

# Planning Committee

**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 24 October 2017.** (Pages 1 - 6)

**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 Ridglands, 2 Upland Road. Application ID: 170943.** (Pages 7 - 22)

**7 5 Meads Street. Application ID: 171179.** (Pages 23 - 30)

**8 35 Wallis Avenue. Application ID: 171051.** (Pages 31 - 38)

**9 Update on Housing Delivery.** (Pages 39 - 46)

Report of Director of Planning, Strategy and Regeneration.

**10 Planning Performance for Quarter 3 (July to September) 2017.** (Pages 47 - 60)

Report of Senior Specialist Advisor for Planning.

**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)

Members of the public are welcome to attend and listen to the discussion of items in the "open" part of the meeting. Please see notes at end of agenda concerning public rights to speak and ask questions.



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Tuesday, 24 October 2017  
at 6.00 pm



## Planning Committee

Present:-

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

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### 52 Minutes of the meeting held on 26 September 2017.

The minutes of the meeting held on 26 September 2017 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

### 53 Apologies for absence.

Councillor Taylor.

### 54 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.

### 55 Urgent items of business.

The Chairman advised that three additional items would be considered at the end of the meeting, namely:

- dates for a site visit to the Pier,
- design discussion with the Moy Avenue developers, and
- an update on progress at the Bovis Homes development at Kings Drive.

Members agreed to consider the aforementioned matters upon the conclusion of the published agenda items.

**RESOLVED:** That the items be noted for consideration following the conclusion of the published agenda items.

### 56 20 Upperton Road. Application ID: 170964.

Add an additional floor (Seventh) to existing building to provide 5 new flats, alter sixth floor elevations, replace and enhance windows and doors from ground level to sixth floor including new entrance. Form access and balconies to and from South facing first floor flats. Externally add refuse and cycle stores, compounds for electric sub-station and parking and alter

both access ways onto Upperton Road and Upperton Lane (amended scheme) – **UPPERTON.**

Members were advised that three comments had been received following the re-consultation exercise stating that the amendments had not overcome previous objections from residents.

The committee was advised that the site plan had been amended to increase the width of the car parking spaces to the rear in Upperton Lane to 2 metres. An additional condition had been requested in relation to the submission of a landscaping scheme / planting schedule to ensure the satisfactory landscaping to Upperton Road frontage.

Mr Whiteman addressed the committee in objection stating that the height of the building would still be over dominant with the addition of the seventh floor. This would result in the loss of light and therefore negatively impact on neighbouring properties.

Mr Mortimer, agent for the applicant, addressed the committee in response stating that the changes requested by the committee at the previous meeting had been made, with the addition of coloured cladding, further details on materials, and approved fire protection. The parking had been increased to 80% occupation with the majority located in the underground car park. Mature trees would be planted to soften the structure further and enhance the overall appearance.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions:

- 1) Time for commencement
- 2) Approved drawings
- 3) Materials to window panels and external cladding at 6-7<sup>th</sup> floors to be as submitted unless agreed otherwise.
- 4) Parking areas to be provided prior to occupation
- 5) Cycle parking to be provided prior to occupation
- 6) No development to commence until vehicular access off Upperton Road has been constructed in accordance with approved drawing
- 7) Development not to be occupied until the amendments to the Upperton Lane access have been undertaken in accordance with the approved drawing.
- 8) No development to take place before the submitted of a Construction Management Plan has been submitted.
- 9) Southern Water condition in relation to protection of the existing sewer on the site.
- 10) Details of Suds scheme if being implemented

Informative:

- 1) Highways Informative
- 2) Southern Water Informative

**57 36 Beatty Road. Application ID: 170916.**

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

Mr Karati, applicant, addressed the committee stating that the proposed extraction system would reduce noise and would be sufficient for the proposed use. Mr Karati queried the number and class uses for the current units.

**RESOLVED: (Unanimous)** That permission be refused on the grounds that:

- 1) The proposed change of use from Class A1 to Class A3/A5 is contrary to saved policy SH7 of the Borough Plan 2007 and Policy D4 of the Core strategy 2013, the loss of the A1 would further decrease the retail provision in this shopping centre which would harm the vitality and viability of the local centre.
- 2) The applicant has failed to demonstrate that the proposed ducting will be sufficient to alleviate smell nuisance on the surrounding residential properties contrary to saved policy HO20 of the Borough Plan 2007 and policy b2 of the Core Strategy Local Plan 2013.

Appeal:

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

**58 112, 114 and 120 Langney Road. Application ID: 171038.**

Proposed conversion of 112 & 114 Langney Road from commercial property and 2no. flats to create 1no. 2bed dwelling and 1no. 3bed dwelling and proposed conversion of 120 Langney Road from commercial property and 1no. flat to create 1no. 3bed dwelling – **DEVONSHIRE.**

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions:

- 1) Time limit
- 2) Approved drawings
- 3) Materials

**59 The Pilot, 89 Meads Street. Application ID: 170822.**

Two storey extension to the rear of existing building to include demolition of the existing disabled toilet and the construction of a new formal restaurant area with new disabled toilet and new managers studio flat at first floor level – **MEADS.**

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions:

- 1) Time for commencement
- 2) Approved drawings
- 3) Restriction on construction times

- 4) Materials to match existing
- 5) Accommodation to be used by staff only, and at no time for separate residential or guest accommodation
- 6) No new windows in elevations and windows in norther elevation to be as shown on approved drawing.
- 7) The parking layout as shown on approved drawing and secure covered cycle parking shall be installed prior to the first occupation of the extension.

**60 Appeal Decision.**

- 1) 39 and 41 Willingdon Road. The Inspector dismissed the appeal.

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

There were none.

**62 Site visit to Eastbourne Pier.**

The committee was advised that the owner of Eastbourne Pier had requested Members attend a site visit to assist with their deliberations regarding the forthcoming application to paint the front canopy white.

Members agree to a site visit on Saturday 4 November 2017 at 9.00am.

**RESOLVED:** That Members attend a site visit to Eastbourne Pier on Saturday 4 November 2017 at 9.00am.

**63 Moy Avenue.**

The committee was advised that a meeting with the developers of the Moy Avenue site had been arranged for Monday 6 November 2017 at 6.00pm.

**RESOLVED:** That this item be noted.

**64 Update on the Bovis Homes development on Kings Drive.**

The committee was advised that Officers had recently met with Bovis Homes to resolve the issues around the completion of the soft landscaping, installation of cycle racks and the play area.

Officers had been assured that works on site would be completed by Christmas 2017, and the committee was advised that the Specialist Advisor for Planning would check the site regularly.

Councillor Robinson expressed particular concern regarding the proximity of the dykes to the front of some properties and the lack of fencing for the safety of residents, and the steepness and lack of lighting around the pond.

The committee was advised that this was not within the remit of planning committee and requested that residents be asked to raise their concerns directly with the National House Building Council.

**RESOLVED:** That the item be noted.

The meeting closed at 6.54 pm

**Councillor Murray (Chairman)**

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# Agenda Item 6

<b>App.No:</b> 170943	<b>Decision Due Date:</b> 8 November 2017	<b>Ward:</b> Old Town
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 18 October 2017	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 10 September 2017 <b>Neighbour Con Expiry:</b> 10 September 2017 <b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> Amendments sought to proposed access, further information requested in relation to SUDS Scheme.		
<b>Location:</b> Ridgelands, 2 Upland Road, Eastbourne		
<b>Proposal:</b> Erection of two separate two and a half storey buildings, containing a total of 8no. 2 bed flats and 2no. 1 bed flats, and associated external works following demolition of existing dwelling, including new access from Upland Road.		
<b>Applicant:</b> Mr GARY FERRIER		
<b>Recommendation:</b> Grant planning permission subject to conditions and S106 agreement to cover local labour requirements for the construction element of the scheme.		

## **Executive Summary:**

This application is reported to planning committee given that it is a major planning application and follows a recently refused scheme that was debated/determined at planning committee.

The previous scheme for development of the site was refused at Planning Committee, and subsequently dismissed at Appeal. It is considered that this proposal overcomes previous concerns regarding the size of the proposed development which has been reduced from 10x2bed flats to 8x2bed and 2x1bed flats.

It is not considered the proposal would impact significantly on the amenities of existing properties, and the revised design relates well to the surrounding development in terms of its form and detailed design.

ESCC highways have confirmed that the parking provision is in accordance with their recommendations and the access is sufficient to serve the proposal.

Therefore it is recommended that planning permission is granted subject to conditions and a S106 agreement in relation to the use of local labour in the construction of the development.

**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

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C10: Summerdown and Saffrons Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D8: Sustainable Travel
- D10A: Design

Eastbourne Borough Plan Saved Policies 2007

- NE28: Environmental Amenity
- UHT1: Design of New Development
- UHT2: Height of Buildings
- UHT 4 Visual Amenity
- UHT Protected Walls and Landscapes
- UHT6: Tree Planting
- UHT7: Landscaping
- HO2: Predominantly Residential Areas
- HO7: Redevelopment
- HO20: Residential Amenity
- TR2: Travel Demands
- TR6: Facilities for Cyclists
- TR11: Car Parking

**Site Description:**

The existing property is a detached dwelling house within a substantial corner plot at the corner of East Dean Road and Upland Road. The existing access to the site is at the corner of Upland Road, close to the junction with East Dean Road, the site has off street parking and a garage adjacent East Dean Road.

