

## Planning Committee

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

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## Agenda

- 1 Minutes of the meeting held on 20 June 2017.** (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 1 Goldsmith Close. Application ID: 170634.** (Pages 5 - 12)

**7 36 Wish Hill. Application ID: 170748.** (Pages 13 - 24)

**8 Site 8, Pacific Drive. Application ID: 170685 (VCO).** (Pages 25 - 30)

**9 Planning Performance Quarter 2 (April - June) 2017.** (Pages 31 - 44)

Report of the Senior Specialist Advisor (Planning).

**10 Appeal Decision.** (Pages 45 - 46)

1) 31 Baldwin Avenue.

**11 South Downs National Park Authority Planning Applications.**

**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](http://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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For general Council enquiries, please telephone (01323) 410000 or E-mail: [enquiries@eastbourne.gov.uk](mailto:enquiries@eastbourne.gov.uk)

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Tuesday, 20 June 2017  
at 6.00 pm



## Planning Committee

Present:-

**Members:** Councillor Murray (Chairman) Councillor Coles (Deputy-Chairman)  
Councillors Choudhury, Jenkins, Miah, Murdoch, Robinson and  
Taylor

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### 11 Minutes of the meeting held on 30 May 2017.

The minutes of the meeting held on 30 May 2017 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

### 12 Apologies for absence.

There were none.

### 13 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.

### 14 Land adjacent to 21 Derwent Road. Application ID: 170607.

Demolition of existing three garages and erection of chalet bungalow type 1 bedroom single dwelling - **MEADS**.

Members were advised that the proposed scheme had been amended following the production of the officer's report. The revised scheme was presented and discussed.

Mrs Rivett addressed the committee in objection stating that there would be an increase in the traffic congestion due to the lack of parking spaces along this section of road. She also raised concerns about access for emergency services and loss of light to neighbouring properties.

Mr Rintoul addressed the committee in objection stating that the development would impact on neighbouring properties including a loss of light, loss of space and privacy and an increase in congestion and parking issues.

**RESOLVED: (By 7 votes with 1 abstention)** That permission be refused on the grounds that the proposal by reason of its size, bulk and siting including boundary treatment would result in a form of development that would have an unneighbourly and overbearing relationship with the

occupiers of the adjacent properties therefore contrary to Policy B2 of the Core Strategy Local Plan 2013 and saved Policy HO20 of the Borough Plan 2007.

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.

**15 Enviro-Facts Kiosk, Middle Parade. Application ID: 170630.**

Installation of Changing Places Toilet to meet the needs of all people with a disability – **MEADS**.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions: 1) Time for commencement 2) Approved drawings 3) External Materials 4) The unit shall be removed after 5 years unless agreed in writing by the Local Planning Authority.

**16 Statement of Community Involvement.**

The committee considered the report of the Director of Regeneration & Planning seeking Members views on the Statement of Community Involvement (SCI) due to be considered by Cabinet on 12 July 2017.

Members were advised that the Council had prepared a new Statement of Community Involvement (SCI), which set out the Council's approach to consulting the local community and other stakeholders on planning matters within the local planning authority boundary. The Council's previous SCI was considered to be out of date as a result of changes in legislation and national policy since it was adopted in 2006, and a new SCI was being prepared to guide public consultation in the preparation of a new Local Plan for the town.

The SCI was published for consultation with the local community and other stakeholders between 24 March and 18 May 2017. It now needed to be adopted by Full Council, following endorsement from Cabinet. Once adopted, the SCI would be used to guide consultation on planning policy documents.

The SCI set out how the Council would engage local communities and other interested parties in the production of the Local Plan and in determining planning applications. In order to assist with understand local communities, the SCI first provided an overview of the planning system and information about the Eastbourne community.

The SCI then provided more detailed information on how communities and stakeholders would be consulted in Plan-making (the preparation of the Local Plan, SPDs & CIL Charging Schedule); and in Development Management (the determination of planning applications).

In order for the SCI to be formally adopted, it would require approval from Full Council. Members were asked for their views on the final version of the

Statement of Community Involvement, which would be reported verbally to Cabinet on 12 July 2017.

**RESOLVED:** That Cabinet be advised that the Planning committee endorse the amended Statement of Community Involvement.

**17 South Downs National Park Authority Planning Applications.**

There were none.

The meeting closed at 6.54 pm

**Councillor Murray (Chairman)**

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# Agenda Item 6

<b>App.No:</b> 170634	<b>Decision Due Date:</b> 29 <sup>th</sup> June 2017	<b>Ward:</b> Langney
<b>Officer:</b> Thea Petts	<b>Site visit date:</b> 17 <sup>th</sup> February & 26 <sup>th</sup> June 2017	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 28 <sup>th</sup> May 2017 <b>Neighbour Con Expiry:</b> 28 <sup>th</sup> May 2017 <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Request from ESCC for further information regarding ecological merit of the site and compliance with that request in the submission of further information.		
<b>Location:</b> 1 Goldsmith Close, Eastbourne		
<b>Proposal:</b> Proposed three bedroom dwelling.		
<b>Applicant:</b> Mr Adam Tinwell		
<b>Recommendation:</b> Approve conditionally		

## **Executive Summary:**

The application proposes a detached 3 bedroom dwelling house and is considered to be acceptable in townscape/design terms and in terms of impacts upon biodiversity and residential amenity

Scheme is recommended for approval.

## **Planning Status:**

Garden of existing residential property

## **Relevant Planning Policies:**

National Planning Policy Framework 2012

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment

Core Strategy Local Plan 2013 Policies

B1: Spatial Development Strategy and Distribution

C8: Langney Neighbourhood Policy

D10: Design

Eastbourne Borough Plan Saved Policies 2007

HO2: Predominantly Residential Areas

HO6: Infill Development

HO20: Residential Amenity  
TR11: Car Parking  
UHT1: Design of new Development  
UHT4: Visual Amenity  
US4: Flood Protection and Surface Water  
US5: Tidal Flood Risk

**Site Description:**

The application site is located to the side of no. 1 Goldsmith Close. The property shares boundaries with 3 Goldsmith Close to the side (east) and over a shared access path, nos. 10 and 12 Stevenson Close. This property has a larger side garden than most of the other houses included in this development. Vehicular accesses are to the front, as are the principle accesses to the property. With the exception of nos. 5 and 12 Goldsmith Close, the properties forming the Close are semi-detached. This built form is much echoed in adjacent Stevenson Close to the north).

Goldsmith Close is accessed from Dickens Way and Dickens Way adjoins Priory Road to the north and The Rising to the south.

**Relevant Planning History:**

EB/1978/0555

Erection of a 6ft. high close-boarded screen fence at side.  
Granted (Five years), 1978-12-19

EB/1972/0185

25 DET BUNGS, 32 DET HOUSES, 20 S/D HOUSES, 33 TERR HOUSES, 20 FLATS IN 5X2/ST BLOCKS, 130 GARAGES, PARKING SPACES, ROADS & FOOTWAYS  
Approved Conditionally, 1972-04-20

**Proposed development:**

The applicant seeks planning permission to construct a three bedroom dwellinghouse within the side garden of 1 Goldsmith Close (also a residential dwellinghouse). The proposed dwelling would be served by a vehicular access from Dickens way and would provide two off-road parking spaces.

