho
160929	CCC Planning Committee	Proposed refurbishment and extension to existing telephone exchange	SA St Antho

6.0 APPEALS

6.1 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 28 appeal decisions and the decision letters have been reported to committees through the year.

6.2 Appeals received by development type/application

TABLE 7

HHH Householder	8
OSR Outline (some reserved)	1
PCI Prior Notification Class IA	1
PPP Planning Permission	15
TTP Tree Works - Tree Preservation Orders	2
VCO Variation of Condition	1
Grand Total	28

6.4 APPEAL ANALYSIS

The appeal decisions letters received during 2016 have been analysed with the various decision permutations reported below.

Table 11

	Officer Approve	Officer Approve	Officer Refuse	Officer Refuse
--	-----------------	-----------------	----------------	----------------

	Cttee Refuse Appeal decision- Allowed	Cttee Refuse Appeal decision - Refused	Cttee Support Refusal Appeal decision Allowed	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	5 (18%)	1 (4%)	5 (18%)	17 (61%)
2017				

6.6 The above table 11 identifies the relevant decisions permutations and it is acknowledged that the appeal volume is comparable to the levels of 2013. It is acknowledged that the highest volume appeal category was the 'planning permission type (15 cases); this is a wide and divers category covering all things from changes of use to replacement windows. The appeal rate/volume will continue to be monitored going forward with any trends that can be identified being reported via this report.

6.7 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.

6.8 Appeal Analysis Table 11 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 5 instances this year where this scenario has occurred.

6.9 Appeal Analysis Table 11 Column 2

Officer recommendation for approval – member overturned – appeal dismissed (Officers were wrong and Members were right) This shows that officers are not always right, there is 1 case falling into this bracket in this survey period.

6.10 Appeal Analysis Table 11 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.

- 6.11 This is also often a category where appeal costs can be awarded
- 6.12 It is acknowledged that there are 5 appeals 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 be following planning policy/advice and skewing recommendations following neighbour concerns or trying to second guess the outcome of planning committee.
- 6.13 In essence it is important that officers do not shy away from making difficult recommendations especially where recommendations are in accordance with national and local advice/policies.
- 6.14 Appeal Analysis Table 11 Column 4
Officer recommendation for refusal – Member support for recommendation (committee or delegated decisions) – appeal refused (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 decisions that were taken were consistent with National and Local Policy advice.
- 6.15 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
- 6.16 Two costs appeals have been awarded this year in both cases the appeal inspector claimed that the Council has acted unreasonably in their handling of the application for the Biomass Boiler at 14 Maple Road and the residential development at 4-8 Pevensey Road (vacant Taxi Office) These cost claims total £5,500.
- 6.17 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 at Planning Committee (prior to making a decision where there is the likelihood of a cost claim being successful).
- 6.18 Risk Area
Given the changes to the to the way the Government assess what constitutes a good/well performing Council means that there is a very high risk of special measures on major applications being overturned at appeal.

The appeal costs award also has the potential for a financial risk and also a reputational risk and as such these have to be closely monitored and where possible lessons should be drawn from these cases. In this regard the regular report on appeal decisions to planning committee should help to inform this issue.

7.0 PLANNING ENFORCEMENT

7.1 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.

7.2 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 12

7.3		4
	Devonshire	23
	Hampden Park	22
	Langney	3
	Meads	11
	Old Town	9
	Ratton	12
	Sovereign	8
	St Anthonys	15
	Upperton	13
	Grand Total	120

7.4 Cases Closed/Received

TABLE 13 Closed/Received Annual

7.5	YEAR	CLOSED	RECEIVED
	2014	253	363
	2015	347	332
	2016	354	361

7.6 It is important to note that the closure rate is generally consistent with the volume of the new cases received and as such there should not be an expanding backlog of live cases. Notwithstanding this Members

should note that the volume of cases on the over 6months old list hovers around the 30 cases around 26% of all live cases.