The existing property is set down from either road within the site and does not address either street scene. The site is also screened from both roads with extensive hedges and trees.

The substantial copper beech tree in the eastern corner of the site is subject to a Tree Preservation Order (TPO).

The site is generally level within the boundary walls, however both Upland Road and East Dean Road rise to the west, and the two dwellings adjacent to the west boundary are situated on higher ground.

The area is predominantly residential, characterised by two-storey dwellings. To the east the majority of houses on East Dean Road (EDR) are pairs of semi-detached properties, to the west the character of Upland Road changes to detached two storey properties on wide plots. Opposite the site on East Dean Road is Downside Court, a substantial building that has been divided into flats/houses.

The building is not listed, nor is it situated within a conservation area.

### **Relevant Planning History:**

120562

Erection of a detached two storey dwelling with garage and parking.

Outline (all matters reserved)

Approved conditionally

18/02/2013

151314

Erection of a two and a half storey building containing 10 two Bedroom flats and 12 parking spaces with a new vehicular access from Upland Road.

Planning Permission

Refused for the following reasons;

1. The proposed building, by reason of its design, bulk, mass, siting and orientation would be out of character with the prevailing pattern of development in the area and would also have an overbearing and unneighbourly relationship to the occupiers of the nearby residential properties. It would therefore fail to comply with policies B2 and D10a of the Eastbourne Core Strategy Local Plan 2013, Policies UHT1 and UHT2 and HO20 of the Eastbourne Borough Plan (Saved policies) 2007 and paragraphs 56-66 of the National Planning Policy Framework.
2. The proposal by reason of the size of some of the proposed residential flats being below the National Housing Space Standards is considered to provide substandard accommodation for the future occupiers contrary to policy B2 of the Core Strategy Local Plan.

21/04/2016

Dismissed on Appeal.

Whilst the Inspector found that there would be no harm to the living conditions of the neighbouring properties the development would be

unacceptably harmful to the character and appearance of the area. This is discussed further in this report.

**Proposed development:**

The application proposes the demolition of the existing dwelling on the site and the erection of two separate two and a half storey (upper storey within the roof) building to accommodate 10 flats.

The proposal would result in a net gain of 9 dwellings, 8x2bed and 2x1bed.

The application also proposes a new access from Upland Road to the site with provision of 12 car parking spaces, bin and cycle storage within the site. The existing vehicular access would be removed with the footpath and boundary wall reinstated.

**Consultations:**

Specialist Advisor (Arboriculture)

No objection to the proposals. The application has made changes to the previous application and addressed previous concerns. The proposed crossover is situated suitably between the two highway street trees ensuring damage during construction is minimised, and the proposal is now at reasonable distance from the protected Beech Tree. Conditions requested for landscaping and protection of trees.

Specialist Advisor (Planning Policy) Supported in planning policy terms for the following reasons; their full response is outlined below:

The site is located on the cusp of two neighbourhoods identified in Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013). One of the neighbourhoods identified is the 'Summerdown & Saffrons Neighbourhood'. It is predominately residential in character and land uses are characterised by a mix of residential properties. The vision for Summerdown & Saffrons Neighbourhood is *'To make a contribution to the provision of housing and employment for Eastbourne and increase housing choice to make the neighbourhood more sustainable, whilst protecting the natural and historic environment and improving linkages to other areas of the town, especially the town centre, reducing reliance on the car'*. This is to be promoted through a multitude of factors including; providing new residential units, mainly through conversions of existing properties and increasing the provision of affordable housing in the neighbourhood.

The other neighbourhood is identified as 'The Old Town Neighbourhood'. It is characterised by traditional terraced and semi-detached family homes of two, three and four bedrooms. The vision for The Old Town Neighbourhood is *'to maintain its position as the most sustainable neighbourhood in town, protecting and enhancing its important local services and facilities and improving opportunities for sustainable transport alternatives. However it will generally see little*

*development due to the limited availability of sites.* The Core Strategy has identified this area as a 'sustainable neighbourhood'. Policy B1, as mentioned in the Spatial Development Strategy explains that higher residential densities will be supported in these neighbourhoods.

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 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 (Core Strategy Policy B1) and the development does propose significant increase in residential accommodation to what was previously present resulting in a net gain of 10 dwellings.

It is important to note that as this application is for 10 units, it does not meet the threshold for contribution towards affordable housing.

Policy B2 of The Core Strategy states that all schemes of development will be assessed against generic criteria. This set of criteria includes 'requirement to protect the residential and environmental amenity of existing and future residents'. This application includes a new access point for the site from Upland Road with plans to close up the current access point. It is recommended that the viability of a new access point in this road is consulted by The Highways Agency to ensure it has no adverse effect on the protection of the residential and environmental amenity.

Additionally, The Five Year Housing Land Supply is a material consideration in determining this application. Currently, Eastbourne is only able to demonstrate a 2.9 year supply of land. This proposal, for 10 additional units, will make a contribution towards increasing the number of year's supply of housing land.

To conclude, this application is in accordance with the National Planning Policy Framework through its consideration of development on greenfield land to meet local housing needs and Policy HO2 of the Borough Plan being identified as a windfall site. This development will result in a net gain of 10 dwellings and will be contributing towards increasing the number of year's supply of housing land for Eastbourne thus assisting the town in reaching its Five Year Housing Land Supply targets.

Southern Water

No development or tree planting should be located within 3m either side of the centreline of the public foul sewer and all existing infrastructure should be protected during the course of construction works. Southern water requires a formal application for the connection to the public foul sewer to be made. *Officer's note: all of the proposed buildings are sited outside of the development threshold and the sewer line runs through the proposed car park court.*

Environment Agency

No response received.

East Sussex County Council Archaeologist

This application is not situated within an Archaeological Notification Area, due to the presence of a large post-medieval chalk pit. The excavation of this chalk pit would have removed any earlier below ground archaeological remains. For this reason I have no further recommendations to make in this instance.

South East Water

No response received.

East Sussex County Council Highways Taking into account the increase in vehicle movements generated as a result of this development it is not considered that a severe impact will be created on the highway network and therefore it is in accordance with the NPPF. Their full response is outlined below:-

It is noted that the Transport Report submitted with planning application 151314 has been resubmitted to support this proposal. Although it is noted that the access and size of units has changed it is considered that the key highway related information including speed data, parking provision and trip generation is unlikely to have changed significantly.

Access

The access serving the existing unit of Uplands Road is substandard to serve the increase in units, not only is it single width, the proximity to the junction with East Dean Road is less than ideal. The transport report includes details of a proposed new access which allows adequate separation from the junction. Speed/vehicles count surveys carried out over 7 days have been submitted that show that Upland Road has low vehicles flows and average speeds below 30mph. This data has been used to determine the appropriate visibility splays for the new access in accordance with national design guidance. Although I would prefer to see 2.4m x 43m visibility splays provided (30mph standard), given the evidence provided the proposed splays are acceptable. The visibility to the east would also be greater than shown on the submitted plan. As noted in the Transport Report it is

acknowledged that parking does currently take place in the visibility splays which although not ideal is acceptable in some circumstances, as noted in Manual for Streets guidance. The access width would need to be increased to a minimum of 4.5m to allow for two way traffic flow.

Originally Highways objected to the plan which did not contain a 'plateau' as detailed within the submitted plans for application 151314. The plan was revised on Highways recommendation and they have removed any objection to the proposed access.

Pedestrian visibility splays have been provided either side of the access which is suitable to maintain inter-visibility.

#### Parking

A total of 12 parking spaces are proposed to serve the 10 units on site. Using the ESCC Parking Calculator a development of 8 no. 2 bedroom flats and 2 no.1 bedroom flats in the Old Town ward are likely to create a demand for 12 spaces (all unallocated) based on census data and including for likely car ownership growth up to 2027. The 12 parking spaces are therefore adequate, if any additional spaces are required for visitors there is sufficient space to accommodate extra vehicles along Upland Road without causing any significant problems. The submitted transport report includes details of parking surveys carried out which accord with observations.

It is noted that the cycle parking is in accordance with the East Sussex County Council's adopted parking standards with 8 cycle parking spaces provided within a communal store; these parking facilities need to be covered and secure.

#### Accessibility

The site is reasonably well served by bus with the routes that pass along East Dean Road linking to Eastbourne Town Centre as well as destinations along the A259 towards Brighton. The nearest bus stop is within 200m of the site. There are also shops and other facilities within walking distance. However, the topography in the area would put off some from walking and/or cycling. There are also regular train services from Eastbourne Railway Station to Lewes which provide connections for onward journeys. Eastbourne Railway Station is 2 km from the site which is in accordance with the IHT 'Providing for Journeys on Foot' is the preferred maximum for commuting.

#### Waste Collection

The plans indicate that refuse collection will take place within 25m of the access which is in accordance with the requirements set out in good practice refuse and recycling collection guidelines.