With the exception of the vehicular access, the layout of the dwellinghouse would much echo the established built rhythm of Goldsmith Close, with the house fronting the Close and maintaining the principle access to the front.

**Consultations:**

Internal:

Specialist Advisor (Arboriculture) – no objection:

The applicant has not provided an arboricultural impact assessment, or a tree protection plan.

Should this application be approved therefore in its current form without this information, I must conclude that it is likely to lead to the loss of all trees on site. These trees would be categorised as C3 under the cascade chart of BS5837, and therefore should not be considered a constraint to this development.

I do not wish to recommend refusal or subject this application with conditions should it be approved.

Specialist Advisor (Planning Policy) – no objection:

The site is located within the predominantly residential area as defined by Eastbourne Borough Plan Policy HO2. The site is within the curtilage of an existing dwelling, which means that it is classed as 'greenfield' land. However, the National Planning Policy Framework supports sustainable residential development and planning permission should be granted to meet local and national housing needs.

The Council relies on windfall sites as part of its Spatial Development Strategy (Core Strategy Policy B1) and the application will result in a net gain of 1 dwelling.

CIL – no comments received

External:

Southern Water – informative recommended:

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Environment Agency – no objection

Development should be carried out in accordance with the submitted Flood Risk Assessment (FRA) to ensure flood risk does not result from the development.

County Ecologist – recommendations made:

- Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement.
- The site offers negligible bat roost potential, although it is likely that bats commute across the site. No specific mitigation is required.
- The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and

experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

- The enhancements proposed in the report are appropriate and should be implemented, specifically the provision of a woodcrete sparrow terrace, holes in fences for hedgehogs and native species-rich hedging.

Highways ESCC - no formal comments to make, however, the applicant should be made aware of the following details:

- Having looked at the submitted plan the vehicular access and area of hardstanding runs adjacent to a footway that links to Goldsmith Close and Stevenson Close, as such pedestrian visibility splays 2m either side of the access will need to be provided to maintain pedestrian inter visibility
- The new access should be constructed in accordance with East Sussex Highways specifications with any works carried out under the appropriate licence.

South East Water Limited -no comments received

### **Neighbour Representations:**

13 objections have been received and cover the following points:

Increase in on street parking

Parking on Goldsmith Close already limited and careless parking often occurs

Football events on Priory Road lead to the area getting very parked up

Construction vehicles would disrupt residents in the area

Loss of bird habitat within application site

Construction vehicles would use private driveways to turn around in

Drainage problems sometimes occur in the area and the new house would exacerbate this

The area is popular with driving instructors which contributes to congestion in the area, learner drivers queue in Dickens Way

Privacy could be lost

Openness provided by the application site will be lost and this will detrimentally affect the character of the area

The building line to the side will be further forward than that of the existing properties and will therefore be out of character

The dwelling would result in over development of the site

The proposed dwelling would have a driveway to the side of the property instead of the front, like the existing properties and as such would be out of character

New vehicular access would be dangerous

The area is susceptible to flooding, the water table is close to the surface of the ground and gardens often become waterlogged following heavy rain  
Flooding and sewerage overflow has occurred in recent years in Goldsmith Close

The proposal includes soakaways, but the ground within the site is not suitable for soakaways

Roots of a tree which had been chopped down may still remain under the ground, the removal of which may destabilise the area

The site provides space for wildlife such as bats, hedgehogs and birds, which would be negatively affected should the development go ahead  
Pets of surrounding residents would be disrupted and potentially put in danger during works  
May result in an untidy looking area if it goes ahead  
Loss of light to rear garden of no. 2 Goldsmith Close  
The junction where Goldsmith Close and Dickens Way is already hazardous  
Building works would create noise pollution  
Height of the building causes concern  
Overlooking from new dwelling to 24 Thackeray Close  
Lack of garage would be out of keeping  
Garden would be small  
The new dwelling would be overbearing  
Rear garden of 12 Stevenson Close would be directly overlooked from the bedroom of the new dwelling  
Gap between new dwelling and 1 Goldsmith Close would be smaller than the gap between the existing properties, thus not in keeping

**Appraisal:**

Principle of development:

The National Planning Policy Framework supports sustainable residential development and is supported in order to meet local and national housing needs. The site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment. The Council relies on windfall sites as part of its Spatial Development Strategy (Policy B1 of the Core Strategy, adopted 2013) and the application will result in a net gain of one dwelling.

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

The proposed dwellinghouse is not considered to result in any new overlooking. No direct overlooking will result in any case. It is considered that gardens which will be overlooked by the new property are already overlooked by other properties and the distance between these properties is enough to offset any significant impacts. The proposed windows for the south west elevation are considered not to negatively affect amenity as they overlook the public realm.

Due to the orientation and siting of the proposed dwelling, it is not considered that any overshadowing will occur. Therefore, in this respect, no inappropriate loss of light to existing properties will result either.

It is accepted that noise will likely result in the carrying out of works to construct the new dwelling and as such, a condition has been recommended to ensure that hours of work on site are controlled. Acknowledging this issue any noise impact that do ensue from the construction phase of the development are likely to be short.

Noise and activity associated with a residential dwelling is not considered likely to disrupt the wider area as the wider area is predominantly residential. This being the case, the use of the site for an additional residential dwelling is considered appropriate.

Design issues:

In essence, the proposed dwellinghouse mimics the design of the existing houses in the Close. Therefore, the general design of the proposed is not considered to affect visual amenity or erode local distinctiveness.

The proposal is not considered to negatively affect the established rhythm of the built environment. The spacing between the properties will be much similar to the existing situation.

It is noted that the inclusion of a detached property in this location would be different to the established opening to Goldsmith Close, which currently has a semi-detached pair in nos.1 and 3 to the north and a detached property in no. 12 on the south side. However, it is considered that the creation of a second detached property at the entrance to the Close would provide some balance. As the established rhythm is not considered to be disrupted by the proposed development, the principle of this as a detached dwelling on the site does not raise any significant issues.

It is recommended that materials used for the external surfaces of the development are to match those of the existing properties in Goldsmith Close in order for the new dwelling to properly fit in with its surroundings.

Impacts on trees:

There are not considered to be any negative impacts on trees of any significance resulting following development.

Impacts on highway network or access:

There is not considered to be any significant impact on the highway as a result of the development.

The proposed vehicular access onto Dickens Way is considered acceptable in that it will not disrupt the appearance of the wider area, nor is it likely to affect the functionality of the nearest junctions. It is regrettable that an on-street parking space will be lost, however, the proposed dwelling provides two for its own use.

Although a number of objections have been received with regard to parking, it is not considered that the impact of one family dwelling would have a significant impact on the area which could substantiate a refusal for the development. The parking provision is therefore considered appropriate.