TABLE 14 Cases over 6 months old

Year	Q1	Q2	Q3	Q4
2015	Not recorded	Not recorded	Not recorded	31
2016	29	19	25	32

7.8 **Enforcement Related Notices served in 2016**

7.9 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

For the Calendar year 2016 34 notices (10% of all cases received) have been served.

7.10 It is clear that therefore that 90% of all enforcement cases are resolved/closed without the need to resort to a formal notice.

7.11 As Members will acknowledge from the adopted Planning Enforcement Policy that the serving of a notice is the last resort and that wherever possible a negotiated solution is preferable.

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

o **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 or where the developer wishes to alter their scheme for whatever reason and given this early warning officers 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.

7.13 Risk Area

It is clear that with the rate of closure of enforcement cases that the backlog is not increasing and that the volume of cases on hand (over 6 months) has been consistently on or about the 30. It is considered therefore that there are no identifiable risks at this stage.

8.0 LEGAL AND HUMAN RESOURCES

- 8.1 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 work across the whole service area pre-application submissions is required in order to ensure that the resource levels match the extent of work being submitted.

Appeal Decisions

Site visit made on 15 November 2016

by Alan Woolnough BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 December 2016

Appeals A & B: APP/T1410/C/16/3149447 & APP/T1410/C/16/3149448 23-25 Royal Parade, Eastbourne, East Sussex BN22 7AN

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Ms Heidi Louise Cowderoy (3149447, Appeal A) and Mr Mark Anthony Cowderoy (3149448, Appeal B) against an enforcement notice issued by Eastbourne Borough Council.
- The enforcement notice, numbered SR/118495 & 150965, was issued by the Council on 22 March 2016.
- The breach of planning control as alleged in the notice is: 'Without planning permission, the replacement of timber framed sash windows to the front (facing Royal Parade) and side (facing St Aubyns Road) and rear elevations with UPVC framed windows and doors; and the replacement of the glazed timber framed conservatory on the front elevation of the building with UPVC framed windows'.
- The requirements of the notice are set out in the Schedule attached to these decisions.
- The periods for compliance with the requirements are one year for those relating to lower ground and ground floor level, two years for those relating to first and second floor levels and three years for those relating to third floor level.
- Appeal A is proceeding on the grounds set out in section 174(2)(a) and (g) of the 1990 Act as amended. Since the prescribed fees have not been paid within the specified period for Appeal B, the initial appeal on ground (a) and application for planning permission deemed to have been made under section 177(5) of the Act as amended do not fall to be considered in that case. Appeal B is therefore proceeding on ground (g) only.

Summary of Decisions: The appeals are dismissed and the enforcement notice is upheld with corrections.

Application for costs

1. An application for costs was made by Ms Heidi Louise Cowderoy against Eastbourne Borough Council in relation to Appeal A. This application is the subject of a separate decision.

The enforcement notice

2. The alleged breach of planning control refers to the replacement of a glazed timber framed conservatory on the front elevation with UPVC framed windows. However, it is apparent from my site visit and the photographs before me that the original conservatory plinth below cill level remains intact and that the UPVC windows in question form only part of a reconstituted conservatory. Moreover, the requirements specify the replacement of the UPVC windows set within the existing conservatory with a full timber framed conservatory, which is an impossibility.
-

