

Planning Committee

23 April 2019



Working in partnership with **Eastbourne Homes**

Time and venue:

6.00 pm in the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG

Membership:

Councillor Jim Murray (Chair); Councillors Janet Coles (Deputy-Chair) Sammy Choudhury, Paul Metcalfe, Md. Harun Miah, Colin Murdoch, Margaret Robinson and Barry Taylor

Quorum: 2

Published: Thursday, 11 April 2019

Agenda

- 1 Minutes of the meeting held on 26 March 2019 (Pages 1 - 4)**
- 2 Apologies for absence.**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**
- 4 Urgent items of business.**

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.
- 5 Right to address the meeting/order of business.**

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.
- 6 Meads House, 26 Denton Road. Application ID: 190038 (Pages 5 - 20)**
- 7 Brydes, 10 Wedderburn Road. Application ID: 181127 (Pages 21 - 32)**
- 8 Summary of Planning Performance for period July-December 2018 (Pages 33 - 46)**
- 9 South Down National Park Authority Planning Applications**

Information for the public

Accessibility: Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

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Speaking at Planning

Registering your interest to speak on Planning Applications

If you wish to address the committee regarding a planning application you need to register your interest, outlining the points you wish to raise, with the **Case Management Team** or Democratic Services within **21 days** of the date of the site notice or neighbour notification letters (detail of dates available on the Council's website at <https://www.lewes-eastbourne.gov.uk/planning-and-building-control/planning-applications/speaking-at-planning-committee/>). This can be done by telephone, letter, fax, e-mail or by completing relevant forms on the Council's website. Requests made beyond this date cannot normally be accepted.

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.

It is helpful if you can provide the case officer with copies of any information, plans, photographs etc that you intend to refer to no later than 1.00pm on the day before the meeting.

Only one objector is allowed to address the Committee on each application and applications to speak will be registered on a 'first come, first served basis'. Anyone who asks to speak after someone else has registered an interest will be put in touch with the first person, or local ward Councillor, to enable a spokesperson to be selected.

You should arrive at the Town Hall at least 15 minutes before the start of the meeting.

The Chair will announce the application and invite officers to make a brief summary of the planning issues.

The Chair will then invite speakers to the meeting table to address the Committee in the following order:

- Objector
- Supporter
- Ward Councillor(s)
- Applicant/agent

The objector, supporter or applicant can only be heard once on any application, unless it is in response to a question from the Committee. Objectors are not able to take any further part in the debate.

Information for councillors

Disclosure of interests: Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (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).

Councillor right of address: Councillors wishing to address the meeting who are not members of the committee must notify the Chairman and Democratic Services in advance (and no later than immediately prior to the start of the meeting).

Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

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Working in partnership with **Eastbourne Homes**

Planning Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 26 March 2019 at 6.00 pm

Present:

Councillor Jim Murray (Chair)

Councillors Janet Coles (Deputy-Chair), Sammy Choudhury, Paul Metcalfe, Md. Harun Miah, Colin Murdoch and Margaret Robinson

Officers in attendance:

Leigh Palmer, Senior Specialist Advisor for Planning
James Smith (Specialist Advisor for Planning),
Christopher Wright (Interim Senior Specialist Advisor - Planning),
Helen Monaghan (Lawyer, Planning), and
Emily Horne, Committee Officer

102 Minutes of the meeting held on 26 February 2019

The minutes of the meeting held on 26 February 2019 were submitted and approved as a correct record, and the Chair was authorised to sign them.

103 Apologies for absence.

An apology was reported from Councillor Taylor.

104 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.

Councillor Metcalfe MBE declared a Pecuniary Interest in minute 107, 8 Solomons Close as the owner of the property and withdrew from the room while the item was considered and did not vote.

Councillor Metcalfe also declared a personal interest in minute 108, Wood Winton, 63a Silverdale Road as he knew the Architect for this item and the

Architect had also worked on 8 Solomons Close, and he remained in the room and took part in the vote.

105 Urgent items of business.

There were none.

106 Right to address the meeting/order of business.

The business of the meeting proceeded in accordance with the agenda.

107 8 Solomons Close - Application ID: 190033

Planning permission for single storey side extension – **SOVEREIGN**

Having declared a pecuniary/prejudicial interest, Councillor Metcalfe MBE was absent from the room during discussion and voting on this item.

Officers advised that this application had been brought before the Committee because the applicant was a Councillor of Eastbourne Borough Council. He was also a member of the Planning Committee.

Councillor Murray proposed a motion to approve the application, this was seconded by Councillor Murdoch.

Resolved (Unanimous): That permission be granted as set out in the officer's report.

108 Wood Winton, 63a Silverdale Road - Application ID: 181206

Outline planning permission (access) for the erection of six houses - **MEADS**

Mr Doel, local resident, addressed the Committee in objection, stating that the scheme was out of keeping with the Meads area. He also raised concerns regarding overdevelopment, the access road and footpath.

Mr Scard, Chair of Meads Community Association, addressed the Committee in objection to the application, stating that the reduction in the number of dwellings from 7 to 6 was not sufficient. He also raised concerns regarding the loss of trees, access, footpath, flood risk and overdevelopment. He said the Meads area was of high townscape value and urged the Committee not to accept the application to meet housing targets.

Councillor Smart, Ward Councillor, addressed the Committee (from the public gallery) in objection. He referred to the access, flood risk, living environment,

tree preservation orders (TPOs), and reduction of conditions. He said none of the issues had been addressed by removing one dwelling.

Mr Whiteman, agent, spoke in response and said that all the issues raised had been addressed in the officers' report and in the current design proposal. He said the consultees had raised no objection and urged the Committee to support the officers' recommendation.

The Committee discussed the removal of TPOs on the site and felt that the scheme was out of keeping, of poor design, would cause a flood risk, and was unsuitable for emergency and refuse vehicles. Councillors raised strong concern that pedestrians would use the same roadway as vehicles, stating that the development had not been improved sufficiently.

Following discussion, officers advised that the Highway Authority had raised no objection to the outline application and was satisfied with the footpath and access arrangements. A number of TPOs had been removed previously but there was no case for further action. Further conditions would be applied to any reserved matters application.

Councillor Miah proposed a motion against the officers' recommendation, to refuse the application, this was seconded by Councillor Robinson.

Resolved (Unanimous): That Outline permission be refused for the following reason:

The Council is not satisfied that seven residential properties could be adequately accommodated on the site without causing harm to the character of the wider area in the form of a cramped over-development of the site with poor access arrangement.

109 South Downs National Park Authority Planning Applications (if any).

There were none.

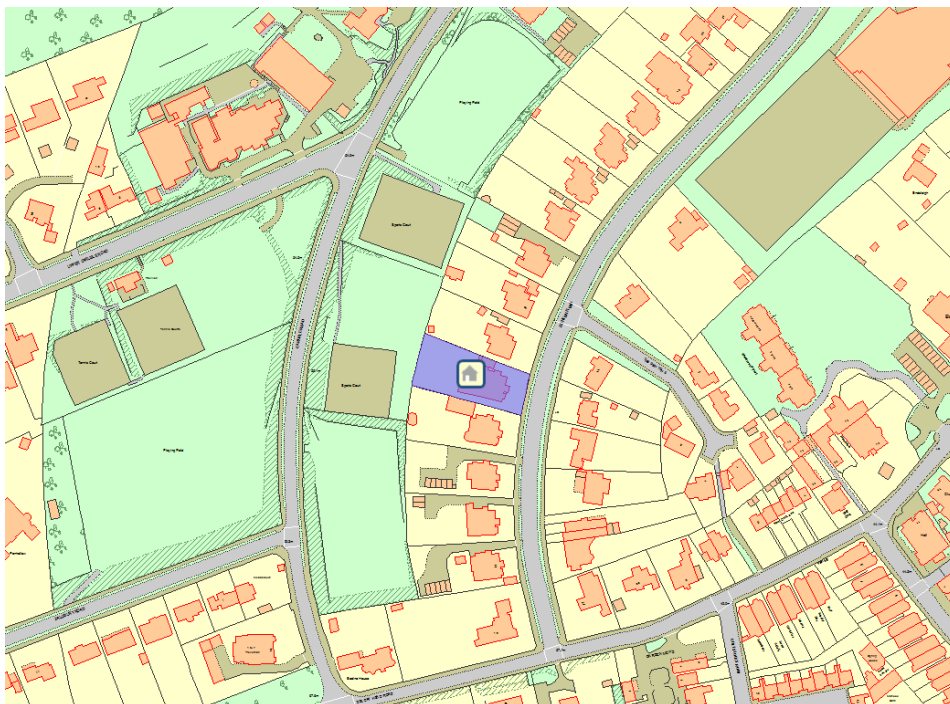
The meeting ended at 6.47 pm

Councillor Jim Murray (Chair)

