

Planning Committee

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MEMBERS: Councillor Ungar (Chairman); Councillor Harris (Deputy-Chairman); Councillors Hearn, Jenkins, Liddiard, Miah, Murray and Taylor

Agenda

- 1 Minutes of the meeting held on**
- 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 (please see note at end of agenda).**

4 Urgent item(s) of business.

The Chairman to notify the Committee of any item(s) of urgent business to be added to the agenda.

5 Right to address the meeting / order of business.

Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of an item listed below and to invite the Committee to consider taking such items at the commencement of the meeting. The order of business to be otherwise as indicated below unless there is some pressing reason for change.

6 Report of Development Manager on Applications - Report 06 (Pages 1 - 40)

7 South Downs National Park Authority Planning Applications - verbal report.

8 Review of the Local Information Requirements for the Validation of Planning Applications. Report of Senior Planner - Report 08. (Pages 41 - 44)

9 Eastbourne Community Infrastructure Levy (CIL) - Preliminary Draft Charging Schedule. Report of Head of Development - Report 09. (Pages 45 - 52)

10 Parking at Development in Eastbourne and Local Sustainable Accessibility Improvement Contributions' Supplementary Planning Guidance (SPG). Report of Head of Development - Report 10. (Pages 53 - 56)

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

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

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

Members must declare the existence and nature of any interest.

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

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation). If a member has a DPI he/she may not make representations first.

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

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

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

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

Further details can be found at:

www.eastbourne.gov.uk/environment/planning/comment

Further Information

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

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Planning Committee

MEMBERS: Councillor UNGAR (Chairman) Councillor HARRIS (Deputy Chairman)
Councillors JENKINS, HEARN LIDDIARD, MIAH, MURDOCH (as
substitute for Taylor) and MURRAY.

(An apology for absence was reported from Councillor Taylor)

1 Minutes.

The minutes of the meeting held on 16 April 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

2 Declaration of Interests.

Councillor Liddiard declared a pecuniary interest in items 2 Land at Kings Drive and 4 NHSBSA Dental Services Temple Grove, Compton Place Road having previously stated his views and therefore pre-determined these applications and stated that he would take no part in the debate and not vote thereon.

3 Additional application.

The committee were asked to consider an additional late application in respect of the Drive PH, Victoria Drive, proposing a regarding of the car park area. The committee agreed that the application should be deferred to a future meeting to allow the committee to consider the item in good time and in detail.

RESOLVED: That consideration of application EB/2013/0118 FP be deferred to future meeting of the Planning committee.

4 Report of Head of Planning on Applications.

1) EB/2012/0816 - 81-83 Seaside Eastbourne - Change of use from A2 (Financial and Professional) to D1 (non residential institution) - **DEVONSHIRE.** 16 letters/emails of objection and 14 letters/emails of support had been received.

The relevant planning history for the site was detailed within the report.

The observations of Planning Policy, East Sussex County Council's Highways department, Councillor Wallis and comments from a public meeting were detailed within the report.

Human Rights implications were detailed within the report.

Councillor Wallis addressed the committee in objection stating that the proposal would increase parking issues and may attract anti-social behaviour to the site impacting on residents in the vicinity. Councillor Wallis also queried the opening times stated within the report and highlighted the 18 objections received.

Colin Povey, Applicant, addressed the committee in response stating that the proposal would benefit the whole of Eastbourne, being in a central location which was easily accessible. Eastbourne was an area of high social deprivation and these services were essential for Eastbourne residents. Sessions would be arranged by invitation and appointment only, with the main aim to help resolve existing problems and provide counselling for issues bereavement, loss and trauma and many more. Mr Povey agreed that he would be willing to condition the opening times as the committee may request.

The committee considered the application and proposed the following opening times for the centre:

Monday, Wednesday, Thursday and Friday 8.00am to 6.00pm
Tuesday 8.00am to 8.00pm
Saturday 8.00am to 1.00pm
Closed on Sundays and Bank Holidays

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time limit 2) In accordance with Plans & Supporting Statements 3) Opening Times: Monday, Wednesday, Thursday and Friday 8.00am to 6.00pm - Tuesday 8.00am to 8.00pm - Saturday 8.00am to 1.00pm - Closed on Sundays and Public and Bank Holidays

2) EB/2012/0823 - Land at Kings Drive - Variation of Condition 8 (approved layout) of permission EB/2010/0003 for outline application for residential development of the land comprising two options; original scheme (Option A) for 137 dwellings (including 30% affordable), plus associated access and parking, open space, play areas and allotments; alternative scheme (Option B) for 119 dwellings (including 30% affordable), plus associated access and parking, open space, play areas and allotments. Variation proposed: Various alterations to approved layout – **UPPERTON**. 37 letters/emails of objection had been received. Councillor Belsey also submitted a letter of objection which was summarised within the report.

The relevant planning history for the site was detailed within the report.

The observations of Southern Water, Environment Agency, Natural England, County Archaeologist, Highways – East Sussex County Council, Sussex Police, East Sussex Fire & Rescue Service, Senior Planning Policy, Council's Strategic Housing Manager and Bespoke were detailed within the report.

Human Rights implications were detailed within the report.

NB: Councillor Liddiard withdrew from the room whilst this application was considered.

RESOLVED: (Unanimous) That permission be granted to vary Condition 8 attached to EB/2010/0003 and that the outline planning permission be re-issued with the Condition amended and new drawing number added, subject to the prior conclusion of a deed of variation to the previously agreed unilateral undertaking to include reference to the new drawing number and subject to the remaining conditions confirmed by the Inspector at appeal as detailed: 1) Details of the appearance and scale of buildings and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved. 2) Plans and particulars of the reserved matters referred to in the condition above, relating to the appearance and scale of any buildings to be erected and the landscaping of the site, shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out as approved 3) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of the permission reference EB/2010/0003 4) The development hereby permitted shall be begun either before the expiration of five years from the date of approval of EB/2010/0003, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later 5) No development shall take place until samples of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details 6) No earthmoving, site clearance or building operations shall take place except between the hours of 0800 and 1800 on Mondays to Fridays and 0800 and 1300 on Saturdays or at any time on Sundays or Bank/Public Holidays 7) No development shall take place before details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details 8) The development shall not be carried out unless in strict accordance with the approved plan: KDEB/001/Sk-B. 9) No 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:-

- proposed finished levels or contours;
- means of enclosure including areas of open space, orchards, allotments, and balancing pond;
- car parking layouts; vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
- proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, fire hydrants, pipelines, etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant;
- planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- implementation timetables;

- lighting and means of control of lighting.
- tree protection plan to include details of any root protection and foundation construction.