3. These discrepancies are best resolved by amending the relevant part of allegation to refer to UPVC windows 'within the conservatory' and adjusting the relevant requirement so as to specify their replacement with 'timber framed fenestration' rather than a 'timber framed conservatory'. I will correct the notice accordingly at sections 3 and 5 and am satisfied that no injustice to any party is so caused.
4. The period during which the Council understands the targeted works to have taken place has not been specified in the notice. This would usually be included in the 'reasons for issuing' and would make reference to the relevant time bar on enforcement action set out in section 171B of the 1990 Act as amended, thus assisting any prospective Appellant in deciding whether there is cause to appeal against the notice on ground (d). The omission does not render the notice a nullity in this case as a copy of section 171B has been attached thereto, thereby providing those served with the necessary information concerning immunity by reason of the passage of time.
5. The attachment is incomplete as a copy of section 171BA, which addresses time limits in cases involving concealment, has not been included. However, there is no suggestion within the body of the notice that there has been any attempt to conceal the breach in question. It is thus reasonable to assume that the relevant time bar is four years, pursuant to section 171B(1). In any event, there is no dispute that the works in question were carried out during 2015. Accordingly, the notice as issued has effect in law. Nonetheless, in the interests of clarity I will correct it so as to refer to the relevant time bar in section 4. Again, no injustice arises as a result.
6. The Council has requested by means of a letter dated 12 October 2016 that, in the event that it is upheld on appeal, the notice be varied to require the replacement of six additional windows not referred to in the original allegation, it having become aware of additional alterations to the building since the notice was issued. Reference is also made in an earlier Council submission to the post-notice installation of UPVC front doors at the property and the erection of an outbuilding to the rear.
7. However, the notice relates to a particular point in time (22 March 2016) and cannot by law be broadened in scope to target additional works that have been undertaken after that date. Moreover, irrespective of when the works in question took place, were an Inspector to broaden the scope of a notice so as to embrace additional matters not initially referred to, the Appellants would have been denied the opportunity to address those matters at appeal. This would clearly be unjust and thus outside the Inspector's remit as set out in section 176(1) of the 1990 Act as amended.
8. I therefore decline the Council's request. Should it wish to pursue enforcement action against the additional replacement windows, doors and outbuilding it will need to issue an additional notice.

The appeal on ground (a) – Appeal A only

Main issue

9. The main issue in determining the appeal on ground (a) is whether the UPVC windows and doors preserve or enhance the character or appearance of the

host property and the Town Centre & Seafront Conservation Area in which it is located.

Planning policy

10. The development plan includes the Eastbourne Core Strategy Local Plan 2013 (CS) and certain policies of the Eastbourne Borough Plan 2001-2011 (BP), adopted in 2003, which have been saved by a Direction made by the Secretary of State. Paragraph 215 of the National Planning Policy Framework (the Framework) records that due weight should be given to relevant policies in existing plans according to their degree of consistency with it.
11. I find no significant conflict between the Framework and the development plan policies cited in this case. Accordingly, I will give them full weight insofar as they are relevant to the appeal scheme. Reference is also made to the Council's *Eastbourne Townscape Guide* Supplementary Planning Guidance (SPG), published in 2004.

Reasoning

12. The appeal property is a large five storey detached building dating from the 19th century. Originally three terraced dwellings, it is now occupied as a single unit by the East Beach Hotel and is designated as a Building of Local Interest¹ by the Council's SPG. It occupies a very prominent seafront location on the corner of Royal Parade and St Aubyn's Road, set within a long run of predominantly terraced development of similar usage, vintage and architectural style that extends to the north-east and south-west.
13. This stretch of seafront is one of the most prestigious and historically notable built-up frontages in the conservation area, within which architectural detailing and traditional materials play an important part in defining local heritage. In this context the appeal property stands out in terms of its historic worth by reason of original features that are absent from most of its neighbours, including decorative balcony railings and intricate canopy pelmets above some of the ground and first floor bay windows. It also falls within the Seaside Neighbourhood Area (SNA), for which CS Policy C3 sets out a vision promoted by, amongst other things, protecting the historic environment.
14. Photographs supplied by the Council demonstrate that, until recently, the property's most notable elevations (facing Royal Parade and St Aubyn's Road) retained their traditional timber fenestration, featuring single glazed sash windows and balcony doors of complementary design. However, many of these have now been replaced by the unauthorised UPVC installations targeted by the enforcement notice. The timber-framed fenestration of a prominent conservatory spanning the main hotel façade, said to date from the 1950s, has also been replaced in UPVC.
15. There are examples of UPVC fenestration in the seafront façades of other 19th century buildings in the immediate vicinity. However, timber continues to predominate within the prestigious frontage between the junctions of Royal Parade with Marine Road and Cambridge Road, to such an extent that UPVC

¹ The Appellants query the appeal property's worth as a Building of Local Interest. However, that status is a matter of fact and, in the absence of any cogent argument as to why it should not apply I must accept it at face value. The glossary at Annex 2 to the Framework makes it clear that for the purposes of national policy the term 'heritage asset' includes local listings made by the local planning authority.

cannot reasonably be said to be characteristic of the locality or to subsume the alterations that have taken place at the East Beach Hotel. Indeed, the prevalence of timber helps to preserve an important vestige of the original street scene and the wider locality's architectural heritage and consolidates a pleasing sense of traditional uniformity. This in turn makes an important contribution to the overall character and appearance of the conservation area.