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App.No: 190038	Decision Due Date: 25 th April 2019	Ward: Meads
Officer: James Smith	Site visit date: 12 th February 2019	Type: Planning Permission
Site Notice(s) Expiry date: 28 th February 2019 Neighbour Con Expiry: 10 th April 2019 Press Notice(s):		
Over 8/13 week reason: Seeking Amendments		
Location: Meads House, 26 Denton Road, Eastbourne		
Proposal: : Creation of lower ground floor, side/rear extension, and change of use from care home (C2) to 9 x 2-bed flats, with new car and cycle parking spaces, involving demolition of existing garage		
Applicant: Mrs Prital Moskal		
Recommendation: Approve conditionally		

Contact Officer(s): **Name:** James Smith
Post title: Specialist Advisor (Planning)
E-mail: james.smith@lewes-eastbourne.gov.uk
Telephone number: 01323 415026



1 Executive Summary

- 1.1 The proposed change of use from a residential institution is acceptable in principle as the existing use is constrained by adaptability issues of the existing building, combined with the costs of bringing it up to acceptable standards. The presence of residential flats on Denton Road is also well established and is seen as an appropriate use given the plot sizes on the road.
- 1.2 The proposed extensions would have minimal visual impact within the Conservation Area due to their positioning and relatively modest scale. The overall character of the Conservation Area would therefore be preserved.
- 1.3 It is considered that the design and scale of the proposed development could be accommodated within the site without a detrimental impact upon the amenities of neighbouring residents.
- 1.4 County Highways are satisfied that the provision of 6 on-site car parking spaces meets the anticipated demand for the proposed use. However, the submitted car parking plans are not acceptable in terms of layout and dimensions of parking spaces and, as such, the recommendation of approval is made subject to a suitable scheme being submitted prior to any approval being issued.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework 2019

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places

2.2 Eastbourne Core Strategy 2013

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C11 Meads Neighbourhood Policy
- D5 Housing
- D7 Community, Sport and Health
- D10 Historic Environment
- D10a Design

2.3 Eastbourne Borough Plan Saved Policies 2007

- UHT1 Design of New Development
- UHT4 Visual Amenity
- UHT5 Protecting Walls/Landscape Features
- UHT7 Landscaping
- UHT15 Protection of Conservation Area

HO2 Predominantly Residential Areas
HO9 Conversions and Changes of Use
HO20 Residential Amenity
TR2 Travel Demands
TR11 Car Parking

3 Site Description

- 3.1 The application relates to an existing residential care home, which accommodates 16 residents in single rooms. The facility is classified as special needs housing.
- 3.2 The property was originally constructed as a large detached family home, but over the years has been converted and extended to support the current use which was originally approved in 1983 under application EB/1983/0046.
- 3.3 The site is situated within the Meads Conservation Area. Denton Road itself is characterised by large residential buildings, originally constructed as single dwellings but a number of which have since been converted to flats and extended. There is also a limited amount of infill residential development. Buildings are set back from the highway with front boundaries marked by low flint and brick walling. The presence of mature street trees and grass verging, combined with landscaping to the front of the majority of plots, generates a verdant appearance. No.28 Denton Road to the south is a single family dwelling. Whilst No.24 to the north is converted into 3 self-contained flats. To the rear of the site (west) the property borders the University playing fields. The University sports complex is also nearby to the north.

4 Relevant Planning History

- 4.1 EB/1983/0046
Change of use from single private dwelling to Rest Home, with owners' accommodation.
Approved Conditionally
15th March 1983
- 4.2 990947
Demolition of existing garage and conservatory and erection of a single storey extension to provide two bedrooms and a laundry.
Approved Conditionally
7th October 1999
- 4.3 171224
Single storey rear & side extension to provide 10 additional bedrooms & ancillary space for special needs care housing purposes. Addition of a new internal passenger lift and internal refurbishments to suit the new layout. The rear extension will be located within the existing garden at a lower level to the existing ground floor. Provision of new parking spaces for visitors and staff within the front garden. Demolition of the existing garage structure and associated hard- landscaping.
Approved Conditionally

5 Proposed development

5.1 The proposal involves extending to the rear of the existing building, at ground floor and lower ground floor level. There are 3 main elements to the extensions:-

- A flat roof lower ground floor extension projecting approximately 4.1 metres back from the existing single-storey outrigger (with an additional 2 metre roof overhang).
- A flat roof 2-storey (lower ground floor and ground floor) extension measuring approximately 8.1 metres in width by 6.3 metres in depth.
- A hipped roof two-storey (lower ground floor and ground floor) extension to the side of the two-storey flat roof extension which would measure approximately 9.6 metres in depth by 5.3 metres in width.
- In order to accommodate the lower ground floor extensions, and adjoining amenity space, the level of the existing garden would be lowered by 1.5 metres.

The extended building would be converted from its existing use as a residential care home to 9 x 2 bedroom flats. Flats 1, 6 and 8 would be provided with designated outdoor garden space whilst flats 3 and 4 would have access to roof terraces. The remaining flats would have access to communal outdoor amenity space. 6 on-site car parking spaces would be provided to the front of the building, with the parking area served by the existing site access from Denton Road and the front boundary wall retained.

6 Consultations

6.1 Specialist Advisor (Planning Policy)

6.1.1 The application is to convert an existing residential care home into nine self-contained flats. The proposal site is situated within the Meads Neighbourhood (Policy C11 of the Core Strategy) and in the Meads Conservation Area. Meads is identified in the Core Strategy as a 'Sustainable Neighbourhood' and the Meads neighbourhood vision states that the neighbourhood will make an important contribution to the delivery of housing. The development site is located within an area of which several policies are applicable from the Eastbourne Borough Plan (2001-2011) and the Core Strategy (adopted 2013).

6.1.2 This application specifically proposes a change of use from the existing residential care home use (C2) to 9 x residential dwellings (C3) with associated extensions at ground and lower floor levels. Planning permission for the extension to Meads House was granted via application 171224 in February 2018. Policy HO9 of the Eastbourne Borough Plan refers to conversions and change of use. The policy states that residential conversions and the change of use of non-residential premises to residential will be permitted, but would be

subject to specific considerations. These considerations include that in the case of non-residential premises it can be clearly demonstrated that the premises are redundant for continued commercial and/or business use and the proposed development is well designed and provides an acceptable standard of accommodation. The design and access statement provided explains a number of reasons why it is not financially viable to extend the property, under the current use, due to the vast extent of the works needed for it to continue functioning as a safe and efficient care home. The proposed residential unit is in conformity with technical housing standards (nationally described space standard). All of the units meet or exceed the required size for the bed space/occupancy proposed. 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 in accordance with policy B2 of the Core Strategy.

- 6.1.3 Policy B1 of the Core Strategy will deliver at least 5,022 dwellings in accordance with the principles of sustainable development, more specifically 358 in the Meads Neighbourhood. Policy D5 focusses on delivering housing within sustainable neighbourhoods. The Core Strategy has identified Meads as a sustainable neighbourhood and national policy (NPPF) supports sustainable residential development. The NPPF requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years worth of housing. As of 1 October 2018, Eastbourne is only able to demonstrate a 1.54 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. National policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals.
- 6.1.4 The Borough Plan Policy HO2 identifies this location as being predominantly residential. In order to reach housing targets, planning permission will be granted for residential schemes within these predominantly residential areas. Windfall sites are one of the ways additional housing is achieved in these areas. This site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). This site is also considered a brownfield site and strategy states that 'in accordance with principles for sustainable development, it will give priority to previously developed sites with a minimum of 70% of Eastbourne's housing provision to be provided on brownfield land'. This application will result in a net gain of 9 dwellings and the Council relies on windfall sites as part of its Spatial Development Strategy policy B1, as stated in the Core Strategy.
- 6.1.5 It is important to note that as this application is for 9 units, it does not meet the threshold for contribution towards affordable housing. Also note that this application is not liable to pay CIL under Eastbourne's current charging schedule.
- 6.1.6 The development is in accordance with the NPPF and local adopted policy and there is no objection to the proposal from a planning policy perspective. However it is considered that the residential amenity issues are relevant to this application.