Planning obligations/CIL:

The development is liable for the Community Infrastructure Levy and as such, an appropriate charge will be made.

Other matters:

Following the receipt of concerns from an objector, the ecological merits of the site have been investigated to ESCC's satisfaction and recommendations have been made accordingly.

**Human Rights Implications:**

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

**Conclusion:**

The proposed development is considered to harmonise with the character of the wider area and will not result in any significant negative affects to the residents of the wider area in respect of amenities currently enjoyed by existing residents.

The site is considered capable of serving a new dwelling and the proposed scheme is considered to comply with adopted policies. As such, the proposal is recommended for approval subject to conditions.

**Recommendation:**

Approved conditionally

**Conditions:**

Time  
Drawings  
Development in accordance with FRA  
Hours of development  
Matching materials to Goldsmith Close  
Enhancements implemented in accordance with Ecology Assessment  
Remove PD windows from flank.

**Informatives:**

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

The applicant's attention is drawn to the need for a licence for the construction of the new access. The existing access onto Northbourne Road should then be permanently closed off with footway and kerbing reinstated.

The applicant should contact East Sussex Highways on 0345 60 80 193 to apply for an appropriate licence/agreement to ensure the construction is up to an acceptable standard.

**Appeal:**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.

# Agenda Item 7

<b>App.No:</b> 170748	<b>Decision Due Date:</b> 11 August 2017	<b>Ward:</b> Ratton
<b>Officer:</b> Danielle Durham	<b>Site visit date:</b>	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> 9 July 2017 <b>Neighbour Con Expiry:</b> 9 <sup>th</sup> July 2017 <b>Press Notice(s):</b>		
<b>Over 8/13 week reason:</b>		
<b>Location:</b> 36 Wish Hill, Eastbourne		
<b>Proposal:</b> Refurbishment of existing bungalow to consist of proposed new utility and swimming pool extensions, conversion of garage to form annexe bedroom and ensuite along with new parking area for 2no. vehicles.		
<b>Applicant:</b> Mr & Mrs T COLEMAN		
<b>Recommendation:</b> Approve Conditionally		

## **Executive Summary:**

This application covers a number of elements including conversion of garage to habitable room; single storey side and rear extensions to facilitate a pool house, pump room and utility room; new parking; new porch; a new boundary wall and an extended patio area. It is considered that the proposed developments are acceptable and would accord with National Advice and Local Policies.

The application has had a number of objections from nearby neighbours their comments are highlighted within the body of the report below.

The proposed extension (s) are considered to be acceptable and appropriate to the host property and the impacts that fall from the proposal are considered to result in insufficient harm to substantiate a reason for refusal.

The scheme is recommended for approval.

## **Planning Status:**

Residential property within a predominantly residential area.

## **Constraints:**

**Willingdon Levels Catchment Area**

### **Relevant Planning Policies:**

#### National Planning Policy Framework

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting green belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

#### Eastbourne Core Strategy Local Plan Policies 2013

C12 Ratton & Willingdon Village Neighbourhood Policy

D5 Housing

D10a Design

High Value Neighbourhoods

#### Eastbourne Borough Plan Saved Policies 2007

US4 Flood Protection and Surface Water

HO2 Predominantly Residential Areas

### **Site Description:**

The site consists of a bungalow that is set back from Wish Hill accessed via a long driveway. The property sits between Wish Hill and Upper Kings Drive and is not visible from either road due to its location.

The ground level on Wish Hill is generally higher than the land and properties on Upper Kings Drive.

The other properties on Wish Hill are generally semi-detached two storey dwelling houses with long gardens. The properties on Upper Kings Drive are predominantly detached dwellings set back from the road, number 1a Upper Kings Drive is a bungalow that is significantly set back from the road with a driveway that passes a substation that is close to the road. As such the closest property to 36 Wish Hill is 1a Upper Kings Drive at 6m from the boundary.

36 Wish Hill is on a sloping piece of land with a slightly pitched roof reflecting the ground level below. The existing eaves height closest to the properties on Upper Kings Drive is currently 2.3m. The highest part of the roof is approx. 3.75m above ground level.

The design of the bungalow is newer and different to the design of a majority of the properties in this area.

There are currently substantial and well established hedges and trees along both sides of the boundaries with many of the surrounding properties except between this site and 1 Upper Kings Drive, where there is new fencing and little vegetation on either side.

**Relevant Planning History:**

EB/1985/0378

ERECT ATTACHED GARAGE & REMOVE CAR PORT

Approved Unconditional

1985-09-04

EB/1983/0489

CAR PORT AT SIDE

Approved Unconditional

1983-11-21

**Proposed development:**

Parking:

Install two parking spaces on the east elevation of the property; this would be built with concrete. There would also be steps leading down to the front of the property from the hard standing area. To facilitate this a number of non-trees will be removed.

Extended patio:

An extension of the existing patio on the North West side of the property. This would be at a lower ground level than the ground level of the dwelling and the neighbouring properties. There is proposed a new retaining wall in render to match the walls of the bungalow.

Single storey rear extension (utility room):

Single storey mono pitched roof side extension that would be the same height as the existing roof line of the main dwelling. There would be a window on the north elevation and the east elevation.

Porch:

Porch on the south elevation, in the location of the existing porch. The proposed porch is larger and would be glazed/ have full length on all three elevations. The porch would be approx. 3.45m<sup>2</sup> extending 2.2m at the largest point. The roof of the porch would be approx. 4.1m in height and the roof would continue the roof pitch of the main dwelling.

Garage conversion:

An annex-type conversion to the garage to convert it from a garage to habitable rooms, specifically a bedroom, bathroom, and kitchen. The garage will retain the same roofline, height, and external structure, however the

existing window and garage door on the South elevation would be replaced with UPVC French doors and windows.

Side and rear extension:

A single storey extension behind the existing garage and the existing main dwelling, spurring off alongside the rear boundary. This would provide for a new studio, pool house, pump room, and shower room.

The eaves height of the extension to the rear of the garage would match the height of the garage.

The extension to the rear would have a mono pitched roof that at the highest point would be approx. 4.6m this would be at the lowest ground level point nearest the boundary with number 31 Upper Kings Drive. There would be no windows on the rear elevation facing the boundary with number 7 Upper Kings Drive. This is adjacent to a large garden. There is proposed Bi-fold door on the east elevation and the south elevation of the proposed extension. There is also proposed high level windows to serve the East elevation.

Single storey rear extension (utility room):

The applicants are seeking permission for a single storey rear extension to the existing kitchen at the rear of the property to provide a utility room. This would have a mono pitched roof and a single window to the North Elevation. At the highest point it would be 4m in height, 3,7m in width and would extend out approx. 2m from the existing rear elevation.

Other alterations:

The applicants are also seeking permission planning permission for a 2.4m high rendered brick wall with a 1m wide gate for access to the garden.

The applicants are also looking to increase the height of the chimney by 0.8m.

As part of the works the existing walls would be painted in a new render to match the proposed extensions. The roof materials are proposed to match the existing roof.