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 recommendations of British Standards. The works shall be carried out 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 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 written consent to any variation 10) No tree shall be removed unless in accordance with details to be submitted to and approved in writing by the Local Planning Authority. All trees on and immediately adjoining the site shall be protected in accordance with BS5837:1991 for the duration of the works on site. In the event that any tree dies, or is removed without the prior consent of the Local Planning Authority, it shall be replaced not later than the end of the first available planting season with trees of such size, species and in such number and positions as may be agreed with the Authority. 11) All existing trees, shrubs and other natural features not scheduled for removal shall be safeguarded during the course of the site works and building operations in accordance with BS 5837:1991. No work shall commence on site until all trees, shrubs or features to be protected are fenced. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area 12) No works shall commence on site until details of the building foundations and layout, service trenches, ditches, drains and other excavation on site, insofar as they may affect trees and hedgerows on or adjoining the site, have been submitted to and approved by the Local Planning Authority. Soil levels within the root spread of trees/hedgerows to be retained shall not be raised or lowered. The works shall be completed in accordance with the approved scheme 13) Details of all works to or affecting trees on or adjoining the site shall be submitted to and approved by the Local Planning Authority, and shall be carried out in accordance with the relevant recommendations of BS 3998: 1989 (Recommendations for Tree Work). The works shall be completed in accordance with the approved scheme 14) A landscape management plan shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development. The management plan shall include a schedule of landscape maintenance for a minimum of a five year period, arrangements for implementation, long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. No dwelling shall be occupied before the management plan is operative and in effect. Maintenance shall be carried out in accordance with the approved plan 15) No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of the provision to be made for storing domestic refuse and for access to the stores by the occupiers of the buildings and collection vehicles. The development shall be carried out in accordance with the approved details and the facilities made ready for use prior to the first occupation of each of the units to which they relate 16)

No development shall commence before details of the boundary treatment for the building plots hereby approved are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details 17) No development shall commence until details of the roads, footpaths, cycle routes, street lighting, pedestrian access ramp and associated retaining structures and drainage are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details 18) All car parking areas and access thereto shall be marked out in accordance with the approved plans and shall be made available for use before the dwellings to which they relate are occupied and shall be retained permanently for the accommodation of vehicles of the occupiers and users of and visitors to the premises and shall not be used for any other purpose 19) No site clearance, building works, earth works, importation or exportation of spoil shall take place until a Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The traffic management plan shall include a vehicle haulage route, arrangements for loading and unloading, wheel wash facilities, the siting of the storage compound, routing of all services and parking arrangements for construction traffic and site staff. The development shall be carried out in strict accordance with the approved details. 20) The building envelope of the apartments in the northern part of the site shall be constructed so as to provide sound attenuation in habitable rooms against external noise, to attain a maximum daytime level not more than 35dB Laeq 16 hour; and to provide sound attenuation in bedrooms against external noise, night time level not more than 30dB Laeq 8 hour; 45dB Laeq, MAX in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details 21) Details of noise insulation on all residential properties shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Insulation shall thereafter be installed in accordance with the approved details prior to the first occupation of each dwelling 22) No development shall commence until details of a sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority and the work shall be carried out strictly in accordance with such details 23) No development shall commence until details of the new vehicular access off Kings Drive in the form of a priority junction and right turn lane have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented before the commencement of development. 24) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated December 2007 and Addendum dated December 2009; and no development shall commence before a plan indicating overland flood flow routes for excessive events has been submitted to and agreed in writing with the Local Planning Authority. The following mitigation measures shall be carried out as detailed within the documents:

- Limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site: including appropriate allowances for climate change.
- Details of the capacity and rate of discharge of the proposed balancing pond.

- Finished floor levels to be set no lower than either 2.9 m above Ordnance Datum (AOD) or 300mm above existing ground levels, whichever is the higher.

25) No development shall commence until details of the restoration of the Lottbridge Sewer adjacent to the site boundary (Classified Main River) have been submitted to and approved in writing by the Local Planning Authority. No development shall commence until details of the proposed removal of approximately 20 metres of culverted watercourse to be replaced with an open channel (located on the eastern boundary) have been submitted to and agreed in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the plans and timetable approved by the Local Planning Authority 26) No development shall commence until a scheme for provision and management of a buffer zone around rivers, watercourses and ditches on and directly adjacent to the site is submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include:

- plans showing the extent and layout of the buffer zones
- habitat recommended for retention to be fenced during construction works and then incorporated into the landscaping of the site following construction;
- details of maintenance access routes through the site to the buffer zones, with gates and crossing points provided where necessary;
- details of any planting schemes.
- details demonstrating how the buffer zone will be protected, managed and maintained thereafter.

27) No development shall commence until a bat survey has been carried out in the appropriate survey period, if trees with medium to high potential for bat roosts need to be felled or pruned. The survey shall be carried out by an accredited ecologist. The results, together with details of any works required for mitigation and a timetable for completion, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved timetable 28) Prior to the commencement of any works which may affect slow worms and common lizards or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy 29) No development shall take place until an Ecological Mitigation Strategy [EMS] has been submitted to and approved by the Local Planning Authority in writing. The EMS shall include:

- A strategy for the mitigation of the effects of the development and for the maintenance of the ecological value of the site;
- Tree planting and trees to be retained;
- Method statements for carrying out the mitigation works;
- A phasing plan to show what preliminary measures are required to be carried out in advance of the implementation of this planning permission;
- A monitoring and management plan to secure the long term implementation of the ecological measures contained in the EMS.