6.2 ESCC Highways

- 6.2.1 The applicant has not submitted a trip generation assessment as part of this application. Nevertheless, the daily vehicle trip rate for a care home would be similar to that of the proposed number of flats. As such, it is not expected that trips would significantly increase and therefore a severe impact on the local highway network as a result of the proposed development is not expected.
- 6.2.2 The site currently has two existing access points, although only the northern access provides legal vehicle access by means of a vehicle crossover. The southern access will be blocked by a parking bay meaning it is unlikely to be used in future; however, it is recommended the boundary wall be extended to prevent its use and to reflect the proposed layout.
- 6.2.3 The northern access is narrow (2.5m) and is not suitable for the two-way flow of vehicles. Although the overall trips are not expected to significantly increase, the nature of those trips is expected to differ. With this in mind, it is recommended that this access is widened to at least 4.5m. This should be secured by condition.
- 6.2.4 The applicant has used the County Council's parking calculator to estimate the expected level of parking demand the proposed development would have at six spaces. Accordingly, the applicant is proposing to provide six spaces on-site. It is noted that, at the time of writing, the Highway Engineer's drawings that are referred to on the proposed floor plans do not appear to be accessible online.
- 6.2.5 It is considered that the proposed parking provision is acceptable in principle. However, it is noted that the parking bays measure 4.8m x 2.4m, which is not in line with the County Council's standards. The bays should measure 5m x 2.5m, which should be secured by condition. Furthermore, access to the northernmost bays would require reversing a significant distance. It is therefore advised that the applicant reconsiders the proposed parking layout so that any movements on-site would be convenient for users.
- 6.2.6 The applicant is proposing nine cycle spaces in a secure store. This is in line with the County Council's standards and should be secured by condition.
- 6.2.7 The site is located within 500m of existing bus stops on Gaudick Road, which are served by routes into the Town Centre. These routes run approximately every 15 minutes. The site is therefore considered to be in a relatively sustainable location.
- 6.2.8 Given the proposed development's location within the Meads conservation area, a Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking and compound for plant/machinery and materials clear of the public. Hours of delivery/ collection should avoid peak traffic flow times. This would need to be secured through a condition of any planning permission.

6.3 Specialist Advisor (Conservation)

- 6.3.1 This application seeks permission to undertake works to convert a former care home located within a conservation area into residential apartments. The bulk of the work will be carried out to the rear of the property, where there is decidedly limited overlook, with adaptations at the front limited to the demolition of a garage and the construction of an extension using appropriate materials and in a style deemed sympathetic to the host building. Helpfully, the existing front wall and planting will be retained. The overall impact will be limited and there is no concern that the character and appearance of the conservation area will be compromised. As a consequence, I do not wish to register an objection.

6.4 Conservation Area Advisory Group (CAAG)

- 6.4.1 There was differing views amongst the Group on the application. The majority agreed that the scheme had a detrimental impact on the character and appearance of the conservation area.

6.5 Meads Community Association

- 6.5.1 Denton Road is an attractive and important part of the Meads Conservation Area which is recognised in the Meads Area Appraisal 2011 which specifically lists the large Edwardian Style houses specifically nos. 8-34 as 'Buildings that make a positive contribution to the character and appearance of the Conservation Area'.

- 6.5.2 In 2018 consent was given to extend the footprint of the nursing home into the garden, demolish the garage and replace with an extension. The MCA opposed this application as it would set a precedent for future applications for development in existing rear gardens and that the proposed rear extension will have a harmful environmental impact on the immediate local area including views from Carlisle Road. The application was approved largely on the basis that this was an extension to the care home and would not therefore have significant disturbing effect on local residents.

- 6.5.3 We note that the extension was never built and the excuse some 12 months later is that it is now economically unviable to pay for the extension and also to remain as a care home. It is obvious that the owner had no intention of investing in the care home (it is in a poor decorative state) but wishes to use the planning consent to maximise profit with a change of use to nine apartments.

- 6.5.4 The conversion to nine apartments including living accommodation in the garden area is an over development of the property. The application lists the possible accommodation for each unit as accommodation for 3-4 persons. This could equate to 30 active residents living within the property.

- 6.5.5 The owner states that 10 Ravelston Grange in Denton Road a former nursing home has recently had a similar change of use as an example of consent. The footprint of 10 Denton Road is considerably larger than Meads House. It should be noted that since the change of use to nine flats was granted (which local residents and the MCA opposed) this building has not been converted and is for

sale at an inflated price given its poor condition.

- 6.5.6 Consideration could be more favourably viewed if there was a substantial reduction in the number of apartments within the existing boundary of the house before the nursing home extension was granted.
- 6.5.7 Denton Road is almost entirely residential and already suffers from Increased traffic generation with continued parking demand all day and evening arising from activities associated with the nearby University. It is not appropriate that the residential character of the area should be further eroded by the increased activity and noise arising from what is proposed in this application.
- 6.5.8 Six small parking spaces for nine apartments where it is likely there will be two vehicles per household are inadequate. The application states that there is public transport within 300m with a service up Beachy Head Road and Carlisle Rod provided by buses no 3 & 3A & 4. This is not correct there is no bus service along Beachy Head Road and the nearest bus stop is in Meads Village Centre more than 300 metres away. A no 4 bus does not serve the Meads Area.
- 6.5.9 For the above reasons we object to the planning application.

7 Neighbour Representations

- 7.1 Following public consultation, letters of objection have been received from 37 individual addresses. Objections raised are summarised below:-
- Would exacerbate existing parking issues on Denton Road;
 - Over-development of the site, with one flat needing to be built halfway down the garden;
 - Additional wheelie bins on road;
 - Noise pollution;
 - Comparisons drawn with the development of Ravelston Grange are incorrect as this was a far bigger property than Meads House;
 - Traffic moves at dangerous speeds on Denton Road and cars make hazardous manoeuvres;
 - There is a need for care homes in Eastbourne;
 - Would create a precedent for similar development in the future;
 - One of the flats would be against the boundary wall at 28 Denton Road, resulting in significant noise disturbance;
 - The previous permission was for extensions to house care home residents, a residential use would generate much more noise;

8 Appraisal

8.1 Principle of development:

- 8.1.1 The proposed works involve the loss of a care home facility. Policy D7 of the Eastbourne Core instructs that the loss of such facilities should be resisted unless it can be demonstrated that the facility is no longer required to meet current needs or where alternative and improved provision can be made

elsewhere in Eastbourne in a location accessible to local people.

- 8.1.2 The Design & Access Statement that accompanies the application draws attention to the age of the building and the difficulties encountered in adapting it to meet the current required standards for a residential care home. The extensions to the building approved under 171224 represented an attempt to address this but it has been found that the costs entailed render these works economically unviable.
- 8.1.3 In addition, it is considered that the loss of the existing, relatively small scale, care home use could easily be absorbed by nearby care home facilities as well as new purpose built facilities, such as the 60 bedroom facility on East Dean Road approved under 160443.
- 8.1.4 It is therefore considered that there is sufficient justification for supporting the conversion of this property into individual residential units, and this is concurred with by the Council's Planning Policy department.
- 8.1.5 Para. 148 of the Revised National Planning Policy Framework (2019) encourages the reuse of existing resources, including the conversion of existing buildings. Para. 123 of the same document supports the efficient use of land, particularly where there is an existing shortage of land for meeting identified housing needs, as is the case in Eastbourne Borough. Para. 127 goes on to state that, whilst development should be sympathetic to local character and history, this should not prevent or discourage appropriate innovation or change (such as increased densities).
- 8.1.6 Saved Policy HO9 of the Eastbourne Borough Plan supports the conversion of buildings to residential use where it can be demonstrated that an acceptable standard of accommodation can be provided and where there would be no unacceptable adverse impact upon residential, visual and environmental amenity and there is satisfactory access and parking arrangements. The proposed scheme will be assessed against relevant policies relating to these matters in the main body of this report.
- 8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:
 - 8.2.1 The proposed extensions to the building are concentrated towards the rear of the site and, whilst there are two-storey elements, the height of these elements in relation to neighbouring properties is not excessive due to the ground level to the rear of the site being lowered by 1.5 metres in order to accommodate the development. Screening is also provided by existing site boundary walls. As such, it is not considered that the proposed extensions would appear overbearing towards neighbouring properties or bring about undue levels of overshadowing.
 - 8.2.2 Windows and openings serving the proposed extensions would be at ground floor or lower ground floor level and, therefore, would not offer realistic opportunities for invasive views towards neighbouring properties due to the screening offered by existing site boundary treatment. In any case, these views

would be directed towards the rear of the site. Roof terraces would also be at ground floor level meaning that boundary treatment would be similarly effective in securing privacy from users of these features.

8.2.3 The proposed development involves a change of use of the existing building and, therefore, a change in the nature and character of its occupancy. Whilst the provision of 9 flats may be regarded as an intensification of the use of the site, it is not considered that this would be to a degree that would result in unacceptable levels of disturbance towards neighbouring residents. It is noted that the existing use involves frequent activities associated with the provision of accommodation for 16 individuals along with staff movements, visitors and deliveries of medical supplies. The large amount of amenity space that is provided is well distributed and includes areas that are allocated only for the occupants of specific flats. This would ensure the use of amenity space is dispersed throughout the site and avoid large congregations of people in small areas, which may have the potential to cause disruption to neighbouring residents. Vehicular movements would be concentrated to the front of the site, as is the case with the existing use, and the amount of movements would likely be comparable with that of the existing use.

8.2.4 Ultimately, the site is located within a residential area where there is an established presence of flatted development. The proposed residential use is therefore considered to be compatible with its surroundings, as is the density of the development, with an ample amount of the overall site area retained for low intensity amenity use.