### **Consultations:**

External:

No comments received.

Neighbour Representations:

7 Objections have been received from local residents commenting in the main on the following issues:

- overdevelopment of the land,
- not in keeping with the surrounding properties,

- the residents have not been at the property and it is potentially being extended for business purposes.
- Too close to the adjoining properties.
- Leaving a small garden is out of keeping with the adjacent properties.
- The pump house will be noisy and this will result in complaints to the environmental health team.
- If approved this will create a precedent.
- There would be little space between 1a Upper Kings Drive and the site the noise in combination with the road would be excessive.
- This would lead to neighbour disputes in the future.
- The bi-fold doors would affect right under the Human Rights Act.
- There is a separate kitchen which may lead to a separate use.

### **Appraisal:**

#### Principle of development:

There is no objection in principle to the proposed development and making alterations to the building provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity and is in accordance with the policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007 and the National Planning Policy Framework (2012).

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

**Parking area**-The proposed parking area is located to the furthest south westerly point of this property; the car parking area would require the removal of some non-protected trees. The proposed parking spaces would replace the parking that is removed as part of other elements of this proposal and would as such be used to mitigate against issues with parking and impact to the shared driveway.

It will be conditioned that the proposed parking area should have sufficient drainage to allow surface water run of to go to the natural water table to prevent water running down the steps to the front of the dwelling or potentially impacting properties downhill at Upper Dukes Avenue.

**Extended patio**-The extended patio would be at a lower ground level to the neighbouring properties on Wish hill and it would be tucked behind the property. It would have limited outward views due to being at such a lower ground level and as such is considered to have no adverse impact to the residential amenity of the neighbouring properties.

By way of the proposed patio being at a lower ground level there is considered to be no adverse impact by way of overshadowing or loss of light to neighbouring properties.

**Porch**-The proposed porch would be in the same location as the existing, as it will not be a habitable room and that there will not be significant dwell time in this location it leads to the conclusion that the new porch would have a neutral impact to loss of privacy and overlooking.

Due to its location on the front elevation it is considered that there will be no loss of light or overshadowing to neighbours as there are no neighbouring properties in close proximity to the proposed porch.

**Garage conversion**-Overlooking/ loss of privacy

It is considered that the proposed garage conversion would not cause a significant adverse impact by way of overlooking to 36a Wish Hill as the proposed new windows in place of the garage door would be obscured from view partially by the proposed new 2.4m high wall and mature hedging plants. The height of the garage is not proposed to increase; it is also not proposed to increase in size on the front elevation.

The closest property to the garage is number 1a Upper Kings Drive. It is approx. 6m away from the garage; this is the closest element of the proposed works to number 1a. It is separated by a 2m high fence and established trees within the boundary of number 36 Wish Hill. As there is not proposed increase to the size of the existing garage it is considered that there would be no additional overshadowing, loss of outlook or loss of light.

It is considered that garage conversions to habitable spaces can be undertaken under permitted development without the requirement of planning permission.

**Single storey side and rear extension-**

- *Impacts to 1a upper kings drive*

The proposed extensions, pool house and garage conversion are considered to not have a significant adverse impacts to the residential amenity of 1a upper Kings Drive for the following reasons. The plant room and shower room would be at a distance of approx. 15.5m from this neighbouring property, due to the distance and the orientation of the properties there would be no loss of light, or outlook caused by this part of the proposal.

The occupants of nearby properties have objected to the potential noise, it is however noted that an outhouse could be built with similar dimensions for a pool pump under permitted development, in turn the applicants could have also built an outdoor pool with outdoor pump systems that would fall under permitted development not requiring planning permission.

Notwithstanding the proposed pool house would be approx. 12.15m in distance from number 1a Upper Kings Drive. Again due to the distance and the orientation of the properties there would be insignificant loss of light,

overshadowing and loss of outlook. Due to the approx. 2m high boundary fence and established trees the impact would be minimal.

The occupants have raised concerns with the noise that would come from the pool and living space through the bi-fold doors, it is considered that on balance there would be less impact of noise from the pool users than had a pool been built under permitted development rights, outside with no walls to minimise the impact of noise. The noise levels will be conditioned as to protect the neighbours from potential adverse impact from noise of the pool pump.

In regards to privacy, it is considered that as there is a fence and established trees on the boundary alongside this the windows would not be at an angle facing the direction of number 1a. The windows proposed on the side of the garage would face in the direction of number 1 Upper Kings Drive and the windows on the side of the extension for the pool would face the garden of 36 Wish Hill and in the direction of 36a Wish Hill views are obscured by trees and bushes. As such it is considered there would not be significant adverse impact from overlooking.

***Single storey side and rear extension-***

- *Impacts to 1 Upper Kings Drive*

-

The proposed extensions, pool house and garage conversion are considered to not have a significant adverse impacts to the residential amenity of 1 Upper Kings Drive for the following reasons.

The rear garden of number 1 Upper Kings Drive is approx. 27m long from the rear elevation of the property to the boundary, this plus the distance from the proposed windows on the side elevation of the garage would be approx. 35.5m and from the windows on the proposed garage conversion and 31m from the bi-fold doors on the pool. It is also considered that there is existing windows on the site that currently have windows facing in the direction of number 1 Upper Kings Drive. It is considered that although this property is at higher ground level, the proposed extension is only single storey, in addition at a distance of 31m overlooking would not be significant and would not warrant refusal. It is also considered that a single storey side extension with clear glazed windows or doors could be built to the side elevation of this property under permitted development not requiring planning permission. It is also considered that the high level windows would not provide any overlooking as it is above head height of the occupants.

Due to the significant distance and orientation of the properties the proposed extension would not cause a significant adverse impact by way of loss of light or over-shadowing.

As discussed above in regards to noise impacts, the applicants could build an outside pool with outside pool pumps and filters under permitted

development with no planning control. There would be conditions put in place to prevent any excessive adverse impact by way of noise from the plant room.

### ***Single storey side and rear extension-***

- Impacts 3 Upper Kings Drive

The proposed extensions, pool house and garage conversion are considered to not have a significant adverse impacts to the residential amenity of 3 upper Kings Drive for the following reasons.

The closest element of the proposed works to number 3 Upper Kings Drive is the pump house, this is the smallest element in height at approx. 2.7m in height. This would be approx. 10.5m in distance between the pump house Number 3. This element is unlikely to have a significant impact to light to the windows at the rear of number 3 as it is set back from the boundary and it would be at a similar height to what would be permitted development for an outhouse. There would be no overlooking from the pump house and the pump house would obscure views from the bi-fold windows of the pool house and garage conversion, mitigating against a significant adverse impact of overlooking.

The taller element of the pool house would be 12m away from the rear of number 3, although this is proposed to be approx. 4.5m in height, due to the orientation of the properties there would be no significant loss of light to the rear of number 3 caused by the proposed extension.

Other alterations:

The proposed brick wall is considered to not cause a loss of light or overshadowing to neighbouring properties. Due to the location within the land of this property and the relationship with number 36 Wish Hill it will reduce any adverse impact of overlooking from the proposed windows to be added as part of the garage conversion.