#### Traffic Generation

The Transport Report uses the TRCIS database to assess the likely trip generation of the development. This has shown that approximately 32 additional trips will take place per day (compared to what the current use of the site is likely to generate), with 2-3 in each peak hour. I have checked this myself using a larger data set and obtained the same result. This level of additional vehicle movement can be accommodated by the local highway network without significant issue.

It is noted that concerns have been raised with safety of the junction of Uplands Road and East Dean Road. Having checked the Sussex Police accident database, within the last 3 years 4 accidents have been reported along East Dean Road, not at the junction with Upland Road (1 fatal and 3 slight) all are the result of driver error rather than road layout. Taking into account the increase in vehicle movements generated as a result of this development it is not considered that a severe impact will be created on the highway network and therefore it is in accordance with the NPPF.

#### East Sussex County Council Lead Local Flood Authority (SuDs)

Due to the scale/nature/location of the development there is the potential for localised flooding. Conditions are recommended to control this issue.

#### Regeneration Officer

It is noted that the revised planning application in respect of the above qualifies for a local labour agreement in line with the thresholds for development detailed on page 11 of the Local Employment and Training SPD dated November 2016. Regeneration requests that should planning permission be granted it be subject to a local labour agreement.

The previous planning application for this site (151314) was recommended for approval subject to a local labour obligation.

#### **Neighbour Representations:**

29 objections have been received and cover the following points:

- Highway safety
- Increased level of traffic
- Amount of traffic on A259 and steep slope and sharp bend
- The access is too close to the junction
- Poor visibility around the bend of the A259
- Insufficient parking
- Upland Road is too narrow for two cars to pass
- Not in keeping with the character of the area
- Proposals will not improve the amenities of the area
- Removal of street parking
- Character of the area is detached houses not apartment blocks
- Loss of trees

- Increased noise levels
- Development will dominate the street scene
- Loss of light to Downside Court (no the north of the site)
- This proposal is not substantially different from the previously refused scheme
- Loss of privacy to surrounding houses
- Overcrowding/over development of the area
- The block at the higher western end would be 1-2 storeys higher than other buildings
- Blocks will tower over existing properties
- Size and mass out of keeping with the character and appearance of the immediate area
- Upper flats would look directly into existing properties upper floors
- Creation of a precedent for other development
- The plot is currently an island of greenery which would be destroyed by the development
- Loss of the existing building which is Edwardian and with typical original features
- Some of the inspectors comments have been addressed the proposal would still be dominant.
- Reduction in light to Upland Road and opposite
- The drive for additional housing is no rationale for over development
- Impact on the gateway to the SDNP
- Strain on utility demand, more waste and general pollution
- Increased light pollution
- Removal of the screening hedge between the site and No.53 East Dean Road.
- Plans do not show separate pedestrian access which is dangerous for pedestrians

Councillor Ungar as ward councillor

Objects to the application on the grounds of the height, mass and design, and that this is over development of a sensitive site which you pass entering Eastbourne or when leaving to enter the SDNP. Also objects on the grounds of parking and highway safety from increased traffic.

**Appraisal:**

Principle of development:

The site is within the existing built-up area and predominantly residential area, which as defined by the Borough Plan (Saved policies 2007) though the boundary of this area runs with the boundary of the South Downs National Park to the north-east of the site and to the west of Ridgeland Close.

The Five Year Housing Land Supply is a material consideration in determining this application. Currently, Eastbourne is only able to demonstrate a 2.9 year supply of land. This proposal, for 9 additional units, will make a contribution towards increasing the number of year's supply of housing land.

At the heart of the NPPF is the presumption in favour of sustainable development. The site is considered a sustainable location given the proximity to amenities/services and good public transport links within an established residential area.

In accordance with paragraph 49 of the NPPF the presumption is in favour of supporting the application unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal.

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

Properties of Upland Road are on higher ground level to the site which dips away, the blocks are sited to address the East Dean Road frontage. The siting results in the blocks being in excess of 20m from the front elevation of Uplands Road properties. The separation distances are considered in line with the pattern of development in the wider area and would not give rise to overlooking or privacy impacts to significantly harm the living conditions of the adjacent Upland Road properties.

The proposal is sited in the same position in relation to the boundary of No.53 EDR as the previous application with some 5m between the two properties. Windows in the side elevation serve an en-suite and a secondary living room window. The perception of overlooking would be limited and not significant to warrant a refusal of the application on this ground.

The proposed building is sited 4-5m from the front boundary with EDR. Therefore again the separation between the front of Downside Court to the north of EDR and the blocks would be in excess of 20m. Again this is considered a natural relationship either side of the road.

This application plot is disproportionately larger than the majority of others in the area and given the siting of the existing dwelling/garage is such that some of the nearby properties may well have benefited over time from not being overlooked or having views over this plot however at the distances (highlighted) above, it is considered that any loss of view, privacy or overshadowing would not be as severe so as to sustain a reason for refusal.

The height of the proposal would obviously be greater than the existing property and the building is sited closer to the boundary with East Dean Road, however it is not considered that the height would result in an overbearing relationship with Downside Court opposite the site.

The previous application was refused on the grounds of impact on surrounding residential properties. However at appeal the inspector in terms of impact on the living conditions of surrounding properties noted that the block would be larger than the existing house and its siting would be different however he concluded that there would be no unacceptable harm to

the living conditions of the occupiers of the neighbouring properties. Therefore given that this proposal does not alter this relationship it is considered it would be unreasonable to refuse the application on this ground. To sustain a refusal on this application would be very likely to lead to a cost claim (at appeal) for unreasonable behaviour.

Impact of proposed development on amenity of future occupiers of the proposed development:

The proposal consists of;

	<b>No. Bedrooms</b>	<b>Occupancy</b>	<b>Proposed size</b>	<b>National Standard</b>	
Flats 1-4	2 Bed	3 Person	60.9m <sup>2</sup>	61m <sup>2</sup>	Meets
Flat 5	2 Bed	4 Person	71.6m <sup>2</sup>	70m <sup>2</sup>	Exceeds
Flat 6 and 8	2 Bed	3 Person	62.9m <sup>2</sup>	61m <sup>2</sup>	Exceeds
Flat 7 and 9	1 Bed	2 Person	46.9m <sup>2</sup>	50m <sup>2</sup>	Under sized
Flat 8	2 bed	3 Person	62.9m <sup>2</sup>	61m <sup>2</sup>	Exceeds
Flat 10	2 Bed	3 Person	60.7m <sup>2</sup>	61m <sup>2</sup>	Slightly under sized

The proposed units would all have good outlook and light and as shown above whilst some of the flats fall marginally short of the recommended minimum standards based on the overall accommodation the standard is considered acceptable.

Flats 7 and 9 are undersized when considered as 2 person occupancy but exceed single occupancy recommended sizes.

Design issues:

Planning permission was refused for the redevelopment of the site for 10 flats within a single block. The appeal against the decision was also dismissed.

Key points of the inspector's decision in relation to the proposed design are noted below;

- The block would have a much greater mass than the house it would replace and the proximity to the boundary with EDR would mean that the building would be readily visible from that street notwithstanding the retention of the boundary wall and planting.
- The irregular floorplan of the building would further draw attention to the block presence in views from EDR.

- The properties on the southern sides of Upland Road and EDR share a stepped roof slope, reflecting the sloping nature of the streets. The block would not share this characteristic. The lack of this on the proposal results in an unduly elongated and top heavy appearance.

This proposal has amended the design of the blocks, separating into two blocks by 3m to break up the visual appearance. The two blocks are dual fronted in terms of detailing, though the entrance doors are to the Upland Road side of the site onto the car parking area. This results in a building that is attractive and detailed in both elevations, so as one elevation does not appear as the rear elevation.

The eastern block B, has been reduced in size and lowered below the ridge of Block A so that the roofs step up between the blocks and then to No.53 East Dean Road. Part of the ground floor will be below pavement level therefore slightly obscuring views in the street scene.

In terms of materials and the detailed design, the proposal tries to draw on design features of surrounding building with pitched roof gable ends to the elevations, tile hung first floor and bay window projections. The detailed design gives interest to the elevations and reduces the visual bulk of the blocks. The roof is relatively top heavy in a sense that the lower floor heights are reduced to minimise the overall height of the building however it is not considered that this detracts from the overall character of the proposal.

EDR in this part, to the southern side of the road is characterised with pairs of large semi-detached properties on raised front garden areas given the properties are on a hill. EDR on the northern side is more mixed character with detached two storey properties set down from the road as the land drops away into the Old Town Neighbourhood. Downside Court is a converted and extended block of flats/properties with a detailed and characterful elevation facing EDR albeit set back and at lower level therefore not really providing a street scene.

Comments have been made about the impact of the proposal on the entrance/exit of Eastbourne and the South Downs National Park. The site is currently heavily vegetated which hides from EDR that the site is actually occupied with a dwelling. The Beech Tree in the prominent eastern corner of the site which is covered by a TPO is to be retained and protected during the course of the construction.

The proposal will change the appearance of the site from both EDR and Upland Road that is not disputed. However the Inspector on the previous application did not agree that the development would detract from the approach into the SDNP, to the setting of the park, or Eastbourne's wider skyline stating that the scale would mean that its visual impact would be limited to the immediate environs of No.2. Therefore it is not considered reasonable to refuse the application on this basis.