16. Moreover, where it has been used in the locality, modern fenestration tends to be relatively delicate and thus not dissimilar in appearance to its historic counterparts. In comparison, the replacement installations at the East Beach Hotel lack elegance. Their framing is heavy and bulky, with a flat smooth finish that fails to replicate the texture of painted wood. The sections of the surrounds and meeting rails are thicker and there is a paucity of detailing. The windows and doors therefore appear clumsy in comparison with their timber counterparts and some of the modern alterations to neighbouring properties and sit uncomfortably within otherwise well-preserved Victorian front elevations. Their incongruity is exacerbated by the fact that at least some of the windows can be opened on a horizontal pivot.
17. I am mindful that the much-altered conservatory on the front of the property was, by reason of its more recent origins, of lesser worth in historic terms than most of the property's external windows and doors. I have also noted that prior to the alterations targeted by the enforcement notice its timber framing was masked by the application of plastic strips². However, even then the relatively lightweight form of the structure remained readily apparent and complemented the traditional fenestration in the vicinity to a certain degree, rather than detracting from it in the manner of the heavy-framed installation now in place. Whilst there are a number of unsightly conservatories on the front elevations of other properties in the vicinity, these are not so numerous as to be characteristic of the area and, in any event, are unworthy of replication.
18. During the course of my visit I noted that replacement UPVC windows have also been installed in the rear elevation, facing Latimer Road, which have not been targeted by the Council. However, although prominent, this elevation is far less prestigious than those facing Royal Parade and St Aubyn's Road and reads in the street scene in juxtaposition with properties of less historic significance and largely outside the conservation area. It does not therefore mitigate the extent to which the subject alterations detract from the historic environment to any significant degree.
19. The Appellants point out that the relevant planning policies do not specifically preclude the use of UPVC. However, I give little credence to the notion that this should be taken as an indication that the use of modern fenestration of this kind is acceptable in principle in a heritage setting. For the reasons set out above I conclude that all of the replacement UPVC fenestration targeted by the enforcement notice fails to preserve or enhance the character or appearance of the appeal property or the conservation area. Its retention would therefore be contrary to CS Policies B2, D10 and D10A, saved BP Policies

² In their initial grounds of appeal the Appellants state explicitly that plastic strips were applied to the timber frame of the original conservatory but retract this in a later submission. However, I am satisfied that a photograph taken when the original conservatory fenestration was being removed, included at Appendix 9 to the Council's statement, confirm that the Appellants' initial assertion was correct. No appeal on ground (f) has been lodged to the effect that the provision of replacement timber fenestration to the conservatory exceeds what is required to remedy the breach of planning control. I therefore find no reason to pursue that question further.

UHT1³, UHT4, UHT15 and UHT18, the Council's SPG and the relevant provisions of the Framework.