8.2.5 A condition requiring the submission of a Construction Environmental Management Plan prior to commencement of works will be attached to any approval given in order to minimise disturbance of neighbours during the construction phase.

8.3 Living conditions for future occupants:

8.3.1 All of the proposed flats either meet or exceed minimum gross internal area (GIA) requirements as set out in the Technical housing standards – nationally described space standard. Individual unit sizes are presented below:-

Unit No.	Unit Size	GIA Provided	GIA Required
1	2bed/3persons	64 m ²	61 m ²
2	2bed/3persons	64 m ²	61 m ²
3	2bed/4persons	74 m ²	70 m ²
4	2bed/3persons	63 m ²	61 m ²
5	2bed/4persons	83 m ²	70 m ²
6	2bed/4persons	89 m ²	70 m ²
7	2bed/3persons	61 m ²	61 m ²
8	2bed/3persons	62 m ²	61 m ²
9	2bed/4persons	82 m ²	70 m ²

8.3.2 All primary habitable rooms would be well served by a combination of windows and light wells, allowing for a good level of natural light permeation as well as

natural ventilation. A number of the flats would also be dual aspect, improving the effectiveness of natural light and ventilation provision. All major windows provide a good degree of outlook. It is therefore considered that the quality of the environment within each of the proposed flats would be of a good standard.

8.3.3 A number of the proposed flats would have direct access to outdoor amenity space. All flats would also have access to communal amenity space. The amount of space provided is considered to be adequate for the amount of units within the development and the submitted landscape scheme also demonstrates that the quality of the environment provided would be high.

8.3.4 All flats would be accessed via the main front entrance of the building and, as such, the development would not include any secluded access points that would generate a risk of crime or a fear of crime.

8.4 Design and impact upon the Conservation Area:

8.4.1 The majority of the proposed extensions are to the rear of the site and this positioning, combined with their low height and the screening offered by site boundary treatment and surrounding buildings, means that they would have a minimal impact upon the visual and spatial characteristics of the existing street scene. Whilst there would be a certain level of visibility from the playing fields to the rear of the site, the modest scale of the extensions, as well as their positioning away from the rear boundary would prevent them from being overly dominant and the existing rear elevation would remain as the most prominent feature from this viewpoint. The proposed side extension would be recessed from the frontage, in a similar position to the former garage and of a similar height. The design of this extension, which includes a pitched roof, would be more sympathetic to the character and appearance of the conservation area.

8.4.2 ESCC Highways require the existing site access to be widened. The widening of this access would require the removal of a section of the front boundary wall but this would not be a significant proportion and would also be compensated for by way of the existing second access point being closed off, with a new section of wall being used to facilitate this. A small amount of site landscaping would also need to be removed in order to accommodate the widened access and car parking area. The loss of this small portion of landscaping can be mitigated through new landscaping planting that is incorporated into the proposed scheme.

8.4.3 The proposed extensions are of contemporary design and simple in form, with flat roofing being a common feature. Whilst this design does not mirror that of the existing building, it is considered that it is of a suitably high standard to be of visual quality and avoids any sense of pastiche or clutter that may have resulted had attempts been made to directly replicate existing features. Furthermore, by adding contrast into the design, the mass of the extended building would be broken up effectively, preventing the building from appearing overly bulky or monotonous in appearance. The modest height of the proposed extensions in proportion to that of the existing building, combined with their fairly even distribution, would prevent them from obscuring or obstructing views of distinctive architectural features of the rear elevation of the building or from

overly dominating the rear elevation.

- 8.4.4 A mixed palette of external materials would be utilised, including matching roof tiles and brick work to assist with visual integration as well as timber cladding which would reflect the verdant nature of the rear of the site. Wildflower green roofing would also be incorporated into the scheme.
- 8.4.5 A number of the original large dwellings on Denton Road have been converted into flats and, as such, the presence of flats is an established characteristic of the road. The proposed development would also retain the existing building, the frontage of which would be largely unaltered, and as such, is considered to be in-keeping with the existing pattern of development on Denton Road. Whilst the majority of the existing conversions provide 5 or 6 flats, it is not considered that the provision of 9 flats would represent an unacceptable intensification in the context of the character of the area, given the size of the plot and the proportion of it which would remain undeveloped. It is noted that the provision of 9 x 2 bedroom flats at 10 Denton Road was approved under 161308. This approved scheme relates to a similarly sized plot (approx. 1485 m² as opposed to approx. 1385 m²) with a similar footprint (approx. 385 m² as opposed to approx. 425 m²). It is therefore considered that the overall character of the proposed development would be consistent with surrounding development.

8.5 Landscape Impact:

- 8.5.1 The proposed works would not result in the loss of any significant trees or landscaping, with the only features affected being small ornamental trees and shrubs. The proposed scheme includes landscaping of the rear of the site where amenity space will be provided and this would augment with the larger trees that are positioned around site boundaries. Sections of green roofing would also be incorporated on the flat roof extensions as a means to soften visual impact and to provide additional greenery. It is therefore considered that the overall verdant nature of the rear of the site would be maintained.

8.6 Highway Impact:

- 8.6.1 The proposed scheme includes the provision of 5 off street car parking spaces, provided to the front of the site and accessed via an existing dropped kerb crossover. This represents an under provision of car parking given that the ESCC has a car parking demand tool
- 8.6.2 The dimensions of the parking spaces shown on the originally submitted plans did not meet ESCC minimum standards and the two spaces positioned adjacent to where the existing garage is located were also identified as being unsuitable as they would result in the need for vehicles to reverse excessive. The applicant has been informed that the parking arrangements submitted are unacceptable and, at the time of writing this report, is working on an amended parking scheme that provides the required quantum of parking of suitable dimensions and in a suitable arrangement. The recommendation to approve this application is subject to an acceptable scheme being submitted.
- 8.6.3 The existing site access is relatively narrow and requires widening to 4.5 metres.

This can be achieved through the removal of a section of boundary wall. The existing secondary access would also need to be stopped up in order to prevent future use, ensuring satisfactory access and egress from the site and allowing for the area adjacent to the secondary access to be utilised for parking provision. The stopping up of the existing secondary access would be secured by way of a planning condition.

9 Human Rights Implications

- 9.1 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.

10 Recommendation.

- 10.1 It is recommended that the application is approved, **subject to the conditions listed below and the receipt of drawing showing an acceptable arrangement to on-site car parking.**
- 10.2 The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 10.3 The development hereby permitted shall be carried out in accordance with the following approved drawings:-

Revised site plan currently awaited;
Proposed Lower Ground Floor Plan – A1-090 Rev A;
Proposed First Floor Plan – A1-110 Rev B;
Proposed Second Floor Plan – A1-120 Rev B;
Existing and Proposed Front Elevations – A-403 Rev B;
Existing and Proposed Rear Elevations – A-401 Rev C;
Existing and Proposed North Elevations – A-400 Rev C;
Existing and Proposed South Elevations – A-402 Rev C;

Reason: For the avoidance of doubt and in the interests of proper planning.

- 10.4 The external finishes of the development hereby permitted shall be as stated on the approved drawings, unless agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the surrounding Conservation Area in accordance with policies D10 and D10a of the Eastbourne Core Strategy (2013) and saved policies UHT1 and UHT15 of the Eastbourne Borough Plan.

10.5 No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

- (i) car parking layouts;
- (ii) cycle parking layouts and details of any enclosure
- (iii) hard surfacing materials;
- (iv) planting plans (including green roofing);
- (v) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (vi) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- (vii) refuse and recycling collection facilities;
- (viii) implementation timetables.

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

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with saved policies UHT1 and UHT7 of the Eastbourne Borough Plan.

10.6 No part of the development shall be occupied/brought into use until the car parking has been constructed and provided in accordance with the approved site layout drawing unless agreed in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide suitable car-parking space for the development in accordance with saved policy TR11 of the Eastbourne Borough Plan.

10.7 The existing secondary site access shall be permanently stopped up and the land, including the dropped kerb crossover, restored to an acceptable condition. This would include the provision of a flint and brick wall, of matching appearance to the existing wall, across the existing opening. These works shall be carried out in accordance with full details to be submitted to and approved by the Local Planning Authority and all works carried out prior to the occupation of any of the residential units hereby approved.

Reason: In the interests of highway safety and to ensure that the character of the Conservation Area as preserved in accordance with saved policy UHT15 of the Eastbourne Borough Plan.

10.8 No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- The estimated amount of spoil to be removed from the site and the anticipated number, frequency and types of vehicles used during construction,
- The method of access and egress and routeing of vehicles during construction,
- The parking of vehicles by site operatives and visitors,
- The loading and unloading of plant, materials and waste,
- The storage of plant and materials used in construction of the development,

Reason: In the interests of highway safety and the amenities of the area in accordance with saved policy NE28 of the Eastbourne Borough Plan.