#### Impacts on trees:

The Specialist Advisor for Arboriculture has confirmed that the proposed new access is an acceptable distance from both street trees which are to be retained and protected during the course of the construction which will be controlled by condition. The proposed building is also an acceptable distance from the protected Beech Tree and therefore has raised no objection to the proposals.

Other than the protected tree all trees/shrubs will be removed to facilitate the development. Therefore the landscaping of the site will be controlled by condition to ensure suitable screening to the EDR frontage and the boundary with Uplands Road.

#### Impacts on highway network or access:

The access serving the existing unit of Uplands Road is substandard to serve the increase in units, not only is it single width, the proximity to the junction with East Dean Road is less than ideal. Therefore a new access is proposed further into Upland Road; following some amendments ESCC Highways have confirmed the access is appropriate in terms of visibility and gradient to/from the site.

A Transport report was submitted with the application analysing additional vehicle movements as a result of the development and ESCC Highways are content that the level of additional vehicle movement can be accommodated by the local highway network without significant issue.

A number of objections have been received to the application on the basis of road safety and the additional traffic generation. ESCC Highways have confirmed as above they are aware of concerns with safety of the junction of Uplands Road and East Dean Road however they advise that taking into account the increase in vehicle movements generated as a result of this development it is not considered that a severe impact will be created on the highway network and therefore it is in accordance with the NPPF.

A total of 12 parking spaces are proposed to serve the 10 units on site. Using the ESCC Parking Calculator a development of 8 no. 2 bedroom flats and 2 no.1 bedroom flats in the Old Town ward are likely to create a demand for 12 spaces (all unallocated) based on census data and including for likely car ownership growth up to 2027. The 12 parking spaces are therefore adequate, if any additional spaces are required for visitors there is sufficient space to accommodate extra vehicles within the wider highway network without causing any significant problems. The submitted transport report includes details of parking surveys carried out which accord with observations. Cycle parking is also proposed to ESCC Highways standards within the site and this will be controlled by condition.

Whilst residents' concerns are noted the previous application for the development of the site was not refused on highway safety grounds and the advice from ESCC highways is that the proposal would not result in severe impacts to warrant the refusal of the application, therefore it would be considered unreasonable to introduce this as a reason for refusal on this application.

Planning obligations:

Given the number of units proposed the application qualifies for a local labour agreement in line with the thresholds for development detailed on page 11 of the Local Employment and Training SPD dated November 2016.

**Human Rights Implications:**

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

**Conclusion:**

It is considered that the amendments to the scheme overcome previous concerns regarding the bulk and scale of the proposal. The separation into two blocks and the stepping up of the roofs reduces the visual bulk of the proposals and the detailed design of the blocks will not detract visually from the existing surrounding properties.

ESCC Highways have agreed that the access is sufficient for the proposed number of units and the impact on the wider highway network will not be severe to warrant refusal of the application.

**Recommendation:**

1. Subject to a satisfactory Legal Agreement to cover Local Employment Initiatives then Grant Planning Permission subject to conditions;
2. Should the S106 agreement not be signed within a reasonable time period, , within 8 weeks from the date of the Committee resolution (unless an extension of time has been agreed) the application should be refused on the grounds that the application would not meet policy requirement in terms of the delivery local labour initiatives.

**Conditions;**

- 1) Time for commencement
- 2) Approved drawings
- 3) Submission of details of materials

- 4) Details of hard and soft landscaping, including planting plans and schedules
- 5) No retained tree to be cut down, uprooted or destroyed
- 6) Protective fences to trees
- 7) Details of services in relation to trees and RPA's
- 8) Details of design and construction of the footway and wall re-instatement which is indicated within the RPA of T1 Beech.
- 9) No burning on or adjacent the site during construction
- 10) Protective fencing during construction to street trees
- 11) No development until the existing vehicular access has been physical closed
- 12) No occupation until visibility splays to new access provided, and maintenance of such.
- 13) Submission of construction management plan
- 14) No occupation until parking spaces has been constructed and made available.
- 15) No occupation until cycle parking has been provided and made available
- 16) Maximum gradients for the proposed access.
- 17) No occupation until pedestrian visibility splays have been provided.
- 18) Prior to commencement submission of details of finished floor levels.
- 19) SUDS details
- 20) Suds proof that details have been implemented

**Informatives:**

1. Southern water informative
2. Highways Informative

**Appeal:**

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

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# Agenda Item 7

<b>App.No:</b> 171179 (PPP)	<b>Decision Due Date:</b> 23 November 2017	<b>Ward:</b> Meads
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 23 October 2017	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 23 October 2017 <b>Neighbour Con Expiry:</b> 23 October 2017 <b>Press Notice(s):</b> 9 October 2017		
<b>Over 8/13 week reason:</b> Within time		
<b>Location:</b> 5 Meads Street, Eastbourne		
<b>Proposal:</b> Change of use of ground floor and basement from A2 Professional Services to B1 Offices		
<b>Applicant:</b> Mr Howard Wardle		
<b>Recommendation:</b> Grant planning permission subject to conditions		

## Executive Summary

This application is being reported to Planning Committee at the officer's discretion given the district wide implications of the proposal and to allow for the merits of the case to be debated.

This application seeks planning permission to bring a currently vacant building back into use for the administration office and storage space of the Eastbourne Foodbank. No customers/clients will visit the property and the building will not be open to the general public.

As the last use of the property was for Class A2 purposes, not Class A1 retail there is no planning policy reasoning to restrict the change of use.

It is not considered that the proposed use would result in any additional impacts on the surrounding residential properties to warrant a refusal of the application.

No changes are proposed to the external appearance and therefore there will be very limited impact on the Conservation Area.

Therefore it is recommended that the change of use is supported subject to conditions.

## Relevant Planning Policies:

National Planning Policy Framework

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
4. Promoting sustainable transport

## 12. Conserving and enhancing the historic environment

### Eastbourne Core Strategy Local Plan Policies 2013

B1 Spatial Development Strategy and Distribution

B2 Creating Sustainable Neighbourhoods

C11 Meads Neighbourhood Policy

D4 Shopping

D10 Historic Environment

### Eastbourne Borough Plan Saved Policies 2007

SH7 District Local and Neighbourhood Centres

UHT15 Conservation Area

HO20 residential Amenity

#### **Site Description:**

The application site consists of the currently vacant ground floor and basement of this substantial detached property which forms part of the Meads District Shopping Centre at the corner of Meads Street and Dalton Road. The building is not listed; however it is situated within the Meads Conservation Area.

The upper floors of the building are in the process of being converted into self-contained residential flats which are accessed from the Dalton Road elevation of the building.

#### **Relevant Planning History:**

160003

Conversion of an existing maisonette at second and third floor level into two self-contained flats. Enlargement of existing dormer windows and creation of new dormer at rear of property, and use of part of flat roof as a terrace

Approved Conditionally

29 February 2017

160779

Proposed change of use from Class A2 (Financial and Professional Services) to Class C3 (Residential Dwelling) and two floor rear extension.

This application was withdrawn

170022

Proposed change of use from Class A2 (Financial and Professional Services) to Class C3 (Residential Dwelling) and two floor rear extension.

This application was withdrawn

#### **Proposed development:**

The application proposes the change of use of the property from Class A2 (Financial and Professional Services) to Class B1 (Offices).

The property is proposed to be used by the Eastbourne Foodbank as an administration office and for storage.

#### **Consultations:**

#### Specialist Advisor (Planning Policy)

The site is located within the 'Meads Neighbourhood' as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013).

Policy C11 is the 'Meads Neighbourhood' policy, which sets out the vision for this area as the following; *'Meads will strengthen its position as one of the most sustainable neighbourhoods in the town. It will make an important contribution to the delivery of housing and increasing its importance to the tourism industry, whilst conserving and enhancing its heritage and historic areas.'* This vision will be promoted through a number of factors, including 'Protecting the historic environment from inappropriate development'. It has been identified in the Core Strategy as the second most sustainable neighbourhood in the borough.

The site is covered by Policy D4 (Shopping) identified in the Core Strategy, with the principle to 'ensure that everyone has access to a good range of shops that meet local needs. The Council will seek to encourage the continuing vitality and viability of shopping centres, whilst preserving the predominance of A1 use class'. It is also covered by policy SH7 of the Eastbourne Borough Plan which states that 'within the district, local and neighbourhood centres, proposals for the change of use of existing ground floor shopping units from Class A1 uses to uses in Classes A2 and A3 will be considered having regard to certain criteria'. As this site is not currently A1 use, nor was it when trading as NatWest, these policies are not relevant to the change of use proposed and will not be have an adverse effect on this policy decision.

Policy B2 of The Core Strategy states that all schemes of development will be assessed against generic criteria. This set of criteria includes 'requirement to protect the residential and environmental amenity of existing and future residents'. As stated in the design and access statement submitted, the Eastbourne Foodbank only intends to do managerial and office work from this site, as well as store ambient food. There will not be any clients accessing the building, nor will they park the van at Meads overnight. This application has proposed a use of the building that will not have an adverse impact on the residential or environmental amenity of residents in the area. Therefore, in terms of this policy, there would be no objection to this application.

To conclude, policy has no objection to the change of use proposed in this application.