Development shall not commence until the measures required by the EMS have been completed in accordance with the approved scheme. Monitoring and maintenance shall continue to be implemented in accordance with the EMS so long as any of the dwellings hereby permitted continue to be occupied 30) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority. The details shall include sampling, full and detailed open area excavation, analysis, reporting, public engagement and outreach 31) Before the commencement of development details of bicycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details 32) No development shall commence until a Stage 1 Safety Audit has been completed, submitted and approved in writing by the Local Planning Authority. The development shall be carried out in compliance with recommendations of the audit 33) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no buildings, structures, walls or fences of any kind shall be erected within the curtilages of the dwellings hereby permitted without the prior approval in writing of the Local Planning Authority 34) The three storey apartment blocks in the northern part of the site shall be no higher than 9m above finished ground floor levels, unless otherwise agreed in writing by the Local Planning Authority 35) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:

- the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 35% of housing units/bed spaces;
- the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- arrangements for the management of the affordable housing;
- arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

3) EB/2013/0026 - 92 Seaside - Change of Use from A2 (Financial and Professional Services) to C3 (Single Private Dwelling) – **DEVONSHIRE.**

NB: Councillor Miah was not in attendance for this application.

RESOLVED: (By 4 votes to 2 with 1 abstention) That permission be granted subject to the following conditions: 1) Time Limit 2) Plan References.

4) EB/2013/0038 - Former NHS Dental Practice Board, Compton Place Road - Change of use of land from office (B1) to mixed use

comprising non-residential education (D1) staff residential units (C2) and office (B1) and demolition of existing single-storey prefabricated building and erection of sports hall, three-storey extension and enclosed entrance court with associated landscaping and play and sports space – **UPPERTON.**

The relevant planning history for the site was detailed within the report.

A number of statements and assessments were referred to and detailed within the report.

The observations of Southern Water, Sport England, Wealden District Council, Environment Agency, Natural England, Sussex Police, County Archaeologist, East Sussex County Council's Highway Officer Senior Planning Policy Officer, Council's Arboricultural Officer and Economic Development Officer were detailed within the report

Public Consultation - prior to the submission of the planning application, residents living within the vicinity of the site were invited to a Public Exhibition that took place on 4 February 2013, where the plans were available for viewing. At the event, 27 feedback forms were completed and the overall consensus (96%) was one of support (10 'fully supported' the scheme, 16 'generally supported' the development and 1 did 'not support' the proposals).

Post-submission - Letters were sent to occupiers of surrounding residential properties and notices were posted outside the site. At the time of writing this report, the Council had received 33 letters of support for the proposals and 17 letters of objection.

Human Rights implications were detailed within the report.

Prior to the discussion regarding the application the committee were informed that a former member of the Board had submitted a request to withdraw this item from the agenda. The Litigation and Lawyer advised the committee that this matter was outside of the Planning committee's remit and related to person's named on the application, which had now been resolved with the Education Funding Authority. Therefore the discussions regarding this item could continue. The committee were assured that there would be no legal implications for Members when making a decision on this item.

Roger Storey addressed the committee in support stating that the change of use would be an asset to the town and that it would help reduce class sizes in other schools across Eastbourne.

Councillor Ansell, Ward Councillor, addressed the committee in support stating that there was a great need for additional primary school places, with a new school giving additional choices for residents. 'Through' schools were also becoming increasingly popular across the country.

Councillor Rodohan, County Ward Councillor, addressed the committee in support of the scheme. Councillor Rodohan did however raise concerns

about access and egress from the site during 'pick-up' and 'drop-off' times and the use of Borough Lane. Councillor Rodohan suggested that the area be designated a 20mph zone to ease residents concerns and that access to and from the site should direct traffic away from Borough Lane.

Lea Gilbert, Head in Designate, addressed the committee stating that local primary schools were over subscribed and that the school was much needed in the locality. The site suited requirements perfectly which would be sustainable with minimal redevelopment. A travel plan and parking provision had been considered and the traffic to the site in its former use as offices or potential housing would generate much more traffic which would not be controllable. 60% of the works would be internal reconfiguration and would enable the site to become a community facility.

The committee agreed that to add an informative stating that:

Prior to the school opening, the applicant shall enter into discussions with the Highway Authority to look at the opportunities for implementing a one-way traffic system in Borough Lane.

NB: Councillor Liddiard withdrew from the room whilst this application was considered.

RESOLVED: (Unanimous) That planning permission be granted subject to the prior conclusion of a S.106 Agreement to secure the proposed off-site highway improvements (zebra crossing), a Travel Plan and associated audit fee, local employment initiatives and associated monitoring fee and subject to the following conditions: 1) Commencement of development within three years 2) Drawing Nos. of approved plans 3) Samples of all materials 4) Lighting Strategy 5) Signage Strategy 6) Programme of archaeological works 7) Drainage Strategy (surface water, use of SuDs and foul) 8) Cycle parking 9) Refuse and recycling details 10) Servicing details 11) Demolition details including minimising dust and Method Statement 12) Wheel washing facilities on site 13) Construction Method Statement and Management Plan 14) Opening hours 15) Site contamination 16) Method statement for handling unspecified contamination 17) In accordance with FRA 18) Investigation into public sewer and ensure protection 19) Details of all plant and machinery (e.g. air conditioning, refrigeration units, extraction system) including predicted noise levels 20) Construction access details, and details of location size of any temporary structures 21) Details of directional signage 22) Construction Traffic Management Scheme to include travel routes and number of vehicle movements 23) Foundation design 24) Details of any temporary structures/hoardings 25) Finished floor levels and Details of any changes to site levels to be provided prior to commencement on site 26) Bird deterrent measures 27) Hours of building operations 28) Parking is provided in accordance with submitted details and retained thereafter 29) Cycle parking 30) Submission of Travel Plan prior to commencement of use 31) No burning of waste on site 32) Use shall not commence until reconstruction of access has taken place 33) Erection of tree protection at the edge of the root protection area of all trees to be retained as recommended in the survey (T3 – Trees Protection: Fencing 2.4m hoarding around all retained trees on site to edge of RPA) 34) Approval of utility service runs prior to commencement of development on site including a written method statement 35) Approval of a site access statement and

material storage area prior to commencement on site 36) Fencing and enclosure details 37) Further investigation as recommended in the Ecological Appraisal 38) Landscaping details (T10) 39) Phase II investigation to be undertaken as recommended in the Soil Report 40) No building to be occupied until certificate has been issued certifying BREEAM rating of 'Very Good' 41) Submission and approval of Community Use Agreement 42) Recommendations in Noise Report to be adhered to 43) Love Lave not to be used as an access to the site, other than for emergency access purposes 44) The business units to be used only for B1(a) purposes 45) The residential accommodation to be C2 use only.