10.9 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water, if the green roof shown on the approved plans is not implemented an alternative means of surface water disposal shall be agreed in writing, and the development thereafter carried out in accordance with approved details, prior to the occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: To ensure suitable provision of sewerage disposal and mitigate against surface water flood risk, in accordance with saved policy US4 of the Eastbourne Borough Plan.

11 **Informative**

11.1 The works relating to access widening and stopping up works require the applicant enter into a Section 184 Licence with East Sussex Highways. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.

12 **Appeal**

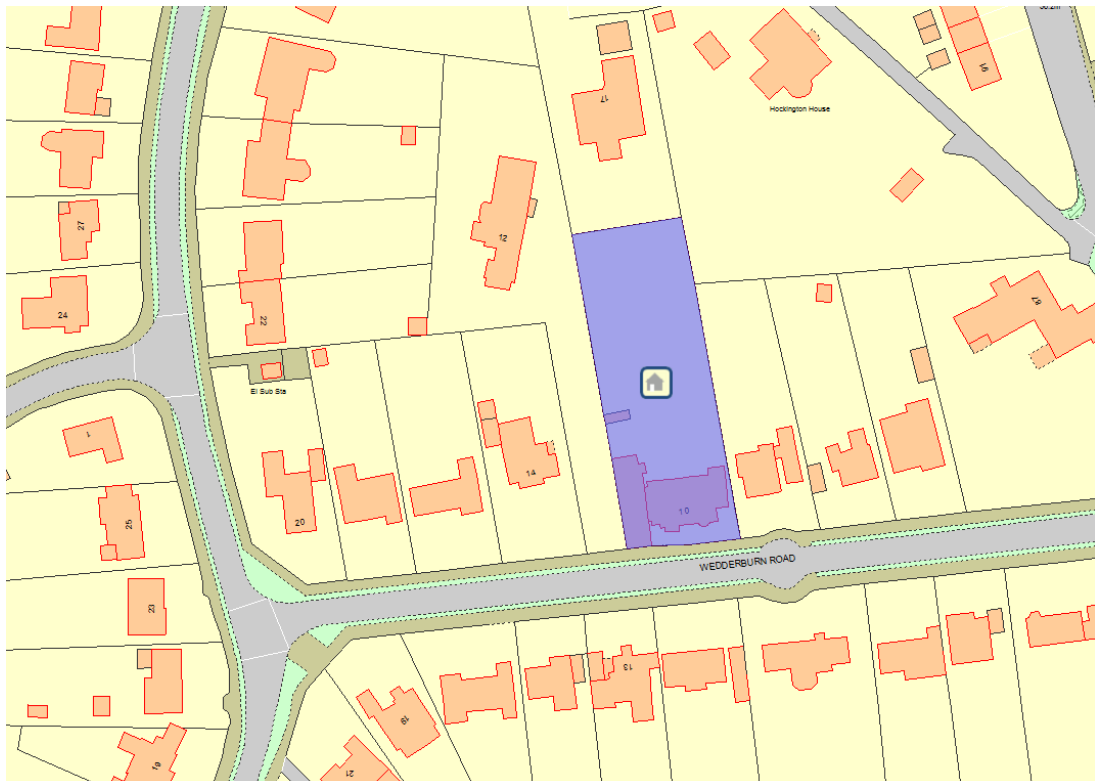
Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

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Agenda Item 7

App.No: 181127	Decision Due Date: 25 th April 2019	Ward: Ratton
Officer: James Smith	Site visit date: 12 th February 2019	Type: Planning Permission
Site Notice(s) Expiry date: 10 th April 2019		
Neighbour Con Expiry: 10 th April 2019		
Over 8/13 week reason: To allow for submission of revised drawings.		
Location: Brydes, 10 Wedderburn Road, Eastbourne		
Proposal: Erection of a two-storey 3 bedroom dwelling with off-street car parking and driveway access, situated in the rear garden of 10 Wedderburn Road. (Amended description following receipt of revised plans).		
Applicant: Mr Pankaj Patel		
Recommendation: Approve Conditionally		

Contact Officer(s): **Name:** James Smith
Post title: Specialist Advisor (Planning)
E-mail: james.smith@lewes-eastbourne.gov.uk
Telephone number: 01323 415026



1 Executive Summary

- 1.1 The proposed dwelling would be sympathetic towards the overall character of the surrounding area in visual and spatial terms as there is an established pattern of dwellings set back from the road behind neighbouring buildings.
- 1.2 Adequate separation distances are provided between the proposed dwelling and neighbouring buildings to prevent overlooking between habitable rooms and to mitigate against any intrusive or overbearing impact.
- 1.3 An acceptable quantum of car parking to serve the proposed dwelling, as well as the existing dwelling, can be provided on site.
- 1.4 Suitable measures are in place to prevent the loss or unacceptable level of damage to trees covered by Preservation Orders. The majority of site boundary landscaping would be maintained.

2 Relevant Planning Policies

2.1 Revised National Planning Policy Framework 2019

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. making effective use of land
- 12. Achieving well-designed places

2.2 Eastbourne Core Strategy 2013

- B1. Spatial Development Strategy and Distribution
- B2. Creating Sustainable Neighbourhoods
- C12. Ratton & Willingdon Village Neighbourhood
- D5. Housing
- D8. Sustainable Travel
- D10a. Design

2.3 Eastbourne Borough Plan (saved policies)

- NE4. Sustainable Drainage Systems
- NE14. Source Protection Zone
- NE18. Noise
- NE28. Environmental Amenity
- UHT1. Design of New Development
- UHT2. Height of Buildings
- UHT4. Visual Amenity
- UHT5. Protecting Walls/Landscape Features
- UHT7. Landscaping
- HO2. Predominantly Residential Areas

HO6. Infill Development
HO20. Residential Amenity
TR11. Car Parking
US4. Flood Protection and Surface Water Disposal

3 Site Description

- 3.1 The site is occupied by a detached two-storey dwelling which is one of the older properties on Wedderburn Road. The rear garden was originally much larger and extended northwards. Over time, the original plot area has been reduced, with parts of it utilised for the Crouch Close development, including the more recently built 17 Crouch Close, which was granted planning permission on 2007.
- 3.2 The dwelling is positioned relatively close to the highway, in contrast to the majority of dwellings on Wedderburn Road which are set further back. A two-storey side/rear flat roof extension has been added alongside the eastern site boundary. This extension does not project a significant distance further back from the rear elevation of the original building. The area to the rear of the building is a landscaped garden with mature boundary trees and hedging. There is a single-storey garage structure to the side of the dwelling which is accessed via a dropped kerb crossover to the front of the property.
- 3.3 Wedderburn Road slopes upwards from the east to the west and, as a result of this, the site level of Wedderburn Road is raised slightly above that of 8 Wedderburn Road (the neighbouring property to the east) and is slightly lower than that of 12 Wedderburn Road (the neighbouring property to the west). The plot occupied by 17 Crouch Close, which backs on to the site on the northern boundary, is raised, with mature trees on a raised bank, supported by a retaining wall, marking the site boundary.
- 3.4 The northern side of Wedderburn Road is characterised by an informal arrangement of dwellings, the majority of which are two-storey detached buildings. The street has a somewhat verdant nature on account of mature landscaping, which is primarily concentrated on and around site boundaries.

4 Relevant Planning History

- 4.1 No relevant planning history for the site.

5 Proposed development

- 5.1 The proposal involves the partitioning of the existing plot and the provision of a new two-storey, three bedroom dwelling within the northern portion. The dwelling would be accessed via a new dropped kerb crossover to the front of 10 Wedderburn Road. The proposed driveway access would require the demolition of the existing single-storey garage buildings on the western side of the site.
- 5.2 Two new car parking spaces would be provided to the front of the proposed dwelling, with a further two spaces provided for the occupants of 10 Wedderburn Road, positioned to the rear of the existing dwelling.

6 Consultations

6.1 Specialist Advisor (Arboriculture):

- 6.1.1 The applicant's tree expert shows that it is technically possible to insert a building within the plot without the need to remove the majority of the trees, most of which are in the 'B' category (BS;5837). It is, however, likely that future occupants may wish to lop, top or prune the trees, particularly those on the western boundary. None of the trees that would be affected are covered by a Tree Preservation Order.
- 6.1.2 No objections, subject to recommended conditions (these are attached in paras 10.12 and 10.13 of this report).