#### Specialist Advisor (Conservation)

Given no external alterations are proposed then there should not be any impacts upon this building in particular and the wider area in general.

#### Meads Community Association

Object to the application

In May 2017 MCA carried out an analysis of street traders, showing the traders collectively employ 160 people, and although some traders had been in the street for over twenty years, 50% have been trading for 3 years or less, which shows that Meads Street is an attractive location for businesses.

Meads Street has attracted 5 new independent retailers during 2017 which is clear evidence of strong demand for the street as a trading location and its continued commercial viability.

A continues 'A' use in this most prominent of units would significant add to the increasingly diverse range of these retail/leisure businesses and in turn add to the vitality, viability and sustainability of the street.

To change the use of number 5 Meads street to B1 Offices would create a 'non-trading' presence cutting off those units at 1a, 3a and 3b Meads Street.

1. Meads Street is a district shopping centre, consent for the application would be contrary to this policy
2. Any consent for the proposed application would remove this key strategic retail unit from the centre and be totally contrary to policy D4.
3. Proposal is contrary to Policy D2 as would remove a viable key strategic retail unit that has potential to provide full time employment.
4. Policy D3 identifies the importance to the town of visitors and the role of the SDNP. Meads is the gateway to the NP consent for the application will weaken the potential offer of the DSC and therefore its ability to contribute to these policy objectives.
5. Consent for the proposal risks setting a precedent.

### **Appraisal:**

#### Principle of development:

Eastbourne Foodbank currently operation out of a commercial unit on Cornfield Lane. At Cornfield Lane they have office space for administration of the Foodbank service, and office space for things like advocacy, debt and benefit advice including by appointment and drop in sessions. They also have extensive storage for food and other products, clothes etc.

Eastbourne Foodbank have been served notice to vacant the Cornfield Lane site which will be re-developed to residential flats in the near future. Following unsuccessful attempts to find a suitable site for the operation as it currently runs the Foodbank have revised their business model. Therefore the proposal for No.5 Meads Street would be different to the current use of the Cornfield Lane property. Eastbourne Foodbank has opened several satellite foodbanks across the town. Some will be incorporated into existing organisations and others will operate on a pop up model in community centres and church halls in areas of demand such as at Shaftsbury Centre in Milfoil Drive, St Elizabeth's Church in Victoria Drive, Willingdon Trees Community Centre, and Community Wise in Old Town. The model of satellite foodbanks means people do not need to travel into town to receive services.

The statement submitted with the application states that no clients would visit the application property. The property would be a 'head office' where some professionals will occasionally visit for meetings and all the Foodbank Administration would be undertaken. Approximately 6 members of staff would use the office Monday to Friday 0830 to 1600, and the basement would be used to store ambient foods (room temperature/long life).

The Foodbank also have a lock up store for additional storage, including larger items. The Foodbanks van would be parked overnight at the lock up store and driven to the Meads Street office to take stock from the building to the pop up foodbanks around 0930 every day, they would also bring food/goods to the site for sorting and storing once a day.

Policy D4 of the Core Strategy Local Plan identifies Meads Street as a District Shopping Centre (DSC). This policy at paragraph 4.4.13 states that within the district shopping centres, a range of shops, services and facilities will be encouraged. Shops, services and facilities that meet people's day to day needs will be supported, whilst preserving the predominance of A1 use classes. In this way the Council will seek to encourage the continuing vitality and viability of shopping centres.

Saved Policy SH7 provides more states that within DSC's proposals for the change of use from Class A1 to uses within Classes A2 and A3 will be considered having regard to specific criteria.

However as the existing property is not in Class A1 retail use it is considered that this policy is not relevant to the determination of the application. Therefore in principle there is no policy objection to the proposed change of use.

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

The existing use as a Class A2 would likely see more comings and goings from customers than a Class B1. It is not considered that the change of use would have any significant impacts on the amenity of residents. Visitors to the building can be restricted by condition, as can opening hours but it is considered unlikely that the nature of the use would be noisy or detrimental to surrounding residential properties to such an extent to warrant/sustain a refusal of planning permission.

Design issues and impact on character and setting of a listed building or conservation area:

No external alterations are proposed to the building as part of the application. The only impact therefore on the appearance of the building or the character of the area would be from signage. Some signage could be displayed without the requirement for advertisement consent. The foodbank have expressed the only advertisement they will require will be limited to 30cm by 15cm non illuminated sign adjacent to the door for identification purposes.

Impacts on highway network or access:

The Class A2 use would likely generate more traffic and parking demands in the local area than the proposed office use given no customers will be visiting the site. No off street parking is provided at the site, the applicant states approximately 6 members of staff would use the office, this and the vehicles which visit to drop off and collect food would be unlikely to exceed the trips by car associated with the previous A2 use.

Therefore it is not considered that the change of use would result in significant impacts on the local highway network or the demand for on street parking to warrant the refusal of the application in accordance with section 4 of the National Planning Policy Framework.

Other matters:

The Town and Country Planning (General Permitted Development) (England) Order 2015 removed the need for planning permission for a number of changes of use, including properties within Class A and B uses to residential uses. This legislation allows under permitted development the change of use from Class A2 to B1 however this is limited to 150m<sup>2</sup> of floorspace, the property is larger than this and therefore the change of use does require planning permission. As a fall-back position, if this application is resisted then the applicant may choose to modify the extent of the floorspace to comply with the legislation and therefore control is lost to the Council over the potential to control the future use/operation by condition.

At this time the above legislation allows for the change of use from Class A2 to Class C3 (under Class M) and Class B1 to Class C3 residential (under Class O). However Class M changes of use are limited to 150m<sup>2</sup> of floorspace, and Class O changes of use are limited to buildings in that use on 29<sup>th</sup> May 2013 or if not on that date when it was last in use.

It is therefore considered that at the time the granting of the permission would not thereafter allow an application under prior approval for the change of use of use to residential and formal planning permission would be required for residential 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 property has been vacant for a period of 3 years since the cessation of the use by NatWest Bank. The proposed change of use to Class B1 office is considered in line with current policy and would not have any additional impacts on the surrounding residential properties. The use of the building as an office would still contribute to the vitality of the District Shopping Area through employment, but it is agreed with no visiting members of the public would not introduce footfall to the shopping area. However it is not considered there is a policy reason for refusing the application given the previous use was not Class A1 and is therefore not protected by current planning policies.

**Recommendation:** grant planning permission subject to conditions;

**Conditions:**

1. Time for commencement.
2. The building shall not be open to members of the public other than for consultation by appointment only,
3. No food shall be allocated/distributed direct to the customer/client from the site
4. Shall only be open to members of staff between the hours of 0800 and 1800 Monday to Saturday.

**Informatives**

1. This consent does not grant permission for any external alterations to the building.

**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> 171051	<b>Decision Due Date:</b> 1 November 2017	<b>Ward:</b> Sovereign
<b>Officer:</b> Andrew Huntley	<b>Site visit date:</b>	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 4 October 2017 <b>Neighbour Con Expiry:</b> 4 October 2017 <b>Press Notice(s):</b>		
<b>Over 8/13 week reason: Out of time due to referral to committee</b>		
<b>Location:</b> 35 Wallis Avenue, Eastbourne		
<b>Proposal:</b> Proposed development of two, two bedroom flats.		
<b>Applicant:</b> Mr Andrew Mitchell		
<b>Recommendation:</b> Approve		

## **Executive Summary:**

This application is being reported to planning committee at the request of the Ward Councillor.

This proposal follows application 160595 for an end of terrace house, which was approved and application 170531 for two x two bedroom flats, which was refused (within larger extension than that currently proposed).

This application proposes to erect a two storey building containing two x two bedroom flats. The proposal is considered acceptable in principle, the creation of two flats and additional parking are considered acceptable in terms of the bulk and scale of the proposal and that the design will be in keeping with the character of the area. As such it is recommended that the application should be supported given the benefits of the proposal and the lack of any significant or demonstrable harm to warrant the refusal of the application.

**Planning Status:** Existing two storey semi-detached dwelling house with associated off-street parking.

## **Relevant Planning Policies:**

National Planning Policy Framework 2012

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

Core Strategy Local Plan 2013 Policies

B1	Spatial Development Strategy and Distribution
B2	Creating Sustainable Neighbourhoods
C13	St Anthony's and Langney Point Neighbourhood Policy
D1	Sustainable Development
D10a	Design

Eastbourne Borough Plan Saved Policies 2007

HO2	Predominantly Residential Areas
HO20	Residential Amenity
NE7	Waste Minimisation Measures in Residential Development
NE16	Development within 250m of Former Landfill Site
UHT1	Design of New Development
UHT4	Visual Amenity
US4	Flood Protection and Surface Water Disposal
US5	Tidal Flood Risk

**Site Description:**

The site refers to a two-storey semi-detached single family dwelling on the northern side of Wallis Avenue at the junction with Princes Road.

. The property has an existing access from Wallis Avenue and off street parking is provided to the front. There is a new porch to the front of the existing dwelling.

**Relevant Planning History:**

160595 - Proposed development of end of terrace house. Planning Permission Approved conditionally 02/08/2016.

170531 -Proposed development of two x two bedroom flats. Planning Permission Refused 30/05/2017.