RESOLVED (B): That In the event that the S.106 is not concluded to the satisfaction of the Local Planning Authority by 30 November 2013 that delegated authority be given to the Head of Planning to refuse planning permission for the following reason, or if discussions are ongoing, to agree a reasonable extension of time for the S.106 to be signed.

5) EB/2013/0062 - Land at the corner of Firle Road and Beltring Terrace - Demolition of house and garage at No. 60 Firle Road and garage adjacent to 12 Beltring Terrace. Erection of 7 No. one bedroom flats with one parking space – **DEVONSHIRE**. 16 objections were received, and 25 representations were collected on a petition against the scheme

The relevant planning history for the site was detailed within the report.

The observations of Cleaning Contracts Team, Environment Agency, Highways and Planning Policy were detailed within the report.

Human Rights implications were detailed within the report.

Jannine Howe addressed the committee in objection stating that there would be insufficient parking for the site, exacerbated by new double yellow lines in Firle Road, previous planning applications had been refused and that Beltring Terrace was an 'unmade road'.

Mike Nolan addressed the committee in objection stating that the design of the building was inappropriate and that he would not have any room to carry out repairs to his property due to the close proximity of the proposed building. Mr Nolan also raised concerns with subsidence following any building works on the site.

Mr Dowding, applicant addressed the committee in response stating that parking problems had been addressed, the design had been considered carefully to compliment the surrounding properties. Mr Dowding stated that the road would be 'made' to the front of the development which would improve the area and finally that there was a great need for 1 bedroom flats within the area.

RESOLVED: (Unanimous) That permission be refused on the grounds that 1) by reason of the overbearing impact with no. 64 Firle Road and no. 12 Beltring Terrace and the loss of privacy to no. 64 Firle Road the development is considered to be an overdevelopment of the site. 2) The

design of the scheme is inconsistent with the character and appearance of the surrounding residential area, and the proposal lacks a suitable amount of private amenity space for the number of households on-site. As outlined within the National Planning Policy Framework (2012), in order for development to be supported it must first comply with local plans. The proposal conflicts with policies UHT1, UHT2, UHT4, HO7, HO20 and TR11 of the Eastbourne Borough Plan (Saved policies, 2007).

Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

6) EB/2013/0082 - Formerly 'The Pabb', 24 Mountfield Road -

Redevelopment of site comprising demolition of public house and erection of 14 affordable units with associated parking, comprising 7 no.1 bed flats, 2 no.3 bed houses, 4 no.2 bed houses and 1 no.2 bed wheelchair-accessible flat – **HAMPDEN PARK**. 6 letters of objection were received, along with 1 letter of support.

The observations of Cleansing Contracts Team, Economic Development, Highways, Planning Policy, the Environment Agency and the Archaeological Team were detailed within the report.

Human Rights implications were detailed within the report.

The committee discussed this application in particular the access during busy times (which are many throughout the day due to the level crossing and volumes of traffic) and rubbish storage facilities. The Committee asked that 'wash down' facilities for such schemes be added as a standard condition.

The committee agreed that to add an informative stating that:

Prior to the completion of the development, the applicant shall enter into discussions with the Highway Authority to look at the opportunities for implementing a suitable traffic management scheme to assist with access to the development site.

NB: Councillor Miah was not in attendance for this application.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time limit 2) Facing materials to be submitted 3) Hard and soft landscaping in accordance with approved scheme 4) Reconstruction of access prior to occupation 5) Creation of turning circle 6) Stopping up of existing access onto Mountfield Roundabout 7) Installation of high level kerbing at bus stop 8) Submission of a construction traffic management scheme 9) Car parking 10) Cycle parking 11) Storage and refuse facilities prior to occupation in accordance with approved layout 12) Boundary treatment (taking into account wildlife on-site) 13) Demolition method and waste removal statement 14) Construction times 15) Construction method statement 16) Vehicle washing equipment during construction 17) Foul and surface water details to be submitted 18) Discharging of surface water statement 19) Implementation of a programme of archaeological work 20) Completion of archaeological site

investigation and post investigation assessment 21) In accordance with approved plans

7) EB/2013/0090 - 1-6 The Courtyard, Wharf Road - Variation of condition 4 of permission EB/1999/0124 to permit the installation of gates across the entrance to the courtyard – **UPPERTON**. Two letters of objections had been received.

The relevant planning history for the site was detailed within the report.

The observations of the Highway Authority were detailed within the report.

NB: Councillors Hearn and Miah were not in attendance for this application.

RESOLVED: (By 3 votes to 2 with 1 abstention) That permission be refused on the grounds that The proposed gates, by reason of their position and method of opening, would be a hindrance to residents or visiting pedestrians with disabilities or similar difficulties.

Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

8) EB/2013/0099 - 28 Grange Road - Demolition of existing building and erection of nine two-bedroom flats with five parking spaces, as approved under EB/2009/0705/(FP) with amended building design and vehicular access. (Renewal Of Planning Application EB/2009/0705(FP) – **MEADS**. 162 letters of objections had been received.

The relevant planning history for the site was detailed within the report.

The observations of the Conservation Officer, Borough Arboriculturalist and Highways Manager were detailed within the report.

Human Rights implications were detailed within the report.