7 Neighbour Representations

- 7.1 Following public consultation (including publicising amended plans); letters of objection from 9 individual addresses have been received. The objections that have been raised are summarised below:-

- Will be considerable upheaval and mess as a result of construction works and traffic;
- Further traffic and congestion will impact on access by emergency and service vehicle;
- Will overlook 17 Crouch Close, despite the levels and limited density trees;
- Loss of privacy and sunlight to neighbouring properties on Wedderburn Road;
- Loss of tranquillity due to parking spaces to rear of site;
- Overdevelopment of the plot;
- Inadequate turning space for cars;
- A 5 metre high cypress tree that provides a privacy barrier and contributes to the leafy nature of the environment would be lost;
- The retaining wall at the end of the site could be disturbed, causing a landslide;
- There may be asbestos in the garage that is to be demolished;
- Would not provide affordable housing;
- Wildlife will be disturbed and destroyed;
- Trees will need to be felled;
- There are already drainage problems in the area and at Eastbourne sewage works;
- Another house is not necessary;
- Will destroy the last piece of unbuilt land surrounding 12 Wedderburn Road;
- The back of the new property will have very low light levels due to the presence of trees and the retaining wall;
- Out of keeping as will be set between two existing bungalows;
- Construction work may damage existing sewage drain on the eastern site boundary;

- Not all neighbours were notified of the development;
- There is already a lot of disturbance caused by building works at 6 Wedderburn Road;
- Would result in loss of value to our property;
- Will negatively impact on outlook from neighbouring dwellings;
- Boundary fencing and security gates will be out of keeping;
- There will be light pollution from outdoor lighting;
- There are no guarantees materials will match existing building as this can be altered later, as was the case with 6 Wedderburn Road;
- The revised plans do not address the fundamental issues;

8 Appraisal

8.1 Principle of development:

8.1.1 The proposal involves the development of garden land. It is noted that, whilst the site is within the built-up area, the National Planning Policy Framework (NPPF) does not regard residential gardens as previously developed land. Para. 70 states that 'plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area,' whilst para. 120 instructs Local Planning Authorities, when considering planning applications that increase residential density, to pay regard to 'the desirability of maintaining an area's prevailing character and setting (including residential gardens). As such, there are stringent controls on development of residential gardens and the impact of the proposed development on the established character of the surrounding area is a crucial factor in determining the application.

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

8.2.1 The proposed development would introduce a new residential dwelling within the existing rear garden space as well as car parking areas associated with the existing dwelling and the proposed dwelling. The positioning, orientation and internal layout of the proposed dwelling are important in determining whether it can be accommodated within the site without having harmful impact upon the amenities of neighbouring residents.

8.2.2 Whilst the site would be adjoined, on all sides, by other residential development, it is considered that the proposed degree of separation between the proposed dwelling and existing neighbouring properties would be sufficient to prevent the building from appearing overbearing towards those properties. Approximately 28-30 metres separation would be maintained between the front of the proposed dwelling and the rear of existing properties to the south (8, 10 and 14 Wedderburn Road) whilst approximately 20 metres would be maintained between the western flank elevation and the front of 12 Wedderburn Road and approximately 21 metres between the rear elevation of the proposed dwelling and 17 Crouch Close to the north.

- 8.2.3 The presence of mature boundary trees, as well as additional landscaping and boundary fencing, would also act to screen the development in an effective and sympathetic way. The application is accompanied by an arboricultural report and tree plan which shows the vast majority of these trees as being retained. A condition would be attached to any approval given to secure further site landscaping to be provided around the car parking areas and the site boundaries. This landscaping would augment with the existing landscaping to provide sympathetic screening as well as preserve the verdant nature of the site.
- 8.2.4 The orientation of the proposed dwelling would mean that any windows would not look directly towards habitable room windows serving neighbouring residential dwellings or large expanses of the garden areas of neighbouring properties. The combination of this sympathetic orientation as well as the aforementioned distances maintained between the dwelling and neighbouring properties and the presence of boundary screening and landscaping would prevent the proposed dwelling from allowing for unacceptable intrusive views towards neighbouring properties.
- 8.2.5 It is considered that the increase in localised activity as a result of the development would be minimal due to it being a single, modestly sized dwelling, and that the well spaced nature of the development would ensure that any increase in activity would be absorbed without unacceptable disturbance to neighbouring residents.
- 8.2.6 The proposed scheme would introduce a driveway along the western boundary of the site, as well as hard surfaced car parking areas for use by the occupants of the existing and proposed property. The driveway would run roughly parallel to an existing driveway serving 12 Wedderburn Road. It is not considered that it would be intensively used as it would serve only two properties. The car parking areas would be screened by existing site boundary treatment, as well as additional landscaping to be secured by condition, a requirement necessary also to safeguard the privacy and tranquillity of the remainder of the back garden to the existing house, and the parking areas would not be directly adjacent to boundaries shared with neighbouring properties. It is considered that the combination of the screening offered, which would mitigate against noise and light pollution, the distance between the parking areas and neighbouring properties and the modest amount of parking would be provided, would prevent these parking areas from bringing about undue levels of disturbance of neighbouring residents.
- 8.3 Living conditions for future occupants:
- 8.3.1 The proposed development is a two-storey three bedroom dwelling. The proposed dwelling would provide approximately 116 m² of Gross Internal Area (GIA). This comfortably exceeds the minimum 93 m² GIA required for a dwelling of this scale as per the Technical housing standards – nationally described space standard (2015).
- 8.3.2 All habitable rooms would be well served by windows and roof lights, ensuring that these rooms have access to good levels of natural light and ventilation. A number of rooms are dual aspect, further increasing the effectiveness of natural

light and ventilation. The layout of the building is logical and avoids any unnecessary corridors or awkwardly shaped rooms.

- 8.3.3 The occupants of the proposed dwelling would have access to a suitable amount of landscaped outdoor amenity space whilst a suitable level would also be retained for use by the occupants of the existing building at 10 Wedderburn Road.

8.4 Design issues:

- 8.4.1 Tandem development of residential dwellings is a form of development that is strictly controlled and only allowed in suitable circumstances due to the potential it has to create secluded development that compromises visual and spatial characteristics of the surrounding area.
- 8.4.2 The proposed dwelling would be positioned entirely to the rear of the existing dwelling and would therefore not engage with the surrounding street scene in any significant way. Whilst there is a danger that this would result in the dwelling appearing secluded and divorced from its surroundings, there is an established characteristic in the immediate surrounding area of larger properties being set well back from the street, to the rear of frontage buildings, examples being 12 Wedderburn Road, 17 Crouch Close and 78 Wish Hill. The visible parts of the proposed dwelling would therefore visually amalgamate with other dwellings set back a similar distance from Wedderburn Road and would therefore not appear incongruous. The two-storey height of the proposed dwelling as well as its footprint would also be consistent with the general scale of surrounding residential development, further assisting visual integration.
- 8.4.3 The existing plot is longer and wider than neighbouring plots and, as such, it is considered the additional dwelling could be accommodated without appearing cramped or disrupting the spatial characteristics of the surrounding area. Ample levels of private amenity space would be provided for occupants of the proposed dwelling as well as retained for the occupants of 10 Wedderburn Road.
- 8.4.4 The site is located approximately 70 metres to the west of Willington Conservation Area. Given the distance between the site and the Conservation Area, the level of screening provided and the design attributes of the development set out above, it is not considered that the proposed development would adversely impact upon the character or setting of this Conservation Area.

8.5 Impacts on trees:

- 8.5.1 There are a number of mature trees surrounding the proposed development, some of which are the subject of a Tree Preservation Order. The proposed dwelling is positioned away from site boundaries so as to prevent the need to remove the majority of the boundary trees and also to ensure root protection areas are not disturbed, ensuring the long term health of the trees is secured. Three trees would need to be removed, none of which are considered to possess a level of amenity value that would justify their retention. These trees are as follows:-

- T1 – 4 metre high wild cherry tree on the western site boundary;
- T11 – 5 metre high ash tree towards the northern boundary;
- T16 – 4 metre high flowering cherry directly adjacent to the rear elevation of the existing property.

8.5.2 All other trees would be retained and none of the trees covered by a Tree Protection Order would be affected in any way. It is noted that there are overhanging trees with low branches and hedge plants on the western boundary, where the proposed driveway will pass to the rear of the site. It is therefore anticipated that some cutting back of these trees would be required in order to prevent obstruction of vehicles. The trees that are likely to be affected are a group of cherry laurel as well as a hawthorn and pittosporum. These are not TPO trees and are not considered to possess sufficient amenity value to qualify for this status. In any case, they will be retained and continue to contribute to the character of the surrounding area.

8.5.3 A condition would be attached to any approval given to secure further landscaping works to the rear of the site, particularly around the car parking areas, in order to soften the visual impact of the proposed development as well as enhance the established verdant character and appearance of the surrounding area.

8.6 Impact on highway network:

8.6.1 The proposed development would result in the loss of a garage that provides parking for the existing dwelling at 10 Wedderburn Road. In order to mitigate against this, and to prevent additional on-street car parking pressure, the proposed scheme includes the provision of four car parking spaces, two for the existing property and two for the proposed dwelling. These spaces would be accessed via the new driveway on the western boundary, which would be accessed directly from Wedderburn Road. The amount of car parking spaces provided for each dwelling is considered to be adequate to serve the needs of those properties. However, further details would be required to demonstrate there is adequate space for vehicles to turn on site in order to prevent them reversing onto the road. This will be secured by way of a planning condition.