**Proposed development:**

The erection of an attached two-storey including rear dormer window addition comprising two X two-bedroom flats to the eastern elevation of the existing dwelling.

The existing crossover is proposed to provide one off street parking space for each of the proposed flats. A new crossover is proposed to provide access for the existing dwelling.

### **Consultations:**

#### Internal:

Specialist Advisor (Planning Policy) – The proposal is to develop two, two bedroom flats within the curtilage of an existing dwelling. The application would create two additional dwellings and is an amended scheme from the previous application for this site (ref:160595). The proposal site falls within the St Anthony’s and Langney Point Neighbourhood, as identified in the Core Strategy, adopted 2013. The vision for the St Anthony’s and Langney Point Neighbourhood (policy C13 of the Core Strategy) is to enhance the level of sustainability by providing additional affordable housing.

The National Planning Policy Framework (NPPF) 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 proposal site is within a private residential garden and is not considered to be previously developed land, as defined by the NPPF. However, the Council relies on windfall sites as part of its Spatial Development Strategy (Policy B1 of the Core Strategy) and the application will result in a net gain of two dwellings. The proposal is not liable for a CIL charge.

The total proposed GIA for both dwellings (approximately 63.25m<sup>2</sup> and 68.48m<sup>2</sup>) falls below the accepted minimum GIA for a one storey, two bedroom dwelling (70m<sup>2</sup>) and a two storey, two bedroom dwelling (79m<sup>2</sup>), as outlined by the DCLG technical housing standards. Policy B2 of the Core Strategy states that all schemes within a neighbourhood will be required to ‘Protect the residential and environmental amenity of existing and future residents’. Therefore the proposal is contrary to policy B2 of the Core Strategy. However this analysis is based on the assumption that the dwellings are proposed for four people. Policies NE16 (Development within 250m of landfill) and US5 (Tidal Flood Risk) from the Eastbourne Borough Plan are applicable to the proposal. However, these policies were satisfied by the approval of the previous application.

The proposal is considered to be in general conformity with policy so, in principle, there is no objection from a planning policy perspective. The impact on residential amenity would need to be considered, as well as any impact on street scene. Furthermore, while the principle of residential development in this location is considered acceptable in policy terms, further consideration may need to be given to the size of the accommodation in relation to the national space standards.

### **Neighbour Representations:**

Objections have been received and cover the following points:

- Overdevelopment of the site.
- Parking and highway problems.
- Out of keeping with the area.
- Loss of light.
- Overdevelopment of the site.
- Design of the existing works to the dwelling out of keeping.
- Did not receive notification of the application.

### **Appraisal:**

#### Introduction:

This application follows application 170531 for the development of 2 x 2 bedroom flats. This application was refused under delegated powers for the following reason.

*'The development would have a detrimental effect on the occupiers of the adjoining dwellinghouse, no. 35 Wallis Avenue. There would be an unacceptable reduction in outlook from the rear facing windows and also an imposing, unneighbourly effect caused by the two storey rear projection. Furthermore, the pattern of development in bringing flattened development to this prominent corner is considered inappropriate in design terms. Therefore, the scheme is found to be discordant with Eastbourne Core Strategy Policy D10a and Borough Plan Saved Policies HO20, UHT1 and UHT4'.*

This proposal has been altered since the previous refusal (deletion of the first floor rear element of the scheme) in an attempt to overcome the above reason for refusal.

#### 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 application site is a windfall site as it has not previously been identified in the Local Planning Authority's Strategic Housing Land Availability Assessment. The Local Planning Authority relies on windfall sites as part of its Spatial Development Strategy (policy B1 of the Core Strategy, adopted 2013) and the proposal would result in a net gain of two dwellings. The site falls within the St Anthony's and Langney Point Neighbourhood (policy C13 of the Core Strategy).

The Local Planning Authority accepts that it cannot identify a five year housing land supply and as the proposal is for housing, paragraphs 14 and 49 of the Framework are relevant. Paragraph 14 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Following the approval of planning application 160595, the principle of residential development for one new dwelling has been established.

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

Policy HO20 states that subject to other policies and proposals of this Plan new development proposals and extensions to existing buildings should respect residential amenity. Proposals will be refused unless they can demonstrate that they do not cause unacceptable:

- a) loss of outlook;
- b) loss of privacy by overlooking from habitable rooms;
- c) overshadowing and/or loss of light;
- d) noise, general disturbance or odour;
- e) loss of character to conservation areas or neighbouring listed buildings.

The proposal within this application has replaced the two storey projection with a single storey projection at the rear, which extends 3m from the main rear elevation. The projection would not result in unacceptable reduction in outlook from the rear facing windows of no. 35 Wallis Avenue or appear visually overbearing.

The inclusion of a dormer window to the rear elevation may increase the perception of overlooking; however these are common features within suburban residential settings and would not give rise to any material increase from the overlooking that would be available from the first floor windows.

However, there would be a limited impact on the surrounding residential properties. The proposed building is to attach to the side of the existing semi-detached property. The rear gardens are already somewhat overlooked by existing properties on Wallis Avenue and those of Princess Road to the north. Having main habitable rooms on the first floor does have the potential to have a greater impact on neighbouring privacy due to the nature of the use of the rooms. The floor plans show that on the first floor there would be a kitchen and a bedroom at the rear. While there may be a small increase in overlooking from the kitchen, it is not considered that this would be detrimental to the amenity of neighbouring properties.

The proposal for two flats would result in greater comings and goings from the application site than the approved application for a single dwelling. However, this increase would be limited and would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Design issues:

Policy UHT1 requires that new development harmonises with the appearance and character of the local environment is appropriate in scale and form, and

that it makes the most effective use of the site with the highest density appropriate to the locality.

The design of the proposal would appear as an extended dwellinghouse. While Wallis Avenue is characterised by terraces of four properties, which provides a sense of uniformity, a terrace of three would not be so much out of keeping that it would warrant the refusal of planning permission. Furthermore, a dwelling has been approved on the end of the terrace of four properties on the other side of the road to the application site.

The side projection is visually subordinate to the main bulk of the development and is acceptable in design terms, as is the single storey flat roofed rear projection.

The proposed rear dormer is rather large and bulky and would not appear a minor incident in the roof. However, the dormers visual impact would not significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole.

Overall, the proposal is similar to the dwelling previously approved on the application site and is sufficiently in accordance with saved Policy UHT1 of the Eastbourne Borough Plan.

#### Amenity of future occupiers

The Governments Nationally Described Space Standards provide minimum sizes for dwellings.

The Ground Floor has a gross internal area of 63m<sup>2</sup> with bedrooms measuring 12.5m<sup>2</sup> and 7.5m<sup>2</sup>. The first floor flat has a gross internal area of 68m<sup>2</sup> with the bedrooms measuring 13.4m<sup>2</sup> and 23m<sup>2</sup>.

Therefore, the ground floor flat is a 2 bedroomed, 3 person unit of accommodation over a single storey and the upper flat over 2 floors is a 2 bedroomed, 4 person unit.

The described standard for the ground floor flat is 61m<sup>2</sup> with 2m<sup>2</sup> for storage. The minimum bedroom sizes stipulated are 11.5m<sup>2</sup> for a double bedroom and 7.5m<sup>2</sup> for a single. The described standard for the first floor flat is 79m<sup>2</sup>, with the same bedroom size and storage requirements. As such, the ground floor flat is in accordance with the Nationally Described Space Standards, while the first floor flat is 11m<sup>2</sup> short.

Due to not having a 5 year land supply, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this instance, it is considered that the first floor flat still provides for a reasonable standard of accommodation and

that the slight shortcomings with regard to the space standards do not significantly and demonstrably outweigh the benefits of the proposal.

Impacts on highway network or access:

Policy TR11 states that development proposals must comply with approved maximum car parking standards. Permitted parking provision will reflect local public transport, cycle and pedestrian accessibility, and economic conditions and other local circumstances, including, environmental impact and traffic conditions, and availability of public parking elsewhere and take account of operational needs and local parking strategies.

The existing dropped kerb will be extended (away from the junction) in order to provide additional off street parking, which would result in one car parking space for the existing dwelling and one each for the proposed flats. It is not considered that the addition of two flats in this location, given the level of off street parking, would have significant impacts on the demand for on street parking to warrant refusing the application.

Policy TR6 seeks to secure adequate facilities for cyclists. The plans submitted do not show the provision of secure and covered cycle parking. However, there is room within the application site for this to be provided and a suitably worded condition could be attached to an approval to ensure satisfactory cycle parking is provided for the future residents.

Given the above it is considered that the parking provision is suitable for the additional dwellings created in this sustainable location with good public transport links to the town centre. The development will not result in severe harm to the surrounding highway network and as such there is no reason to restrict this additional development on highway or parking grounds.

Therefore, the proposal is in accordance with policies TR6 and TR11 of the Eastbourne Borough Plan.

**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 site is a sustainable location close to the Town Centre amenities and local public transport links. Eastbourne are unable to show a five year supply of deliverable housing sites. In the absence of such paragraph 14 of the framework indicates that planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against

the policies of the NPPF as a whole. It is not considered that the change to form two flats over the single dwelling previously approved, or the proposal in terms of the size, design, bulk, or impact on surrounding residential properties scale of the proposed additional storeys would result in significant and demonstrable harm to outweigh the benefits of the proposal.