NB: Councillor Miah was not in attendance for this application.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions:1) Time Limit 2) Materials 3) Car Parking Hardstanding 4) Scheme for Surface Water Drainage Works 5) No Uncontaminated Material deposited at the site 6) Hours of Restriction For Building Operations 7) Covered Cycle 8) Protection Of Trees 9) Safeguarding Of Natural Features During Building Works 10) Design 11) Materials for Private Drive 12) In Accordance with Drawings 13) Transport Report 14) New Bus Stop 15) Tree Protection (No 26 Grange Road)

9 & 10) EB/2013/0108 & EB/2013/0109(LB) (CONS AREA) - Elm Park Hotel, 20-14 Cavendish Place - Removal and replacement of the roof to provide additional residential accommodation in the roofspace (1 one bedroom flat and 4 studio flats), reconfiguration of previously approved residential accommodation under EB/2012/0398 to provide 7 additional

residential units and a three storey extension above 97-99 Seaside Road to provide 6 studio flats (18 additional units in total) – **DEVONSHIRE**. One letter of objection and two letters of support had been received. One further letter of support and a petition of 111 signatures was reported at the meeting.

The relevant planning history for the site was detailed within the report.

The observations of the Council's Strategic Housing Officer and Conservation Officer were detailed within the report.

At its meeting on 9 April 2013, the Conservation Area Advisory Group considered at length the impact of the mass of the extension on the streetscene and longer views along Seaside Road; it was considered that the proposal would enhance both the corner and views from both directions.

RESOLVED: (By 5 votes to 2 with 1 abstention) That permission be granted subject to the following conditions and the completion of a S106 agreement 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission 2) The proposed development shall be carried out in strict accordance with drawings ELM-PL(20)01B, ELM-PL(20)02, ELM-PL(20)03, ELM-PL(20)04, ELM-PL(20)05B, ELM-PL(20)06 AND ELM-PL(20)07 received on 11 May 2012. 3) That no demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank/Public Holidays 4) No development shall be commenced until detailed drawings at a scale of 1:10 of all external joinery, doors [to the shop and the residential flats] and the railings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance approved details. ++ 5) No development shall be commenced until detailed drawings at a scale of 1:20 of the proposed canopies for the front elevation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. ++ 6) No development shall be commenced until details of any replacement guttering or downpipes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. ++ 7) No development shall be commenced until a methodology statement setting out the means of opening up new doors/openings in the historic fabric of the building, blocking up existing openings, and details of sound proofing and fire proofing methods has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. ++ 8) No development shall be commenced until detailed joinery drawings at a scale of 1:20 for the internal parts of the building showing staircases, doors, architraves and skirtings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. ++ 9) There shall be no vents or flues or drainage pipes located on the elevations facing Cavendish Place and Seaside Road whatsoever. No development shall be commenced until details of vents/flues/pipes have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in

accordance with the approved details. ++ 10) No development shall be commenced until samples of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. ++ 11) No development shall be commenced until details of the rooflights have been submitted to and approved in writing by the Local Planning Authority. The roof lights shall be either timber or metal, and appropriate in design for a listed building (with vertical glazing bars). The development shall be carried out in accordance with the approved details. ++ 12) Notwithstanding the elevations shown on drawing ELM-PL(20)05B, details of the proposed shopfronts on the Seaside Road and Cavendish Place frontages shall be submitted to and approved by the Local Planning Authority. The shopfronts shall have a unified appearance to identify the separate nature and use of the single storey element of the building. The development shall be carried out in accordance with the approved details. ++

INFORMATIVE: Your attention is specifically drawn to the conditions above marked ++. These conditions require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT OR USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may take appropriate enforcement action to secure compliance. You are advised that sufficient time for the Authority to consider the details needs to be given when submitting an application to discharge conditions. A period of between five and twelve weeks should be allowed. A fee of £85 is payable for each submission to discharge conditions (details for one or more conditions may be submitted in any one submission).

11) EB/2013/0119 - The Drive Pub, 153 Victoria Drive - Demolition of conservatory and infilling side elevation – OLD TOWN.

The relevant planning history for the site was detailed within the report.

NB: Councillors Hearn and Miah were not in attendance for this application.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Details – Development timescale 2) Details – Materials 3) Details – Compliance with all plans 4) Details – Construction hours

12) EB/2013/0120 - 1 Chatham Green (Sovereign Harbour) - Two Storey Extension to the side of property and re-positioning of entrance on front elevation – SOVEREIGN. Five letters of objection had been received.

The observations of Highways regarding were detailed within the report.

NB: Councillor Miah was not in attendance for this application.

RESOLVED: (By 6 votes to 1) That permission be granted subject to the following conditions 1) Time limit - Development to commence within 3 years 2) Materials to match existing 3) In accordance with approved plans

13) EB/2013/0139 - The Drive Pub, 153 Victoria Drive - Exterior alterations and modifications – OLD TOWN.

The relevant planning history for the site was detailed within the report.

NB: Councillors Hearn and Miah were not in attendance for this application.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Development timescale 2) Materials 3) In accordance with all plans 4) Construction hours

14) EB/2013/0140 - The Drive Pub, 153 Victoria Drive - Installation of ventilation and extraction units – OLD TOWN.

The relevant planning history for the site was detailed within the report.

Environmental Health raised no objections.

NB: Councillors Hearn and Miah were not in attendance for this application.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Details – Development timescale 2) Details – Materials 3) Details – Compliance with all plans 4) Prior to the installation of the ventilation and extraction equipment hereby approved details of screening to be erected around the equipment shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site within 1 month of the equipment becoming operational and be retained in situ for the life of the equipment.

15) EB/2013/0158 (CONS AREA) - 39 Upperton Lane - Change of use from vehicle repair workshop to a single private dwelling, together with external alterations, including the provision of a pitched roof with dormer to the rear – UPPERTON. Eight letters of objections had been received.

The relevant planning history for the site was detailed within the report.

The observations of Planning Policy and Council's Arboriculturist were detailed within the report.

The Conservation Area Advisory Group objected to scheme (verbal update)

Mr Sommerville addressed the committee in objection stating that the proposal would be detrimental to the surrounding properties.

The committee discussed the application and agreed that the road was a busy service road and that access to a property would be dangerous because of this. The buildings were originally intended for use as garden buildings by the main dwellings and not for redevelopment.

RESOLVED: (Unanimous) That permission be refused on the grounds that the proposed development would result in an undesirable form of backland development, which would by reason of its scale, siting and design, result in a cramped, visually dominant and intrusive form of development that would fail to preserve or enhance the character and appearance of the conservation area. In addition given the access to/from the property is direct onto the carriage it is likely to result in highway and pedestrian safety issues. As such, it would conflict with the policies UHT1, UHT4 and UHT15 of the Eastbourne Borough Plan 2001-2011, the Core Strategy and the National Planning Policy Framework.

Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

5 South Downs National Park Authority Planning Applications.

None reported.

6 Edgmond Evangelical Church Site – Appeal Decision.

The committee were advised of the appeal decision in respect of the above application.

The applications for planning and conservation area consent (EB/2012/0472 /3) for the development of the Edgmond Church site at 39-41 Church Street were refused at the meeting of the Planning Committee on 2nd October 2012 contrary to the officer's recommendation.

The scheme comprised the change of use of the site from a church to accommodation for 24 people with learning disabilities, with community/activity centre, tearoom and retail shop, involving the demolition of the rear hall extension and the construction of a part two and part three storey extension.

The appeals against the refusal of both applications were dealt with at a Hearing on 13th March 2013. The decision was issued on 26th April. The Inspector allowed both appeals, granted planning permission and conservation area consent and also granted the appellant's application for a full award of costs against the Council.

NOTED.

7 Tree Preservation Order - Land at 23 The Goffs, Eastbourne, East Sussex No. 158 (2013).

The Committee considered the report of the Senior Head of Development and Environment and Lawyer to the Council seeking confirmation of a tree preservation order on the above land. One objection had been received and the officer's response was detailed within the report.

RESOLVED: That the Eastbourne Borough Council Tree Preservation Order - Land at 23 The Goffs, Eastbourne, East Sussex No. 158 (2013) be confirmed without modification.

8 The Park Close Conservation Area Appraisal and Management Plan.

The committee considered the report of the Specialist Advisor – Conservation and Design regarding the Park Close Conservation Area Appraisal and Management Plan.

The Council has a duty to review, formulate and publish appraisals and management plans for the preservation and enhancement of the Borough's 12 Conservation Areas.

The Specialist Advisor – Conservation and Design highlighted the Management Plan in Section 6 of the Appraisal, appended to the report that contained proposals that seek to preserve and enhance the character and appearance of the Park Close Conservation Area. This included the proposed introduction of Article 4 directions that would bring under planning control, specified works that would normally be allowed without planning permission.

The appraisal and Management Plan would be made available to the public for a period of not less than 6 weeks following the presentation on 21 May 2013.

After this date, any representation will be reviewed and considered, following guidelines set out in the adopted Guidance Manual for Designation and Review of Conservation Areas and in line with guidance from English Heritage.

RESOLVED: That Planning committee endorse the appraisal and management plan and support its submission for public consultation for the period stated above.

9 Amendment to the Town and Country General Permitted Development Order – Residential Extensions / Change of Use.

The committee were advised that on 9th May 2013 the Government announced that extensive amendments to the General Permitted Development Order were being laid before Parliament. The amendments will come into force on 30th May.

The provisions cover several significant areas of Permitted Development such as house extensions and changes of use. The main changes in each category were set out below and further detailed within the report.

- Changes of use- office to residential
- Flexibility within use classes
- Change of use- industrial to storage/distribution
- Building extensions
- Schools

The potential staffing financial and resource implications for the Council were likely to be:

- A reduction in applications and associated fee income
- An increase in enquiries for information on the new provisions
- An increase in administrative work from implementing the new prior notification procedures

The overall effect would become clearer later in the year once the provisions had been in place for 3-4 months. The significant relaxation of the limits on House Extensions could give rise to the additional engagement of Article 1 of Protocol 1 (Peaceful Enjoyment of Possessions) and Article 8 (Right of Privacy) of the Human Rights Convention.

The meeting closed at 10.25 pm.

**Councillor UNGAR
(Chairman)**

Tuesday, 11 June 2013
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Ungar (Chairman) Councillors Hearn, Jenkins, Liddiard, Miah, Murray and Taylor.

1 Minutes.

The Committee was advised that the minutes of the meeting held on 21 May 2013 would be submitted to the next meeting of the Committee for approval.

2 Apologies for absence.

An apology for absence was reported from Councillor Harris.

3 Declarations of Disclosable Pecuniary Interests (DPIs).

Councillor Liddiard declared a prejudicial interest in Item 4, 15 Ravenscroft on the grounds of his employer's interest in a neighbouring property and withdrew from the room whilst this item was considered.

4 Report of Development Manager on Applications.

(1 & 2) EB/2013/0103(FP) & EB/2013/0104(CA) 51 Upperton Lane, Demolition of existing building and erection of a two-storey dwellinghouse – UPPERTON.

Twelve letters of objection were reported from local residents. The Highway Authority raised objections to the proposal on the grounds that it does not adequately ensure that there is satisfactory parking on site and would add to demand for on street parking in the area.

The Conservation Officer and the Conservation Area Advisory Group at its meeting on 9 April 2013 raised objections to the scale, height and design of the proposal which is out of keeping with the character and appearance of the Conservation area. The observations of the Council's Arboricultural Officer and the County Archaeologist were set out in the report.

Some Members of the Committee considered that although the existing building is not considered to make a positive contribution to the appearance of the Conservation Area, the loss of the building without an acceptable replacement scheme should be not permitted and conservation area consent for its demolition should be refused.

NB: Councillor Murray was not in attendance for this application.

RESOLVED: (1) (Unanimous) Permission refused on the grounds that the proposed development would result in an undesirable form of backland

development, which would by reason of its scale, siting and design, result in a cramped, visually dominant and intrusive form of development that would fail to preserve or enhance the character and appearance of the conservation area and would be detrimental to the amenities of adjoining residential occupiers through loss of privacy and outlook. As such, it would conflict with policies UHT1, UHT4, UHT15 and HO20 of the Eastbourne Borough Plan 2001-2011, policies B2, C2, D1, D10 and D10A of the Eastbourne Core Strategy Local Plan, and the National Planning Policy Framework.

INFORMATIVE:

For the avoidance of doubt, the plans hereby refused are:

p.20 Proposed (Block Plan), p.30 Proposed (Elevations), p.31 Proposed (Elevations), p.31 Proposed (Elevations), p.32 Proposed (Elevations), p.33 Aerial View (proposed) and p.34 Proposed (floor plans) received on 1 March 2013.