8.6.2 The existing dropped kerb crossover would be relocated slightly to the west in order to serve the proposed driveway. It is noted that there is a lamppost to the front of 10 Wedderburn Road. However, the block plan shows that the proposed crossover would be positioned further than the minimum 1.5 metres distance away from the lamppost, as required by ESCC Highways. A condition would be attached to any approval given requiring the existing access to be closed off once the new access is provided in order to ensure access is suitably controlled and to preserve on street car parking capacity. The general positioning of the new access is proposed new access is similar to the existing, with a good level of visibility provided in both directions along the road. It is therefore considered that the proposed new access would not represent an unacceptable hazard to motorists or pedestrians.

8.6.3 The formation of the new access would require a licence from ESCC Highways to be granted, any planning approval would be on the condition that this licence

is granted prior to the commencement of any works.

9 Human Rights Implications

- 9.1 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.

10 Recommendation

- 10.1 Approve, subject to the conditions listed below:
- 10.2 The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 10.3 The development hereby permitted shall be carried out in accordance with the following approved drawings:-

Site Location Plan – Drawing No. 4d;
Proposed Block Plan – Drawing No. 3f;
Proposed Elevations – Drawing No. 2c;
Proposed Floor Plans – Drawing No. 1c;
Tree Retention & Protection Plan – 1776-02;

Reason: For the avoidance of doubt and in the interests of proper planning.

- 10.4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuilding, extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of future occupants and/or result in the loss of garden space and for this reason would wish to control any future development to comply with policy HO20 of the Eastbourne Borough Plan.

- 10.5 The external finishes of the development hereby permitted shall match the descriptions provided on drawing No. 2c.

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

- 10.6 The first floor windows on the side (east and west) elevations of the dwelling hereby approved shall be obscurely glazed and fixed permanently shut other than where over 1.7 metres above finished floor level.

Reason: In order to safeguard the amenities of neighbouring residents, in accordance with saved policy HO20 of the Eastbourne Borough Plan.

- 10.7 The dwelling hereby approved shall not be occupied until the access and car parking arrangements have been laid out in accordance with details to be submitted to and approved by the local Planning Authority. This shall include 2 car parking spaces on each site and include sufficient turning space to allow vehicles to enter and leave the site in forward gear. Thereafter, the parking turning spaces and access shall be maintained in place throughout the lifetime of the development.

Reason: In order to reduce parking pressure on the surrounding street network and to enable vehicles to enter and leave the site in a forward gear in the interest of highway safety.

- 10.8 The hard standing areas hereby approved shall be surfaced in porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard standing to a permeable or porous area or suitable soakaway within the curtilage of the property.

Reason: To prevent the discharge of surface water on to the highway and neighbouring properties.

- 10.9 Prior to occupation of the approved dwelling, full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

- (i) proposed finished levels or contours;
- (ii) site boundary treatment;
- (iii) hard surfacing materials;
- (iv) soft landscaping plans;
- (v) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (vi) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- (vii) implementation timetables.

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

variation.

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

- 10.10 No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:-
1. The anticipated number, frequency and types of vehicles used during construction;
 2. The method of access and egress and routing of vehicles during construction;
 3. The parking of vehicles by site operatives and visitors;
 4. The loading and unloading of plant, materials and waste;
 5. The method of disposal of any hazardous waste encountered during the demolition and construction works;
 6. The storage of plant and materials used in construction of the development;
 7. The erection and maintenance of security hoarding;
 8. The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
 9. Details of public engagement both prior to and during construction works;

Reason: In the interests of highway safety and the amenities of the area.

- 10.11 The dwelling hereby approved shall not be occupied unless and until confirmation has been received that confirms suitable drainage facilities for surface water and foul sewage have been provided in accordance with Building Regulations

Reason: To prevent the discharge of surface water on to the highway and neighbouring properties.

- 10.12 The Arboricultural Method Statement (section 4 of the Arboricultural Report) and associated tree protection plan (ref 1776-02) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision by a suitably qualified tree specialist. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during demolition and subsequent construction operations

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with saved policies UHT1 and UHT5 of the Eastbourne Borough Plan.

- 10.13 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with saved policies UHT1 and UHT5 of the Eastbourne Borough Plan.

- 10.14 Notwithstanding the plans hereby approved, all water run-off from the new roof shall be dealt with using rainwater goods installed at the host property and no surface water shall be discharged onto any adjoining property, nor shall the rainwater goods or downpipes encroach on the neighbouring property and thereafter shall be retained as such.

Reason: To ensure that surface water is dealt with appropriately within the application site and not affect adjoining properties by way of localised flooding in accordance with saved policy US4 of the Eastbourne Borough Plan.

11 **Informatives**

- 11.1 The applicant will be required to enter into a Section 184 Licence with East Sussex Highways for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
- 11.2 A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 019) or www.southernwater.co.uk . Please read our New Connections Services Charging Arrangements document, which has now been published and is available to read at <https://beta.southernwater.co.uk/infrastructure-charges>

12 **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.

Report to: Planning Committee

Date: 23 April 2019

Title: SUMMARY OF PLANNING PERFORMANCE
For period July–December 2018

Report of: Leigh Palmer Senior Specialist Advisor (Planning)

Ward(s): All

Purpose of report: This report provides a summary of performance in relation to key areas of the Development Management Services for the relevant period

Officer recommendation(s): That Members note the content of this report

Contact Officer(s): Name: Leigh Palmer
Post title: Senior Specialist Advisor (Planning)
E-mail: Leigh.Palmer@lewes-eastbourne.gov.uk
Telephone number: 01323 415215

1 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 applications 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 as identified by Govt. legislation (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 Members will receive in other briefing papers snapshot performance data and these indicate the direction of travel across a number of key indicators. This report looks at the performance of the DM team across a number of elements of work in the following sections and goes into more depth than the snapshot data:
- **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 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 initiated by Central Government.
- 2.2 The assessment of the new 'special measure' threshold has two limbs to it and reviews our performance on a backward rolling two year basis, see tables 1 & 2 below. This performance data is on a backward rolling two years' worth of data. The data below is taken from the Govt figures as highlighted on their live data set tables.

SPEED OF DECISION

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

For the rolling two years the minimum level required is:-

Govt Target Majors 60%	EBC 92%
Govt Target Non Majors 70%	EBC 78%

As taken from the Govt Live tables 151a , 152 & 153

- 2.3 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 'extensions of time' with the applicant/developer this should help to mitigate the risk level.

- 2.4 QUALITY OF DECISION
This section looks at appeal decisions and specifically the number/volume that

have been allowed/overturned at appeal. It is clear from the data below that the Council are running in excess of these special measure thresholds.

Overturned Appeals

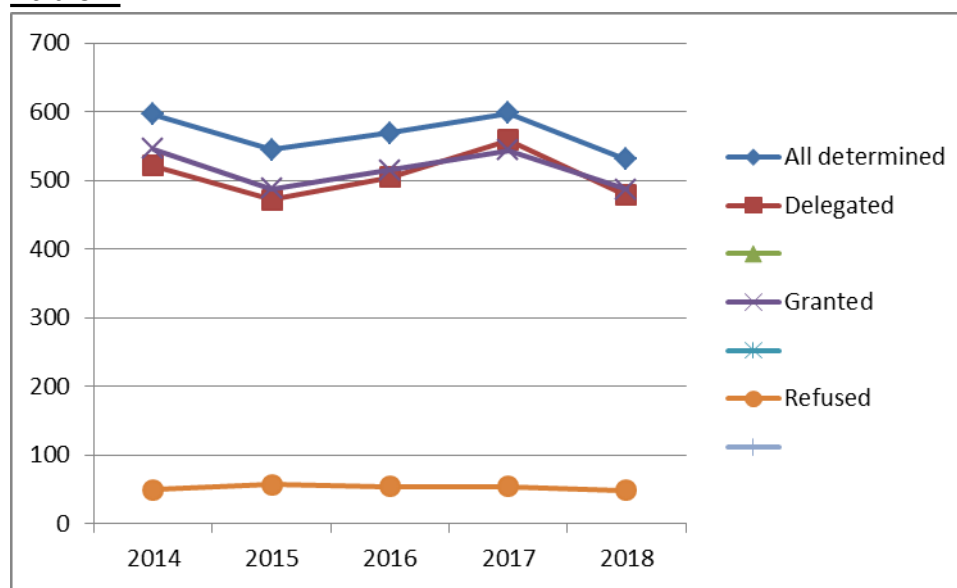
Govt Target Majors 10%	EBC 0%
Govt Target Non Majors 10%	EBC 0.7%1%

- 2.5 Risk Area
One area for Members to note is the criterion relating to overturned Major appeals and the fact that given the very low volumes of Major application received and even less refused that an overturned appeal can have a significant impact upon performance.
- 2.6 Given the huge potential swing in performance as a result of the very low volumes involved that there is a very high risk of the Council falling under special measures threshold in this category.
- 2.7 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 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. This report delivers to this aim.
- 3.2 The figures in **Tables 1 – 2** 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 is analysed; however this data is reported here to give the year of year comparison.