**Recommendation:** Grant planning permission subject to the following conditions and informatives;

**Conditions:**

1. Time for commencement
2. Approved drawings
3. Matching materials
4. Parking areas to be provided prior to occupation
5. Parking areas to be constructed in a permeable material or provision made for surface water run off within the site.
6. Cycle parking to be provided to both flats prior to occupation
7. The proposed flats shall have an independent connection to the public sewer.
8. Details of boundary treatments to be agreed and provided prior to occupation.

**Informatives:**

Highways

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.

<b>COMMITTEE:</b>	<b>PLANNING</b>
<b>DATE:</b>	<b>21 November 2017</b>
<b>SUBJECT:</b>	<b>Update on Housing Delivery</b>
<b>REPORT OF:</b>	<b>Director of Strategy, Planning &amp; Regeneration</b>

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<b>Ward(s):</b>	All
<b>Purpose:</b>	To provide Members with an update on housing delivery and the current position in relation to the Five Year Housing Land Supply
<b>Contact:</b>	Matt Hitchen, Senior Planning Policy Officer 1 Grove Road, Eastbourne, BN21 4TW Tel no: (01323) 415253 E-mail: <a href="mailto:matt.hitchen@eastbourne.gov.uk">matt.hitchen@eastbourne.gov.uk</a>
<b>Recommendations:</b>	That Members note the contents of this report.

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## Executive Summary

- Housing delivery in Q2 2017/18 was 17 net additional dwellings towards the annual target of 245 units
- A total of 36 units were given permission in Q2 2017/18
- There are 621 net additional dwellings with permission that have yet to commence across 82 sites
- There are 308 units under construction across 46 development sites
- The Housing Land Supply currently stands at 3.36 years.

### 1.0 Introduction

- 1.1 This report provides an update on housing delivery in the second quarter of the 2017/2018 financial year. It is part of the quarterly feedback to Planning Committee on housing delivery rates.
- 1.2 This report identifies the number of units granted permission in the year, the number of units with permission that have yet to start construction, the total number of units completed, and updates Members on the latest position in relation to the Five Year Housing Land Supply.

### 2.0 Background

- 2.1 National planning policy places considerable weight on the delivery of new

housing. Delivery of housing is assessed in two ways: the number of residential units built; and the number of residential units due to be built in the next five years (known as the Five Year Housing Land Supply). The two are linked to the extent that that a reduction in the number of units built will increase the number needed to be built in the next five years to make up for the shortfall.

- 2.2 The identification of a Five Year Housing Land Supply is a requirement of the National Planning Policy Framework (NPPF). A Five Year Housing Land Supply means identifying sufficient housing land in order to meet the cumulative annual housing delivery target for the next five years (i.e. annual target multiplied by five), plus a buffer. This buffer should be 5% unless there is a record of persistent under-delivery of housing, in which case the buffer increases to 20%.
- 2.3 The NPPF states that Local Plan policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It also states that where relevant policies are out-of-date, permission should be granted *unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (NPPF, para 14)*.
- 2.4 This means that if a five year housing land supply cannot be demonstrated, there is a significant risk that refusals of planning permission for residential development could be overturned on appeal with associated cost implications, even if the application is contrary to Local Plan policy.
- 2.5 National policy and case law has shown that the *'demonstration of a 5 year supply is a key material consideration when determining housing applications and appeals'* (*Planning Practice Guidance, Paragraph: 033 Reference ID: 3-033-20150327<sup>1</sup>*).
- 2.6 The Government's White Paper *'Fixing Our Broken Housing Market'*, published in February 2017, includes a proposal to introduce a new housing delivery test to assess the number of residential units delivered against the local plan target from November 2017. It is understood that the introduction of the housing delivery test has been delayed, but it will be implemented in 2018. Depending on the percentage of the target delivered, different responses will be required with the intention of boosting the supply of housing.

### **3.0 Housing Completions**

- 3.1 In the second quarter of the 2017/18 year, a total of 17 net additional dwellings were completed. This is added to the five net additional units that were completed in the first quarter, to make a total of 22 units delivered in

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<sup>1</sup> <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>

the first half of 2017/18. This equates to just 9% of the annual target.

- 3.2 The delivery of 17 units in the second quarter came from 9 sites, with the large individual development being 6 units. The delivery of 17 units is the second lowest delivery of any quarter within the plan period (the lowest being Q1 2017/18).
- 3.3 The Core Strategy (adopted 2013) plans for the delivery of 5,022 net additional dwellings between 2006 and 2027. As of the end of the second quarter of 2016/17, a total of 2,598 units had been delivered since the start of the plan period. This leaves 2,424 units to be delivered until the end of the plan period at an annual average of 255.2 units per year.
- 3.4 Falling housing delivery rates over recent years has meant that the total number of units that have been delivered is now less than the cumulative target. At this point in the plan period, 2,760 units should have been delivered, so actual delivery is 162 units short of the number of houses that should have been delivered at this point in the plan.

#### **4.0 New Commitments**

- 4.1 During the second quarter of the 2017/18 financial year, a total of 36 net additional units were granted permission across 14 sites. This can be added to the 113 units that were granted permission in the first quarter to make a total of 149 units granted permission in the first half of the year.
- 4.2 Of the 36 units granted permission in the second quarter, only two provide a net increase of 5 or more units. The largest of these is the change of use of Veritek House, Edgeland Terrace from offices to residential use under permitted development rights. 8 of the 14 development sites will provide an additional one unit only.
- 4.3 It has been identified that a total of **10** net additional units across 6 development sites were refused planning permission in the second quarter of 2017/18.
- 4.4 It is important to recognise that not all of the units granted permission will be built. Evidence over the Core Strategy plan period (since 2006) suggests that 76% of units granted permission were completed. At a 76% delivery rate, meeting the target of 245 units per year would require 322 units to be granted permission each year.

#### **5.0 Total Commitments**

- 5.1 As at the end of the second quarter of 2017/18, there were **621** net additional dwellings with permission that have yet to commence across 82 sites. This includes:

- 102 units at Bedfordwell Road Depot
- 73 at 20 Upperton Road
- 61 units at the former Caffyns site on Upperton Road
- 36 units at 2-4 Moy Avenue
- 35 units at St Anne's House, St Anne's Road

5.2 As at the end of the second quarter of 2017/18, there were **308** units under construction across 46 development sites. This includes:

- 72 units at Site 1, Sovereign Harbour
- 70 units at Site 7c, Sovereign Harbour
- 15 units at the Courtlands Hotel, Wilmington Gardens
- 13 units at land at Sumach Close

## **6.0 Housing Delivery Test**

6.1 There is a proposal in the Housing White Paper to introduce a new Housing Delivery Test on local authorities. The test will identify the number of houses built against the housing target over a rolling three year period. The first assessment period for the Housing Delivery Test will be for financial years April 2014 – March 2015 to April 2016 – March 2017.

6.2 If during the first assessment period the delivery of housing falls below 95% of the target, local authorities will be required to publish an action plan setting out an understanding of the key reasons for the situation and the actions that could be taken to get home-building back on track. Where local authorities are delivering less than 85% of their housing target will also be required to add a 20% buffer to their Five Year Housing Land Supply calculation.

6.3 An analysis of housing delivery over the first assessment period shows that 576 units were delivered against a target of 720, which equates to 80% delivery. This means that the Five Year Housing Land Supply buffer should be increased to 20%.

## **7.0 Five Year Housing Land Supply Assessment**

7.1 Following the end of the second quarter 2017/18, there are 2,424 units to deliver over the remaining 9.5 years of the plan period. This equates to 255.2 units per year.

7.2 The delivery of only 80% of the housing target over the last five years, including just one year of exceeding the target, indicates a persistent under-delivery of housing in Eastbourne, this suggests that the 20% buffer should now be used.

7.3 The additional 20% buffer equates to an additional years' worth of the target,

making the Five Year Housing Land Supply requirement for Eastbourne **1,531** units. Eastbourne Borough Council is required to identify sufficient land to meet this requirement.

- 7.4 Eastbourne's 5 year housing supply takes account of: existing housing commitments; new commitments that were approved for planning permission for residential development in the 2016/2017 monitoring year; sites that are awaiting a Section 106 agreement; and sites that were assessed as deliverable in the Strategic Housing & Employment Land Availability Assessment (SHELAA) 2017.
- 7.5 The current assessment of the Five Year Housing Land Supply identifies that as of the end of the second quarter 2017/18, Eastbourne has a supply of housing land equivalent to **1,023** units.
- 7.6 The Assessment shows that Eastbourne currently has a **3.36 year** supply of housing land (or **66.8%** of the Five Year Housing Land Supply requirement). Eastbourne Borough Council is 508 units short of having a Five Year Housing Land Supply.
- 7.7 As a five year housing land supply cannot be demonstrated, current policies cannot be relied upon to justify a refusal of permission and therefore there is a significant risk of future planning refusals for residential development being overturned at appeal.
- 7.8 The under-delivery of housing continues to increase the Five Year Housing Land Supply requirement, as under delivery increases the annual target used to calculate the requirement. In addition, a low rate of sites being granted permission means that the number of units in the Five Year Housing Land Supply is falling. Both factors combined mean that it will be very difficult for a Five Year Housing Land Supply to be identified in the near future, unless additional housing development sites can be identified.