Other matters

20. I have considered all the other matters raised. I acknowledge that for the purposes of applying national policy the subject alterations amount to 'less than substantial harm to the significance of a designated heritage asset', namely the conservation area and Building of Local Interest. However, that in itself does not signify that such harm is acceptable. Rather, paragraph 134 of the Framework advises that in such circumstances it should be weighed against the public benefits of the proposal. In this regard the Appellants attach much importance to the perceived advantages of UPVC in upgrading guest accommodation to meet the present day aspirations of visitors and thus shore up an ailing hotel market and tourist industry, in turn helping to safeguard the local economy in the public interest.
21. The long term economic decline of UK seaside resorts is well-documented and I find no reason to refute the Appellants' more localised account of the financial challenges that they and other hotel operators in Eastbourne face. Rising costs associated with staff, utilities and other overheads, plus increasingly vigorous competition for a shrinking customer market, are difficulties with which many such businesses now have to contend. Nor do I question my colleague's finding in determining an appeal relating to Courtlands Hotel⁴ that the Eastbourne tourist accommodation sector may well be 'dominated' by or 'saturated' with lower standard hotels.
22. I take note of the less than complimentary comments received from some of their guests and the level of support for the appeals forthcoming from others working in the industry, visitors, Eastbourne residents and the local Member of Parliament. In particular, the account of long term losses at the East Beach Hotel over a ten year period paints a depressing picture. However, I am also mindful that the financial circumstances of individual businesses and their owners will seldom outweigh other material planning considerations.
23. In any event, I am not persuaded that UPVC is the solution to such problems. I accept that it can sometimes be advantageous in comparison with painted timber in terms of insulation and energy conservation. Nonetheless, there is no reason why well-constructed wooden windows and doors should not be weather resistant and durable if properly treated and subject to a regular maintenance programme, even in a seafront location. This being so I give little credence to the notion that glass falling from rotting frames is an unavoidable hazard.
24. Secondary glazing applied to timber fenestration can also often assist in maintaining adequate heat and noise insulation in a manner which complies with rather than undermines aesthetic objectives whilst still meeting the aspirations of hotel management and guests. I note that the superior security afforded by modern UPVC fenestration has prompted the Appellants to remove unsightly external grilles from the hotel's lower ground floor windows.

³ The Appellants contend that saved BP Policy UHT1 is not applicable as it relates to the design of 'new development'. However, the wording of the policy in fact refers to 'all development proposals' and I am mindful that external alterations and additions to an existing building constitute 'development' as defined by section 55 of the 1990 Act as amended.

⁴ Appeal decision APP/T1410/W/15/3005155, dated 27 July 2015.

However, adequate security could be ensured by other, less aesthetically harmful means.

25. I appreciate that CS Key Spatial Objective 5 encourages the retention of existing holiday accommodation and supports its upgrading and that other policies, both national and local, aim to assist the tourist industry, including CS Policy D3 and saved BP Policies TO1, TO2 and TO4⁵. Such objectives also form part of the Council's 'vision' for the SNA set out in CS Policy C3, which is promoted by, amongst other things, 'defending existing tourist accommodation from losses and inappropriate development'. Moreover, the Appellants are correct in pointing out that some policies and guidance aimed at safeguarding the historic environment include the caveat that this will 'normally' be a primary aim.
26. Nonetheless, nothing in the Framework or development plan suggests that measures that might aid the local hotel market or tourism generally should be applied at the expense of the town's architectural heritage. Indeed, saved BP Policy TO4 makes it clear that alterations which upgrade and improve the quality of accommodation will be granted planning permission subject to the visual amenity considerations set out in Policy UHT4, with which I have already found there to be non-compliance. In any event, for the reasons set out above these objectives, although diverse, are not necessarily in conflict. I do however consider that the detriment caused to the appearance of this building by the subject alterations work against tourism objectives by diluting the attractiveness and historic worth of both the hotel and the wider seafront.
27. I am not aware of the full circumstances that have led to UPVC fenestration being installed in other seafront properties in the vicinity. I do not question the Eastbourne Hospitality Association's contention that some examples have not been recorded in the Council's survey of seafront properties and have no way of knowing why enforcement action has been pursued in this case but not in others. However, even if these were known to me, each scheme must still be dealt with primarily on its own merits.
28. This principle applies to the two residential properties in South Cliff, at the western end of the conservation area, that have been drawn to my attention where UPVC windows were allowed on appeal⁶. Moreover, both exhibit modern fenestration far lighter in frame and moulding than the installed at the Appellants' hotel, such that it is virtually indistinguishable from painted timber. They also occupy a fringe conservation area location far less important and prestigious than Royal Parade.
29. The Appellants suggest that the Council has not applied correctly the presumption in favour of sustainable development inherent in national policy, suggesting that, in that context, 'the economy is key'. However, as paragraph 7 of the Framework makes clear, the economic dimension of

⁵ The Appellants appear to suggest that as some of these tourism policies were adopted 13 years ago they are now less than fit for purpose, the local tourism industry having deteriorated markedly since that time. However, in the absence of any cogent evidence to the contrary I am satisfied that they remain sufficiently stringent to be applied effectively in the context of present day circumstances, there being nothing in current national policy or guidance endorsing local policies that seek to prioritise tourism over safeguarding the historic environment, whatever the circumstances.