(2) (By 5 votes to 1) Conservation area consent refused on the grounds that: The demolition of the existing building would, in the absence of an approved replacement scheme, be detrimental to the character and appearance of this part of the Upperton Conservation Area, and would therefore conflict with policies UHT4 and UHT15 of the Eastbourne Borough Plan 2001-2011, policies D10 and D10A of the Eastbourne Core Strategy Local Plan, and the National Planning Policy Framework.

(A named vote was taken as follows)

In favour: Councillors Jenkins, Liddiard, Miah, Taylor and Ungar
 Against: Councillor Hearn.

Appeal: should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the planning inspectorate, is considered to be written representations.

3) EB/2013/0118(FP) - The Drive Pub, 153 Victoria Drive - Re-grading of existing car park and redesign of layout, remodelling of existing ramp to front entrance, and remodelling of access steps and wall to rear - OLD TOWN.

Amended plans had been submitted to address concerns in respect of vehicular turning points and drainage. The Local Highway Manager raised no objections to the proposal subject to a condition in respect of surface water drainage. The Highways Agency raised no objections to the proposal.

Forty-nine letters of objection were reported from local residents. A further letter of objection was reported from Stephen Lloyd MP. Councillor C Heaps addressed the Committee against the proposal and raised concerns regarding the impact on street parking and the potential to increase traffic in an already busy and congested area. The change of use would result in cars parked for shorter times resulting in an increase in vehicular activity to and from the site. The proposed exit from the car park

is immediately adjacent to the pedestrian crossing posing a hazard for pedestrians and vehicles. She stated that East Sussex County Council should undertake a proper traffic risk assessment for the area.

Councillor J Coles addressed the Committee and raised concerns regarding the safety implications of increased traffic volumes on an already busy junction at Victoria Drive particularly given the number of schools in close proximity to the site. Concerns were also raised regarding the noise and pollution which would be caused by delivery lorries accessing the site.

Mr D Onions addressed the Committee on behalf of the applicant and responded to the concerns raised. The use of the building as a retail outlet is permitted development and the current application related to the redesign of the parking layout to create 11 parking spaces with 2 disabled spaces and to allow for safe turning and manoeuvring of vehicles. With reference to the change of use, the Committee was advised that a small convenience store was proposed with the creation of a community café. It was not anticipated that additional traffic would be generated as trade would consist of passing vehicular trade already on the highway and walk up trade. The applicant had worked closely with the Council and East Sussex County Council to submit an acceptable design and layout to provide the optimum number of spaces and the effective operation of unloading at the site. He advised that the site could operate with the current parking arrangements.

The Committee supported the objections raised by local residents and ward councillors. The potential for a rise in the volume of traffic and the noise and pollution generated by heavy lorries servicing the site raised concerns. The surrounding roads are narrow and any increase in traffic flow would exacerbate the existing congestion problems. The proximity of the pedestrian crossing to the proposed exit from the car park and the additional build up of traffic and congestion in Victoria Drive, a main route to and from schools in the area was also of concern.

In response to a question regarding the number of existing car parking spaces, the Committee was advised that 9 marked spaces were available with the potential for use of the fenced area to accommodate a further 2.

Members were advised of the material considerations which could be taken into account in relation to the application. Traffic congestion already exists at peak times, and if the Committee was minded to refuse the application, this would not prevent the change of use operating with a less safe car park with potential conflict for vehicles turning in and out of the site and unloading operating from the highway. Members were advised of the requirement to provide reasonable planning grounds for refusal.

The Committee, with reference to the advice given discussed their concerns regarding the future use of this site and the determination of the current application. In the opinion of the Committee the concerns raised by residents and ward councillors in respect of public safety and parking concerns were sufficient and justified refusing the application on these grounds contrary to the advice of the Officers.

RESOLVED: (Unanimous) Permission refused on the grounds that particularly by reason of its design and layout, the scheme for parking and manoeuvring indicated on the submitted plans are likely to have a seriously detrimental impact upon highway and pedestrian safety. The development would therefore not comply with Policy UHT1 (b), (d) on New Development and Policy TR11 on Car Parking from the Eastbourne Core Strategy Local Plan 2007-2027.

Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

4) EB/2013/0177(HH) - 15 Ravens Croft - First floor front/side extension – MEADS.

The Conservation Advisory Group at its meeting on 14 May 2013 raised objections in respect of the initial drawings on the grounds of the impact on the character of the area by the proposed scale and mass of the extension. The Historic Buildings Advisor raised no objections to the initial application and the revised drawings submitted.

Sixteen letters of objection and two of support were reported from local residents.

In response to concerns raised amended drawings had been submitted removing the sun-tubes from the roof and introducing a balcony inset on the end elevation improving the aesthetic quality of this façade.

In respect of the amended drawings, five letters of objection and five in support of the application were reported from local residents.

Mr S Welham addressed the Committee in objection to the proposal which he stated was contrary to Council Policy UHT1 in terms of its bulk and mass which would upset the balance and conformity of the current setting and the staggered effect of the properties in the area. The unattractiveness of the extension would be detrimental to the street scene of the wider community.

Mr R Henry addressed the Committee and raised concerns in respect of the impact of the proposed development on visual amenity contrary to Council Policy's UHT4 and H020. The extension was considered overbearing, in close proximity to two roads and near to the garden space of no.14 Ravens Court. The design was considered poor and the development would have an impact on the visual amenity for a considerable number of residents and visitors to the Hydro Hotel. The current vista which forms part of the residents' enjoyment of their homes would be obscured.

Mr C Darracott addressed the Committee and considered the development to be contrary to Council Policy's UHT10 and UHT15. He stated that areas should be protected from inappropriate change and displayed a number of photographs showing the current outlook from the Hydro Hotel and various properties in the area. He supported the concerns raised by the Conservation Areas Advisory Group that the proposal would have a

detrimental effect on the conservation area and in such a prominent position the scale and mass of the extension compromised the character of the area. The extension was also considered to be out of alignment with the neighbouring property.