The proposed increase to height of the chimney is considered due to its nature to have no adverse impact on privacy and due to its location and size it would not cause a and significant adverse impact to outlook, or light to neighbouring properties.

It is also noted that an outside pool could be built in the same location or closer to the boundary that the proposed under permitted development. An indoor pool would mitigate against the having noise levels the same as an outside pool. It is also considered that there could be an out building built within 2m of a boundary that would be 2.5m in height built under permitted development rights that would have more significant impacts to overshadowing, loss of light and loss of privacy.

Design issues:

The property is a 1960's style building and is the only single storey property of this style or design along either Wish Hill or Upper Kings Drive; as such the design of the property and the proposed extensions cannot be directly compared to the surrounding properties. It is also considered that as the property is individual in design that any decision for this site would not create a precedent for this area, in addition all applications are considered on their individual merit.

The proposed extensions and developments have been designed to be in keeping with the 1960's style of the building and uses a similar design and scale to the existing dwelling and as such is considered to be in keeping with the host building.

The property is set back from both Wish Hill and Upper Kings Drive the property is not easily visible from the public highway and as such is considered to not adversely impact the overall street scene.

Impact on character and setting of a listed building or conservation area:

The property is not a listed building nor in a conservation area, as such the proposed developments would not cause a significant adverse impact to either listed building or conservation area.

Impacts on trees:

There are a number of trees within the boundary of the site that would be removed as part of the proposed development. It is considered that the trees to be removed are not of high quality and are not considered to be an impediment to development.

Impacts on highway network or access:

Due to the location of the property being set back from the main road of Wish Hill and that the proposal provides for two parking spaces in replacement of the lost parking spaces in the garage, it is considered that there would be no significant adverse impact on the public highway network.

**Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process with the impacts outlined within the body of this report.

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.

Excessive noise from the pool house and users. Over development of the land.

**Conclusion:**

It is considered that the proposed development will not negatively impact the amenity of the occupiers of surrounding properties or be detrimental to the

character and appearance of the area. Proposal therefore complies with local and national policies.

**Recommendation:**

Approve conditionally

**Conditions:**

1) 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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

This applies unless details on the approved plans indicate otherwise.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

3) The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 5th June 2017:

- Drawing Number 1714/04 B- Proposed floor plan
- Drawing Number 1714/05 B- Proposed elevations
- Drawing Number 1714/01 A- Site location
- Drawing Number 1714/07 A- Proposed Block Plan

Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates

4) The driveway hereby approved must use permeable (or porous) surfacing which allows water to drain through, such as gravel, permeable concrete block paving or porous asphalt, or if the rainwater is directed to a lawn or border to drain naturally.

Reason: To ensure that surface water is dealt with appropriately within the application site and not affect adjoining property by way of localised flooding

5) The developments approved as part of this application hereby approved shall be used for purposes ancillary to the enjoyment of 36 Wish Hill, Eastbourne, BN20 9EY and shall be used for no other purpose in perpetuity.

Reason: To protect the residential amenity of nearby occupiers

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies HO20 Residential Amenity.

7) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy HO20.

8) prior to its installation details of the pond pump equipment shall be submitted including running/operational decibel levels. The details as submitted shall be agreed in writing and be retained as such thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy HO20 Residential Amenity.

**Appeal:**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.

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# Agenda Item 8

<b>App.No:</b> 170685 (VCO)	<b>Decision Due Date:</b> 13 July 2017	<b>Ward:</b> Sovereign
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 29 June 2017	<b>Type:</b> Variation of Condition
<b>Site Notice(s) Expiry date:</b> 27 June 2017		
<b>Neighbour Con Expiry:</b> 27 June 2017		
<b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> To bring to planning committee		
<b>Location:</b> Site 8, Pacific Drive, Eastbourne		
<b>Proposal:</b> Application for variation of condition 2 of reserved matters granted 9 June 2015 for the development of the site for 8 dwellings, open space and berth holder facilities following grant of outline planning permission (Ref: 141469); amendments are to paving to public open space, retaining tarmac drive on the north and south sides of the site, reconfiguration to planters in public open space, changes to proposed street furniture, new planting arrangement, re-arrangement of shared access and parking area, and amendments to planting edging in public open space.		
<b>Applicant:</b> Port Moresby Homes Limited		
<b>Recommendation:</b> Grant the variation of condition subject to agreement over the surface water discharge details (in discussion with ESCC SUDS Team)		

## Executive Summary:

Planning permission was granted for the development of Site 8 as part of the outline application in 2014 for the development of a number of sites across the Harbour.

Site 8 was granted permission for 4 pairs of semi-detached properties, 8 in total and on site these are nearing completion, with works immanent on the public open space to the rear of the site adjacent the Harbour.

The public open space element of the scheme was an important part of the overall design concept for the development and remains integral to the success of the development for all parties involved.

This application seeks to amend external landscaping features/aspects of the original approval. In the whole the amendments are considered acceptable with some improvements. Therefore it is recommended that this application is supported subject to confirmation over the SuDS issue.

## Relevant Planning Policies:

National Planning Policy Framework

6. Delivering a wide choice of high quality homes
7. Requiring good design

Eastbourne Core Strategy Local Plan Policies 2013

B1 Spatial Development Strategy and Distribution

B2 Creating Sustainable Neighbourhoods

C14 Sovereign Harbour Neighbourhood Policy

D5 Housing

Eastbourne Borough Plan Saved Policies 2007

US5 Tidal Flood Risk

HO2 Predominantly Residential Areas

HO20 Residential Amenity

UHT4 Visual Amenity

UHT7 Landscaping

UHT10 Design of Public Areas

**Site Description:**

Site 8 refers to a plot on the harbour edge facing onto Pacific Drive. Planning permission was granted in 2014 for the development of site 8, among other sites within the harbour, for up to 8 residential properties. Reserved matters were later approved in 2015 for the design of the 8 properties. The properties are nearing completion and consist of 4 pairs of semi-detached dwellinghouse facing Pacific Drive, with public open space to the rear of the site at the edge of the Harbour.

**Relevant Planning History:**

141469

Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) relating to condition 1 of outline application ref: 131002 for the development of site 8 at Sovereign Harbour for up to 8 dwellings, open space and berth holder facilities and related discharge of conditions.

Approved conditionally

09 June 2015

131002

Outline planning permission for the development of sites 1, 4, 5, 6, 7 and 8 at Sovereign Harbour, Eastbourne, including Site 8 – Up to 8 dwellings, open space and berth holder facilities.

Approved conditionally

02 December 2014

**Proposed development:**

The application proposes to vary condition 2 (development to be carried out in accordance with approved drawings) of the Reserved Matters for the development of the site as follows;

The variation of condition 2 in relation to approved drawings is to amend some elements of the approved scheme as set out below;

1. Amend the type of block paving originally approved to the public open space areas from Tegula Priora permeable block paving to a concrete block paving and header

course to match the existing walkway/promenade adjoining the site.