⁶ Appeal decisions APP/T1410/A/12/2175277, dated 17 October 2012, and APP/T1410/A/14/2211151, dated 24 July 2014. The Appellants have also made reference to planning permissions granted for UPVC windows at Ayra Court and the Langham Hotel. However, although both addresses are listed in the Council's 'survey of relevant seafront properties', details of the decisions or schemes in question have not been supplied.

sustainable development is but one of three roles that the planning system must perform. Considering all three in the round, I find that the environmental role is not fulfilled in this case and that, accordingly, the appeal development is not sustainable.

30. I have taken into account the considerable costs associated with the works that have taken place and the implication that being obliged to rectify matters might lead to the sale and/or closure of the hotel. However, the likelihood of that unfortunate scenario coming to fruition has not been demonstrated by means of cogent financial evidence. Moreover, investment in such extensive and expensive works without first obtaining the necessary authority inevitably carries with it a high element of risk. I am not persuaded that the hotel could not fair well in terms of upkeep and profitability under careful management.
31. Nonetheless, in this regard I am mindful that Article 8 of the European Convention on Human Rights as incorporated by the Human Rights Act 1998 affords everyone the right to respect for their private and family life and home. On the evidence before me, it seems that the hotel may be the Appellants' sole place of residence. This being so, loss of their home would inevitably interfere with their Article 8 rights. Nonetheless, any interference must be balanced against the public interest and, for the reasons I have already explained, I find the latter to be best served by upholding planning policy to protect the historic environment.
32. This is particularly so given that means of refurbishment and upgrading the appeal property in a manner that would meet the aspirations of visitors other than the use of UPVC are available. Moreover, there is nothing before me to suggest that the Appellants would lack sufficient resources to enable them to secure accommodation elsewhere. Consequently, I am satisfied that a refusal to grant planning permission on the ground (a) appeal would be proportionate in the terms of the 1998 Act and would not lead to an unacceptable violation of the Appellants' Human Rights.
33. I have noted the dissatisfaction expressed by the Appellants and others regarding the manner in which an application for planning permission⁷ for some of the appeal development and the subsequent enforcement process have been handled by the Council's officers and Planning Committee, including allegations of inconsistency and discrimination. However, such concerns are not within my remit to address in the context of determining this appeal and fall to be pursued if necessary by other means⁸. Therefore, neither these nor any other matters are of such significance as to outweigh the considerations that have led to my conclusion on the main issue. Accordingly, the appeal on ground (a) fails.

The appeals on ground (g) – Appeals A & B

34. In appealing against the enforcement notice on ground (g) the Appellants must demonstrate that the periods for compliance specified therein fall short of what should reasonably be allowed. In this regard they draw attention to their own financial circumstances and the heavy costs of reinstalling timber fenestration,

⁷ Planning application ref no PC/150965, refused by the Council on 22 March 2016.

⁸ I am however able to address some of these concerns in determining Ms Cowderoy's application for an award of costs, which is subject to a separate decision.

asserting that an extended period of six years would be necessary to undertake all the work required whilst still safeguarding the business.

35. However, neither the estimated costs nor the claimed vulnerability of the business are properly substantiated by cogent evidence such as bank statements and quotes for the necessary works. Moreover, I find that the phased compliance regime already presented by the notice is already very generous and clearly formulated to guard against financial hardship to as great an extent as is reasonably possible.
36. Indeed, the 12 month period allowed for works at lower ground and ground floor level is the maximum that would usually be deemed appropriate for works on this scale, whilst the three year period applied to works at third floor level is more akin to an unconditional grant of temporary planning permission. This in itself already strikes a more than reasonable balance between the needs of an ailing business and the importance of safeguarding the historic environment.
37. I conclude in the absence of substantiated evidence to the contrary that the periods for compliance specified in the notice as issued are not too short. The appeals on ground (g) therefore fail. It remains within the Council's power to further extend the compliance periods under section 173A(1)(b) of the 1990 Act as amended in the event that this proves to be necessary and can be properly justified.