3.3

Table 1

Decisions	2014	2015	2016	2017	2018
All determined	596	545	569	598	531
Delegated	521 (87%)	472 (87%)	505 (89%)	559 (93%)	478 (90%)
Granted	546 (92%)	488 (90%)	515 (91%)	544 (91%)	487 (92%)
Refused	50 (8%)	57 (10%)	54 (10%)	54 (9%)	49 (9%)

3.4

Table 2	TYPE	NUMBER
2013	All determined	574
2014	All determined	596
2015	All determined	545
2016	All determined	569
2017	All determined	598
2018	All determined	531
2018 Q1 (Jan – Mar)	All determined	146
	Delegated	126 (86%)
	Granted	131 (90%)
	Refused	15 (10%)
2018 Q2 (Apr - Jun)	All determined	127
	Delegated	114 (90%)
	Granted	112 (88%)
	Refused	14 (11%)
2018 Q3 (Jul - Sep)	All determined	132
	Delegated	120 (90%)

	Granted	126 (95%)
	Refused	6 (4%)
2018 Q4 (Oct - Dec)	All determined	126
	Delegated	118 (94%)
	Granted	112 (88%)
	Refused	14 (11%)

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 and as such there are no areas of concern.

3.6

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

3.7

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 3

Number for the Calendar Year 2018 and the calendar years 2015 to date .

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 3

YEAR	TOTAL AMOUNT
2015	1319
2016	1433
2017	1381
2018 half year	1201

4

PRE-APPLICATION ADVICE

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 4

4.1

PROCESS NAME	NUMBER 2018	NUMBER 2017	NUMBER 2016	NUMBER 2015	NUMBER 2014
PRE APP (Old Process)	0	0	0	0	53
PRE APP HOUSEHOLDER	134	96	220	163	126
PRE APP MEDIUM	67	102	147	159	108
PRE APP MAJOR	12	17	18	10	16
TOTAL	213	215	385	332	303

4.2

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, the volume of pre applications appear to have levelled off at around 200 per annum. This level of activity needs to be monitored as it would have implications on staffing and resources.

4.3

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 1st April 2017. The payments have yielded for this financial year of £19,975 whilst this remains significantly below the profiled budget of £40,000 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 a prescribed application categories and they do not necessary highlight the volume of work going through the Planning section of the Council.

5 REFUSALS

5.1

Members requested further information on the number and break down of the refusal issued for the calendar year 2018 (to date). This information is highlighted within **tables 5 & 6** 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 2018 (part Year):- 61 cases were refused at Delegated and 11 were refused at Planning Committee level.

5.3 **TABLE 5**

REFUSALS BY WARD

Row Labels	Count of ward
DV Devonshire	11
HP Hampden Park	2
LG Langney	6
MD Meads	17
OT Old Town	6
RN Ratton	8
SA St Anthonyms	7
SV Sovereign	2
UP Upperton	9
(blank)	
Grand Total	68

5.4 **TABLE 6**

REFUSAL BY DECISION LEVEL (COMMITTEE REFUSAL)

Row Labels	Count of declevel
CCC Planning Committee	11
DDD Delegated List	61
Grand Total	72

- 5.5 For the survey period there have been eleven applications that have been refused at committee and include (Conversion of Savoy Court Hotel to flats – Tyre fitting centre at Langney Shopping Centre – redevelopment of 3 Granville Road – 63 Silverdale Road).

6 **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 2018 have received appeal decisions and the decision letters have been reported to committees through the year.

6.2 Appeals decided by development type/application

TABLE 7

Row Labels	Count of pacode
HHH Householder	3
PPP Planning Permission	8
TTP Tree Works - Tree Preservation Orders	1
Grand Total	12

6.3 APPEAL ANALYSIS

The appeal decisions letters received during 2018 have been analysed with the various decision permutations reported below.

Table 8

	Officer Approve Cttee Refuse Appeal decision-Allowed	Officer Approve Cttee Refuse Appeal decision -Refused	Officer Refuse Cttee Support Refusal Appeal decision Allowed	Officer Refuse Cttee Support Refusal Appeal decision Refused
2013	7 (28%)	4 (16%)	2 (8%)	12 (48%)
2014	0 (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%)	3(21%)	1(7%)	10(71%)
2018	0 (0%)	2(17%)	1 (8%)	9(75%)

6.5 The above **table 8** 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 (11 cases for 2018); this is a wide and divers category covering all things from changes of use to replacement windows. It is important to note that 5 appeals related to new dwelling applications. The appeal rate/volume will continue to be monitored going forward with any trends that can be identified being reported via this report.

6.6 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.

6.7 Appeal Analysis **Table 8 Column 1**

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

It is accepted that at times there are differences of opinion between officers and Members however for the appeal decisions received to date there are no instances this year where this scenario has occurred.

6.8 Appeal Analysis **Table 8 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 in the eyes of the Inspector, there are two instances this year where this scenario has occurred.

6.9 Appeal Analysis **Table 8 Column 3**

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

6.10 This is also often a category where appeal costs can be awarded

6.11 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.

6.12 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.

6.13 Appeal Analysis **Table 8 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

Appeal Costs

6.14

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 2018 to date the Council have not received an award of costs.

6.15

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

6.16

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.

6.17

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.

PLANNING ENFORCEMENT

7

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 9 highlights the number of enforcement cases opened/closed in 2017.

TABLE 9

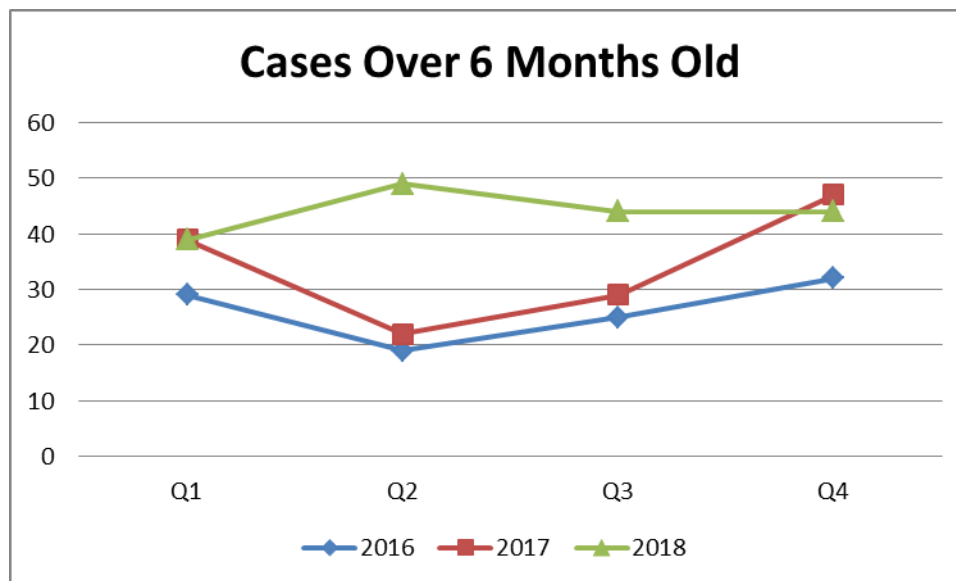
TABLE 9 Closed/Received Annual

7.3

YEAR	CLOSED	RECEIVED
2014	253	363
2015	347	332
2016	354	361
2017	337	347
2018	255	225

7.4

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. Members should note that the number of cases created for the first six months of the year exceeds those closed. Notwithstanding this Members should note that the volume of cases on the over 6 month's old list hovers around the 30 cases around 25% of all live cases. It is noted that for the survey period there has been an unusual spike in long standing cases. In part this is due to a focus on clearing planning applications. This will be reviewed in the next report where it is expected that the number will revert to more the norm of 30 live cases

TABLE 10 Cases over 6 months old

7.5

Year	Q1	Q2	Q3	Q4
2015	Not recorded	Not recorded	Not recorded	31
2016	29	19	25	32
2017	39	22	29	47
2018	39	49	44	44

Enforcement Related Notices served in 2017

7.6

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

7.7

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

For the Calendar year 2018 8 notices (4% of all cases received) have been prepared/served.

It is clear that therefore that in excess of 97% of all enforcement cases are resolved/closed without the need to resort to a formal notice.

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.

7.8

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

7.9

- **Monthly Site Meetings.** In relation to the Major development sites 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.

Risk Area

7.10

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.

LEGAL AND HUMAN RESOURCES

8

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

8.1

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.

Risk Area

8.2

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.

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