2. Amend the approved plan to retain the existing tarmac drive and footpath on the northern and southern sides of the site, this was originally approved to be replaced with the block paving to match the rear public open space.
3. Amend the public open space configuration of planters and seats to the public open space
4. Amend the planting layout around the existing pumping station, moving the car park boundary closer and increasing the number of external parking spaces from 7 to 9.

The application originally also proposed an amendment to the front boundary treatment of the properties, from a brick plinth with railing above to only a railing. This was objected to by members of the public and prospective purchasers, and following consideration by the developer has been removed from the scheme.

### **Consultations:**

#### Neighbour comments/objections

16 objections have been received from local residents, in the main their objections can be summarised as:

- Will the seating be accessible for older and disabled residents?
- No justification for the proposed changes
- Impact of use of non-permeable paving on standing water and therefore users of the site
- Retention of tarmac areas does not reflect the current built environment
- Unless the proposals enhance the current scheme, increase the sustainability of the neighbourhood and provide additional public amenity the application should be rejected.
- The plans differ from the originally approved plans
- The proposed changes do not improve the appearance or amenity of the original design.
- The site is high profile, the changes do nothing to improve the appearance or amenity of the original scheme.
- Developer is proposing these changes on the grounds of reduced costs/improved profit.
- The positioning of the seating area was determined through public consultation and was considered to be the most advantageous for users of the area.

#### Sovereign Harbour Residents Association

- Change to non-permeable surface runs contrary to the NPPF regarding sustainable drainage. The use of non-permeable paving will increase the quantity of run-off and is also more likely to result in 'ponding' in parts. There should be no further run-off into the harbour waterways.
- No drainage strategy available, it is not acceptable for a developer to propose a drainage condition change without explaining how it would comply with policy.

- Object to the developers seeking to weaken or remove conditions and change plans already approved following lengthy consultation and negotiation. Such continuous attempts, not in line with the Sovereign Harbour SPD should be resisted.

Prospective Purchasers: Three purchasers of the properties objected to the amendment to the front boundary treatment of the property on grounds of security, privacy and aesthetics.

### **Appraisal:**

#### Principle of development:

In principle there is no reason to refuse the variation of condition unless the details of the variation are not considered acceptable in their own right.

#### Appraisal

Amendment 1 Block Paving - Amend the type of block paving originally approved to the public open space areas from Tegula Priora permeable block paving to a concrete block paving and header course to match the existing walkway/promenade adjoining the site.

In principle there is no objection to the use of a non-permeable brick instead of the permeable brick providing it is shown that the overall drainage strategy is not jeopardised. The design and appearance of the brick will match the existing harbour walkways which will maintain continuity of finishes around the harbour, this will be visually more attractive and more practical for on-going maintenance of the public area.

The submitted surface water drainage statement states that the presence of the gravel layer at the site with a high groundwater tables is such that the groundwater is in continuity with the water level within the Harbour. With groundwater measured at 1.4m below ground level, discharging surface water through traditional soakaways would not be appropriate as they would not function (unable to percolate into surround ground given high water table).

Given the soakaway issue as outlined above the applicants have submitted a designed/engineered drainage solution. The amended scheme proposes to discharge runoff from the driveway and parking areas through overland flows, channel drainage and pipework directed to the planters for infiltration and water quality improvements before discharging into the harbour. The landscaped planters act as natural filtration and bio retention areas that will help to support the planting and manage water flows, the applicants submitted documents state this will provide an environmentally sound response to drainage management for the site. The maintenance and management of the future drainage system will fall to the Management Company of the properties.

An additional application not reported here, for the re-discharge of conditions in relation to the drainage strategy is under consideration. Full details of this application including the drainage strategy have been passed to East Sussex County Council as the Lead Local Flood Authority and the Environment Agency.

The recommendation for the scheme currently before members is on the basis that consultees are satisfied that the designed drainage details are acceptable in terms of functionality and pollution.

Amendment 2 Retention of Tarmac - Amend the approved plan to retain the existing tarmac drive and footpath on the northern and southern sides of the site, this was originally approved to be replaced with the block paving to match the rear public open space.

The existing tarmac drive to the north and the footpath to the south are in good condition. The proposal reduces waste from the site, and reduces the impact on surrounding residential properties from the works required to remove the tarmac.

The proposal will result in a clear definition/demarcation of the driveway and the public open space at the point they merge by changes in material.

The existing tarmac footpath to the north is not in a good state of repair and should be replaced with the block paving for continuity with the wider area.

Amendment 3 Public Open Space Configuration - Amend the public open space configuration of planters and seats to the public open space

The number planting beds is not changing from the previously approved scheme, however their configuration is changing. The number of benches has increased from 4 – 6, although their design/form has changed.

The development of the houses has resulted in some shingle being excavated, some spoil is needed to create the permitted scheme but some would be 'waste' which would need to be transported off site. This proposal seeks to retain that spoil on site to minimise construction waste by raising the upper walkway, increasing the number of steps between the walkways but retaining full accessibility from both ends of the public open space via re-modelled ramps.

The planters shape is altered to a more angular shape, their size is increased, this assists with the designed drainage strategy as outlined above. In principle there is no objection to the angular planters in replacement of the slimmer curved approved planters. The additional soft landscaping is considered to improve the scheme overall. The planters are created by railway sleepers as previously agreed.

The amended scheme also proposes the alteration to seating provision from 4 heritage seats all on the lower open space area, to 4 timber seats built into the planters at lower level and 2 heritage seats at the upper level. It is considered that the increase in seating is acceptable, heritage seating is still provided by way of two benches.

Amendment 4 Car park boundary and planting layout - Amend the planting layout around the existing pumping station, moving the car park boundary closer and increasing the number of parking spaces from 7 to 9.

The moving closer of the parking area to the substation would remove the unofficial access through, however this is considered acceptable and it has not as part of the applications to develop the site ever been an official pathway.

The increase in space allows the reconfiguration of the parking bays and the increase in numbers which is considered an improvement. The area also sees an increase in soft landscaping which is an improvement visually for the area.

The parking area is to be laid out in a contrasting concrete paver to define the public and semi - private space which is also demarked by 600mm galvanised railings surrounding and a barrier to the entrance to prevent unauthorised use.

**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 amendments are not in and of themselves unacceptable and some are considered will improve the public open space.

It is acknowledged that the public open space is an important part of the development as it is for the wider benefit of the community. It is considered that the proposals are acceptable and therefore the application should be approved.

**Recommendation:** Grant the variation of condition amending the drawing numbers of the approved scheme subject to agreement over the surface water discharge details (in discussion with ESCC SUDS Team)

Informative: The applicant is reminded that other conditions of the original consent still apply unless discharged.