Conclusion

38. For the reasons given above I conclude that the appeals should not succeed. I will uphold the enforcement notice with corrections and refuse to grant planning permission on the deemed application.

Formal decisions

39. It is directed that the enforcement notice be corrected by:
- (i) in section 3, the deletion of the words 'glazed timber framed' and the substitution therefor of the words 'timber framed fenestration within the';
 - (ii) at the beginning of section 4, immediately below the heading, the insertion of the words 'It appears to the Council that the above breach of planning control has occurred within the last four years.'; and
 - (iii) in paragraph ii) below the heading '**LOWER GROUND AND GROUND FLOOR LEVEL**' in section 5, the deletion of the words 'on the ground floor' and the substitution therefor of the words 'in the conservatory' and the deletion of the words 'a timber framed conservatory' and the substitution therefor of the words 'timber framed fenestration'.
40. Subject to these corrections, the appeals are dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Alan Woolnough

INSPECTOR

SCHEDULE

The requirements of the enforcement notice as issued are as follows:

LOWER GROUND AND GROUND FLOOR LEVEL

- i) Replace the UPVC windows and doors that have been installed and identified on Photographs 1, 2, 3 and 4 (Windows number W26, W27, W28, W29, W30, W31, W44, W45 and W46) with white painted timber framed sliding sash windows and doors as previously existed on the building and identified on Photographs 5, 6, 7, 8, 9 and 10 (Windows numbered G26, G27, G28, G29, G30, G31, G44, G45 and G46). In terms of the proportions of the frames, glazing bar detail and their detailed design the replacement sash windows should replicate those that were previously installed at the premises. For the avoidance of doubt, the type of each replacement window or door shall be that set out in table 1.
- ii) Replace the UPVC windows installed on the ground floor at the front of the property at ground floor level as identified on Photographs 3 and 4 (marked C1 and C2) with a timber framed conservatory with similar proportions and frame dimensions as previously existed and identified on photos 9 and 10 and marked CG1 and CG2.

FIRST AND SECOND FLOOR LEVEL

- i) Replace the UPVC windows and doors that have been installed and identified on Photographs 1, 2, 3 and 4 (Windows number W19, W20, W21, W22, W23, W24, W25, W32, W33, W34, W35, W36, W37, W38, W39, W40, W41, W43) with white painted timber framed sliding sash windows and doors as previously existed on the building and identified on Photographs 5, 6, 7, 8, 9 and 10 (Windows numbered G19, G20, G21, G22, G23, G24, G25, G32, G33, G34, G35, G36, G37, G38, G39, G40, G41, G43). In terms of the proportions of the frames, glazing bar detail and their detailed design the replacement sash windows should replicate those that were previously installed at the premises. For the avoidance of doubt, the type of each replacement window or door shall be that set out in table 1.

THIRD FLOOR LEVEL

- i) Replace the UPVC windows and doors that have been installed and identified on Photographs 1, 2, 3 and 4 (Windows numbered W1, W2, W3, W4, W5, W6, W7, W8, W9, W10, W11, W12, W13, W14, W15, W16, W17, W18, W42) with white painted timber framed sliding sash windows and doors as previously existed on the building and identified on Photographs 5, 6, 7, 8, 9 and 10 (Windows numbered G1, G2, G3, G4, G5, G6, G7, G8, G9, G10, G11, G12, G13, G14, G15, G16, G17, G18, G42). In terms of the proportions of the frames, glazing bar detail and their detailed design the replacement sash windows should replicate those that were previously installed at the premises. For the avoidance of doubt, the type of each replacement window or door shall be that set out in table 1.

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