## **8.0 Conclusion**

- 8.1 National planning policy places considerable weight on the delivery of new housing, and the five year housing land supply is a material consideration in the determination of planning application.
- 8.2 The delivery of just 17 net additional units in the second quarter 2017/18 is a significantly low level of delivery. Combined with the very low delivery in the first quarter 2017/18 of just 5 units, it looks very unlikely that the annual target for the year will be met once again.
- 8.3 Eastbourne currently has a housing land supply equivalent to 1,023 units, which represents **3.34 years** supply of land. Therefore a five year housing land supply cannot be demonstrated, which means local plan policies relevant

to the supply of housing are out of date and cannot be relied upon to refuse development.

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**Background Papers:**

The Background Papers used in compiling this report were:

- Eastbourne Core Strategy Local Plan 2006-2027
- National Planning Policy Framework (2012)
- Fixing Our Broken Housing Market – Government White Paper (2017)

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

## Appendix 1 – Housing Delivery Statistics by Ward – Second Quarter 2017/18

Ward	Net Completions in Quarter	Net Newly Committed in Quarter	Total Commitments (not commenced)	Total Under Construction
Devonshire	9	2	91	44
Hampden Park	0	11	11	15
Langney	0	1	4	2
Meads	4	9	48	36
Old Town	1	0	2	7
Ratton	0	0	4	1
Sovereign	0	1	1	156
St Anthonys	2	9	50	22
Upperton	1	3	410	25
<b>TOTAL</b>	<b>17</b>	<b>36</b>	<b>621</b>	<b>308</b>

*A full list of sites in each category is available on request*

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<b>COMMITTEE</b>	<b>PLANNING</b>
<b>DATE</b>	<b>November 2017</b>
<b>SUBJECT</b>	<b>SUMMARY OF PERFORMANCE OF THE PLANNING THIRD QUARTER 2017 (Jul - Sep)</b>
<b>REPORT OF</b>	<b>Leigh Palmer Senior Specialist Advisor (Planning)</b>
<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

## **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. Persistent 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 review our performance on a backward rolling two year basis, see tables 1 & 2 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 may 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

determination control until such time as the designation is lifted.

- **Non-Major applications** The Council would have to submit to 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		Majors						Non-majors														
		All Major Decisions		Major Decisions within 13 week 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	1	0	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	1	1	0	0	0	100.00%					105	88	2	1	16	84.76%					
Quarter 07	Apr - Jun 2017	2	0	2	2	0	100.00%					170	146	5	3	21	87.65%					
Quarter 08	Jul - Sep 2017	4	1	3	2	1	75.00%					113	85	4	2	26	76.99%					
	total	18	3	13	11	4	77.78%					1020	838	31	24	158	84.51%					
							Minimum level require															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 on speed of decision is low, however given the low volumes of major applications there is the potential for extreme volatility in performance.

Officers are encouraged to offer/negotiate an 'extension of time' with the applicant/developer this should help to 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's view that this performance indicator is 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	Oct - Dec 2015	1	0	0	0	0		0.00%	124	19	3	1	2	0	1.61%	
Quarter 02	Jan - Mar 2016	3	0	0	0	0		0.00%	119	14	5	3	2	0	1.68%	
Quarter 03	Apr - Jun 2016	4	1	1	1	0	0	0.00%	151	17	12	8	4	0	2.65%	
Quarter 04	Jul - Sep 2016	2	0	0	0	0		0.00%	117	12	2	1	1	0	0.85%	
Quarter 05	Oct - Dec 2016	2	2	1	1	0	0	0.00%	121	9	4	2	2	0	1.65%	
Quarter 06	Jan - Mar 2017	1	0	0	0	0	0	0.00%	105	5	4	3	1	0	0.95%	
Quarter 07	Apr - Jun 2017	2	0	0	0	0	1	0.00%	171	11	1	1	0	1	0.00%	
Quarter 08	Jul - Sep 2017	4	0	1	1	0	0	0.00%	113	13	2	2	0	5	0.00%	
	total	19	3	3	3	0	0	0.00%	1021	100	33	21	12	0	1.18%	
		Minimum level required						10.00%								10.00%

**2.9 Risk Area**

One area for Members to note from this criterion 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.

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 threshold 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 be 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 there remains the need for (quarterly) reporting of performance to Planning Committee so that issues, trends and pressures can readily be identified and dismissed.

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 **Table 3**

Decisions	2013	2014	2015	20-16	2017
All determined	574	596	545	569	431
Delegated	510 (89%)	521 (87%)	472 (87%)	505 (89%)	409 (96%)
Granted	521 (91%)	546 (92%)	488 (90%)	515 (91%)	399 (93%)
Refused	49 (9%)	50 (8%)	57 (10%)	54 (10%)	32 (7%)

3.4

<b>Table 4</b>	TYPE	NUMBER
2013	All determined	574
2014	All determined	596
2015	All determined	545
2016	All determined	569
2017	All determined	431
<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	126
	Delegated	118
	Granted	113
	Refused	13
<b>2017 Q4 (Oct - Dec)</b>		
	All determined	0
	Delegated	0
	Granted	0
	Refused	0

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 93% 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 made to the Council’s scheme of delegation.

3.8 **All Application Data:**

Members should note that the Table 5&6 includes further application data by ward.

3.9 **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	1045

3.10 **Table 6**

Year 2016			Year 2017		
4	DV Devonshire	216	DV Devonshire		119
5	HP Hampden Park	71	HP Hampden Park		76
6	LG Langney	58	LG Langney		59
7	MD Meads	375	MD Meads		250
8	OT Old Town	155	OT Old Town		93
9	RN Ratton	145	RN Ratton		119
10	SA St Anthonys	127	SA St Anthonys		101
11	SV Sovereign	107	SV Sovereign		77
12	UP Upperton	179	UP Upperton		151
13	(blank)		(blank)		
14	<b>Grand Total</b>	<b>1433</b>	<b>Grand Total</b>		<b>1045</b>

### 3.11 Risk Area

Members are advised that there is likely to be year end spike in workload compared to previous years. This will need to be monitored in order to assess if there are resourcing issues.

## 4.0 PRE-APPLICATION ADVICE

4.1 In addition to the formal applications received the Council for this survey quarter offers a paid for 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	88	220	163	126
PRE APP MEDIUM	84	147	159	108
PRE APP MAJOR	8	18	10	16
TOTAL	180	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.

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. The payments have yielded £8,550; whilst this remains significantly below the profiled budget the income does help to support the running of this element of the DM service.

4.4 In addition Members should note that our returns to central government are based on prescribed application categories and they do not necessarily 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 refusals 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 all applications received, with the overwhelming majority being refused at delegated level. For 2017:- 6 cases were refused at Delegated and 44 were refused at Planning Committee level. This refusal number is higher than that referred to in Table 4 as that table looked at the reportable applications to government and the table below look at all types of applications received

5.3 **TABLE8**

REFUSALS BY WARD

<b>REF Refused</b>	<b>50</b>
DV Devonshire	9
HP Hampden Park	4
LG Langney	3
MD Meads	7
OT Old Town	2
RN Ratton	4
SA St Anthonys	4
SV Sovereign	8
UP Upperton	6
(blank)	3

5.4 **TABLE9**

REFUSAL BY DECISION LEVEL (COMMITTEE REFUSAL)

<b>REF Refused</b>	<b>50</b>
CCC Planning Committee	6
DDD Delegated List	44

5.5 For the survey period there have been two applications that have been refused at committee and include (Paint on the Pier, new bungalow at 21 Derwent Road, Change of use to restaurant/take-away at Beatty 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	2
	OSR Outline (some reserved)	1
	PCI Prior Notification Class IA	1
	PPP Planning Permission	5
	<b>Grand Total</b>	<b>9</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%)	1(11%)	1(11%)	7(78%)

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 (5 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 therefore that reporting the appeal decisions in full to planning committee under a separate cover to this report 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 is one 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 decisions 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/guidance

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 2017 the Council received one award of costs

6.16 There are no appeal costs for the Quarter survey period forming the content of this report.

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 way the Government now assess what constitutes a good/well performing Council 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 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.

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/closed in 2017.

### **TABLE 12**

7.3

**Newly created cases**

Description	Total	Reference Number	Received Date
☒ Planning Enforcement Medium Priority	159		
☒ Planning Enforcement Low Priority	125		
☒ Planning Enforcement High Priority	26		
<b>Total</b>	<b>310</b>		

**Closed cases**

Description	Total	Reference Number	Closed Date
☒ Planning Enforcement Medium Priority	149		
☒ Planning Enforcement Low Priority	136		
☒ Planning Enforcement High Priority	26		
<b>Total</b>	<b>311</b>		

7.4 Cases Closed/Received

TABLE 13 Closed/Received Annual

YEAR	CLOSED	RECEIVED
2014	253	363
2015	347	332
2016	354	361
2017	310	311

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
2017	39	22	29	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 12 notices (2% of all cases received) have been served.

7.10 It is clear that therefore that in excess of 98% 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:-

- **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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