<b>COMMITTEE</b>	<b>PLANNING</b>
<b>DATE</b>	<b>July 2017</b>
<b>SUBJECT</b>	<b>SUMMARY OF PERFORMANCE OF THE PLANNING SECOND QUARTER 2017 (APR - JUN)</b>
<b>REPORT OF</b>	<b>Leigh Palmer Senior Specialist Advisor (Planning)</b>

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<b>Ward(s)</b>	ALL
<b>Purpose</b>	This report provides a summary of performance in relation to key areas of the Development Management Services for the relevant period
<b>Contact</b>	Leigh Palmer <a href="mailto:Leigh.palmer@eastbourne.gov.uk">Leigh.palmer@eastbourne.gov.uk</a> 01323 415 215
<b>Recommendations</b>	That Members note the content of this report

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## 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 2016 on speed and quality) against which all Council's will be judged. Failure to perform against these targets runs the risk of the Council being designated as 'Non- Performing' and special measures will be initiated by Central Government.

2.2 The assessment of the 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

		Majors						Non-majors						
		All Major Decisions	Major Decisions within 13 week	PPA, EoT or EIA Decisions	PPA, EoT or EIA Decisions in t	Out of time	Result		M&O Decisions	M&O Decisions within 8 weeks	PPA, EoT or EIA Decisions	PPA, EoT or EIA Decisions in t	Out of time	Result
Quarter 01	Oct - Dec 2015	1	0	1	0	1	0.00%		124	96	4	2	26	79.0%
Quarter 02	Jan - Mar 2016	2	0	2	2	0	100.00%		119	101	5	5	13	89.0%
Quarter 03	Apr - Jun 2016	4	1	2	2	1	75.00%		151	136	6	6	9	94.0%
Quarter 04	Jul - Sep 2016	2	0	2	2	0	100.00%		117	96	3	3	18	84.6%
Quarter 05	Oct - Dec 2016	2	0	1	1	1	50.00%		121	90	2	2	29	76.0%
Quarter 06	Jan - Mar 2017	1	1	0	0	0	100.00%		105	88	2	1	16	84.7%
Quarter 07	Apr - Jun 2017	2	0	2	2	0	100.00%		170	146	5	3	21	87.6%
Quarter 08	Jul - Sep 2017													
	total	14	2	10	9	3	78.57%		907	753	27	22	132	85.4%
							Minimum level require							70.0%

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, however given the low volumes of major applications there is the potential for volatility in the performance.

Officers are encouraged to offer/negotiate an extension of time with the applicant/developer this should mitigate the risk level.

## 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	
Quarter 01	Jul - Sep 2015	0	0	0	0	0			134	11	6	5	1	0	
Quarter 02	Oct - Dec 2015	1	0	0	0	0		0.00%	124	19	3	1	2	0	
Quarter 03	Jan - Mar 2016	3	0	0	0	0		0.00%	119	14	5	3	2	0	
Quarter 04	Apr - Jun 2016	4	1	1	1	0	0	0.00%	151	17	12	8	4	0	
Quarter 05	Jul - Sep 2016	2	0	0	0	0		0.00%	117	12	2	1	1	0	
Quarter 06	Oct - Dec 2016	2	2	1	1	0	0	0.00%	121	9	4	2	2	0	
Quarter 07	Jan - Mar 2017	1	0	0	0	0	0	0.00%	105	5	4	3	1	0	
Quarter 08	Apr - Jun 2017	2	0	0	0	0	1	0.00%	171	11	1	1	0	1	
	total	15	3	2	2	0	0	0.00%	1042	98	37	24	13	0	
		Minimum level required						10.00%							1

## 2.9 Risk Area

One area for Members to note from this 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 still have the BT Site Moy Avenue appeal to be determined and depending on the outcome of the appeal this may have a significant impact upon performance.

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.

3.3 Table3

Decisions	2013	2014	2015	20-16	2017
All determined	574	596	545	569	305
Delegated	510 (89%)	521 (87%)	472 (87%)	505 (89%)	298 (97%)
Granted	521 (91%)	546 (92%)	488 (90%)	515 (91%)	286 (96%)
Refused	49 (9%)	50 (8%)	57 (10%)	54 (10%)	19 (6%)

3.4

Table 4	TYPE	NUMBER
2013	All determined	574
2014	All determined	596
2015	All determined	545
2016	All determined	569
2017	All determined	305
<b>2017 Q1 (Jan - Mar)</b>		
	All determined	122
	Delegated	115 (94%)
	Granted	116 (95%)
	Refused	6 (5%)
<b>2017 Q2 (Apr - Jun)</b>		
	All determined	183
	Delegated	176 (96%)
	Granted	170 (92%)
	Refused	13 (7%)
<b>2017 Q3 (Jul - Sep)</b>		
	All determined	0
	Delegated	0
	Granted	0
	Refused	0
<b>2017 Q4 (Oct - Dec)</b>		
	All determined	0
	Delegated	0
	Granted	0

	Refused	0
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- 3.5 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.
- 3.6 It is considered that in granting planning permission for 96% 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)
- 3.7 It is acknowledged that in 2017 the % of applications determined at delegated level has significantly increased; this is reflective of the changes recently made to the scheme of delegation.
- 4.5 Members should note that the Table 5&6 includes further application data by ward.
- 4.6 Table 5&6  
Number for the Calendar Year 2017 and the calendar year 2016.

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 5

YEAR	TOTAL AMOUNT
2015	1319
2016	1433
2017	719

- 4.7 Table 6

Year 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 Anthony's	127
11	SV Sovereign	107
12	UP Upperton	179
13	(blank)	
14	<b>Grand Total</b>	<b>1433</b>

4.8 2017

DV Devonshire	77
HP Hampden Park	51
LG Langney	39
MD Meads	178
OT Old Town	76
RN Ratton	85
SA St Anthony's	65
SV Sovereign	54
UP Upperton	94
(blank)	
<b>Grand Total</b>	<b>719</b>

4.9 Risk Area

Members will acknowledge that there has been an increase in the 114 cases in 2016 compared to the 2015, this represents a 9% increase in workload.

It is acknowledged that based on current workload (6 months) that the volume of workload would appear to be sustained. It is considered that this level of workload needs to be monitored as it may have a resource impact going forward.

**4.0 PRE-APPLICATION ADVICE**

4.1 In addition to the formal applications received the Council for this survey quarter offers a free pre application advice service. The table below indicates the numbers of pre-application enquiries received by the Council for the years 2014-16 and a rolling number for the current year.

Table 7

PROCESS NAME	NUMBER 2017	NUMBER 2016	NUMBER 2015	NUMBER 2014
PRE APP (Old Process)	0	0	0	53
PRE APP HOUSEHOLDER	67	220	163	126
PRE APP MEDIUM	64	147	159	108
PRE APP MAJOR	5	18	10	16
<b>TOTAL</b>	<b>136</b>	<b>385</b>	<b>332</b>	<b>303</b>

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.

Members should be aware that the 2016 spike has been arrested to some extent following the introduction of a pre-application charging regime as of the 1<sup>st</sup> 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.

## 5.0 REFUSALS

- 5.1 Members requested further information on the number and break down of the refusal issued for the calendar year 2017 (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 2017:- 9 cases were refused at Delegated and 0were refused at Planning Committee level.

5.3 TABLE8  
REFUSALS BY WARD

Row Labels	REF Refused	Grand Total
DV Devonshire	3	3
HP Hampden Park	3	3
MD Meads	4	4
RN Ratton	2	2
SA St Anthony's	2	2
SV Sovereign	4	4
UP Upperton	4	4
(blank)	2	2
<b>Grand Total</b>	<b>24</b>	<b>24</b>

5.4 TABLE9  
REFUSAL BY DECISION LEVEL (COMMITTEE REFUSAL)

CCC Planning Committee	2	2
DDD Delegated List	22	22
<b>Grand Total</b>	<b>24</b>	<b>24</b>

- 5.5 For the survey period there have been two applications that have been

refused at committee .

Paint on the Pier and new bungalow at 21 Derwent Road.

**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 2017 have received 5 appeal decisions and the decision letters have been reported to committees through the year.

6.2 Appeals decided by development type/application  
TABLE 10

6.3

HHH Householder	1
OSR Outline (some reserved)	1
PCI Prior Notification Class IA	1
PPP Planning Permission	3
<b>Grand Total</b>	<b>6</b>

6.4 APPEAL ANALYSIS

The appeal decisions letters received during 2017 have been analysed with the various decision permutations reported below.

Table 11

6.5

	Officer Approve Cttee Refuse Appeal decision- Allowed	Officer Approve Cttee Refuse Appeal decision - Refused	Officer Refuse Cttee Support Refusal Appeal decision Allowed	Officer Refuse Cttee Support Refusal Appeal decision Refused
2013	7 (28%)	4 (16%)	2 (8%)	12 (48%)
2014	0	4 (40%)	2 (20%)	4 (40%)
2015	0 (0%)	3 (21%)	2 (14%)	9 (65%)
2016	5 (18%)	1 (4%)	5 (18%)	17 (61%)
2017	0 (0%)	0(0%)	1(17%)	5 (83%)

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 previous years. It is acknowledged that the highest volume appeal category continues to be the 'planning permission' type (3 cases for 2017); 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 no 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 are no cases 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 is 1 appeal falling into this category within the survey period however it is important to continue to monitor as it is an indication that Officers may not 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 There are no appeal costs for the survey period.

6.17 Members should note that collectively we should strive to avoid costs claims.. 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.

In an attempt to mitigate this risk case officers are encouraged to negotiate extension of time with the applicant developer.

If/when an award of costs is made there is 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 reporting 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. Below in Table 12 highlights the number of enforcement cases opened in 2017.

TABLE 12

7.3

	7
Devonshire	33
Hampden Park	22
Langney	18
Meads	30
Old Town	19
Ratton	15
Sovereign	8
St Anthonys	24
Upperton	16
<b>Grand Total</b>	<b>192</b>

- 7.4 Cases Closed/Received

TABLE 13 Closed/Received Annual

7.5

YEAR	CLOSED	RECEIVED
2014	253	363
2015	347	332
2016	354	361
2017	206	192

- 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

7.7

Year	Q1	Q2	Q3	Q4
2015	Not recorded	Not recorded	Not recorded	31
2016	29	19	25	32
2017	39	22	0	0

## 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 2017 5 notices (1% of all cases received) have been served.

7.10 It is clear that therefore that in excess of 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

Members should note that for this survey period the rate of cases created does exceed the rate of closure; if this were to continue then there is the potential for an increase in live enforcement cases to form a significant backlog. The general increase in live cases is also reflected in the increase in the number of cases on hand that are over 6 months old. At this time there does not appear to be any substantive risk but the issue will be monitored.

## 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 including pre-application submissions is required in order to ensure that the resource levels match the extent of work being submitted.

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## Appeal Decision

Site visit made on 5 July 2017

**by Mr Kim Bennett BSc DipTP MRTPI**

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

**Decision date: 11 July 2017**

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### **Appeal Ref: APP/T1410/D/16/3167433**

### **31 Baldwin Avenue, Eastbourne, East Sussex BN21 1UL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Kevin Feeney against the decision of Eastbourne Borough Council.
  - The application Ref PC/161110, dated 23 September 2016, was refused by notice dated 17 November 2016.
  - The development is the retention of dormer at rear.
- 

### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the wider area.

### **Reasons**

3. Number 31 Baldwin Avenue comprises a detached two storey dwelling located on the western side of the road and close to the junction with Eldon Road. The development which is the subject of this appeal, has already been built and comprises a large rear dormer which also projects beyond the existing roof plane on both side elevations, although more so on the northern side. There is also a single storey extension at the rear. The character of the area is wholly residential with detached two storey dwellings of varying designs.
4. A Certificate of Lawful Use or Development (Proposed) was granted in 2015<sup>1</sup> for the works as constructed, but subject to an informative that the materials should match that of the existing building in terms of type, texture and colour. The informative reflects the general condition requirement set out in Class B.2 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015, that materials should be similar to those used in the construction of the existing dwellinghouse. However, the dormer has been clad in a grey coloured weather boarding which is not found elsewhere on the building, and consequently the Council considers that planning permission was required for the works as constructed. The appeal therefore seeks to retain the dormer as built.

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<sup>1</sup> Application ref no PC/151003

5. Although the combined roof extension is large, the Council does not take issue with that owing to the fact that it apparently could be constructed under permitted development in terms of its size and dimensions. The issue therefore is the choice of cladding used.
6. In that respect, the appellant advises that the cladding was chosen primarily because it was considered that it would better match the roof of the rear extension which is also grey in colour. The dormer is not considered to be particularly noticeable in the street scene and it is felt that there are other dormers which are more prominent.
7. However, I observed that whilst the properties along Baldwin Road are of different designs, there is a strong consistency of materials comprising brown plain tiled roofs and elevations of render, brick and tile hanging. Where dormers or roof extensions have been constructed, they have largely been clad with tile hanging which has helped to integrate them with the host dwellings. That is also the case with dormer extensions in the adjoining Eldon Road.
8. In contrast, I agree with the Council that the grey cladding that has been used in the appeal situation, accentuates the size and massing of the dormer with the result that it appears somewhat incongruous and fails to satisfactorily relate to the character of the existing building in terms of materials. This is important since the size of the dormer means it is apparent in the street scene from Baldwin Road itself, and also in glimpsed views from Eldon Road. It would also be particularly apparent from rear gardens of near neighbours in both roads. In these respects, I consider that the use of a material which would be more complimentary to the character of the main dwelling, is more important than matching the roof of the rear extension which is enclosed within the rear garden and not publically visible.
9. The Council raises no amenity objections in terms of any overlooking, given that it already exists and having regard to permitted development options, and I see no reason to take a different view.
10. Having regard to the above issues, my finding is that the use of the grey cladding is inappropriate and has resulted in visual harm to the host dwelling as well as the street scene. It is therefore contrary to Policy UHT1 of the Council's Borough Plan (2001-2011) and Policy D10A of the Core Strategy 2013, in that it does not harmonise with the local area, the design has not taken account of local context and the materials are not appropriate.
11. Accordingly, the appeal is dismissed.

*Kim Bennett*

INSPECTOR