Mr G Stanbridge responded on behalf of the applicant to the concerns raised. He advised that the extension had been sensitively designed in terms of the layout and materials to match the host dwelling. It was subservient to the host dwelling, with no enlargement of the existing footprint. The nearest property being 16 meters away from the development, it was considered that the extension would have a minimal impact on the surrounding dwellings. He referred to the previously approved planning application in the area for 22 Ravens Croft which forms an end terrace on the opposite side of the application site larger in scale, bulk and mass than the current application and on the same row of houses.

The Committee raised a number of concerns relating to the design, height, scale, massing and siting of the development which was considered out of character with the surrounding area.

(NB: Councillor Liddiard withdrew from the room whilst this item was considered).

RESOLVED: (Unanimous) Permission refused on the grounds that the proposed development, by reason of its design, height, scale, massing and siting would result in the creation of an incompatible form of development, which would fail to respect the character and appearance of the subject site and its surroundings, would fail to fall in keeping with the existing pattern of development throughout Ravens Croft. As such the proposed development is contrary to Policy UHT1 (a), (b) Policy UHT2; Policy UHT4; Policy H06 from the Eastbourne Borough Plan 2007.

Appeal: should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the planning inspectorate, is considered to be written representations.

5 South Downs National Park Authority Planning Applications - verbal report.

None were reported.

The meeting closed at 8.19 pm

Councillor Ungar (Chairman)

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Eastbourne Borough Council

Planning Committee

9 July 2013

Report of the Head of Planning

List of Planning Applications for Consideration

- 1) 153 VICTORIA DRIVE**
Fascia signs.
130304, OLD TOWN **Page 3**
RECOMMEND: APPROVE CONDITIONALLY
- 2) 520 SEASIDE (LIDL)**
Single storey front extension.
130145, ST ANTHONYS **Page 9**
RECOMMEND: APPROVE CONDITIONALLY
- 3) 24 VINE SQUARE**
Erection of 3.No. Aviaries on side/rear elevation.
130197, DEVONSHIRE **Page 17**
RECOMMEND: APPROVE CONDITIONALLY
- 4) 15-19 PRIDEAUX ROAD**
Proposed change of use of No. 13 Prideaux Road including a single storey extension at side and rear, and first floor glazed link extension in order to extend the existing Palm Court Nursing Home at No. 15-19 Prideaux Road.
130220, UPPERTON **Page 23**
RECOMMEND: APPROVE CONDITIONALLY
- 5) SILVERDALE GARAGES, SILVERDALE ROAD**
Provision of a 5-6 bedroom single private dwelling with garage, staff quarters, swimming pool and roof-top garden.
120927, MEADS **Page 33**
RECOMMEND: APPROVE CONDITIONALLY

Leigh Palmer
Development Manager

27 June 2013

Planning Committee

9 July 2013

Report of the Planning Manager

Background Papers

1. Town and Country Planning Act 1990
2. Planning (Listed Buildings and Conservation Areas) Act 1990
3. The Planning and Compensation Act 1991
4. The Town and Country Planning General Regulations 1992
5. The Town and Country Planning (General Permitted Development) Order 1995
6. The Town and Country Planning (General Permitted Development) Order 1995 (Amendment) (No. 2) (England) Order 2008
7. The Town and Country Planning (General Development Procedure) Order 1995
8. The Town and Country Planning (Use Classes) Order 1987 (as amended)
9. The Town and Country Planning (Control of Advertisements) Regulations 2007
10. DoE/ODPM Circulars
11. DoE/ODPM Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)
12. East Sussex and Brighton & Hove Structure Plan 1991-2011
13. Eastbourne Borough Plan 2001-2011
14. Eastbourne Townscape Guide 2004
15. East Sussex County Council Manual for Estate Roads 1995 (as amended)
16. Statutory Instruments
17. Human Rights Act 1998
18. The Planning and Compulsory Purchase Act 2004

Note: The documents listed above and the papers referred to in each application report as "background papers" are available for inspection at the Council offices at 1 Grove Road on Mondays, Tuesdays, Thursdays and Fridays from 9.00 a.m. to 5.00 p.m. and on Wednesdays from 9.30 a.m. to 5.00 p.m.

Eastbourne Borough Council

Planning Committee

9 July 2013

Report of the Planning Manager

List of Planning Applications for Consideration

Committee Report: 9 July 2013

Item 1

Application No: EB/2013/0268	Decision Due Date: 09.07.2013	Ward: Old Town
Officer: Mehdi Rezaie	Site visit date: 08.04.2013	Type: Other
Site Notice(s) Expiry date: 21.06.2013		
Neigh. Con Expiry: 22.06.2013		
Weekly list Expiry:		
Press Notice(s): N/A		
Over 8/13 week reason: Determined within given timeframe.		
Location: The Drive Pub, 153 Victoria Drive, East Sussex, BN20 8NH.		
Proposal: Fascia signs.		
Applicant: Sainsbury's Supermarkets Ltd.		
Recommendation: Approve, subject to conditions.		

Planning Status:

- Predominantly Mixed Use Area

Relevant Planning Policies:

- Policy UHT1 from the Eastbourne Borough Plan 2007
- Policy UHT4 from the Eastbourne Borough Plan 2007
- Policy TR11 from the Eastbourne Borough Plan 2007
- Policy D1 from the Eastbourne Core Strategy Local Plan 2007-2027
- National Planning Policy Framework 2012

Site Description:

The application site lies on the corner of Beechy Avenue and Victoria Drive, bounded by a residential dwelling (1 Beechy Avenue) on its west elevation and the Eastbourne Ladies Bowling Club on the south. The surrounding area is predominantly mixed use, adjacent to a parade of shops otherwise known as Albert Parade (east elevation).

The site covers an area no greater than 2000m², with the building amounting to 596m², a two-storey detached property of no particular architectural style.

Relevant Planning History:

- Application for Full Planning Permission (EB/2013/0191) to remove and reconstruct a boundary wall with the provision for hard landscaping, parking and bollards, application withdrawn.
- Application for Full Planning Permission (EB/2013/0167) conversion of first floor pub into 2.No. two bedroom self-contained flats, 1.No. one bedroom self-contained flat, application withdrawn.
- Application for Full Planning Permission (EB/2013/0140) ventilation and extraction units, approved conditionally on 08.05.13.
- Application for Full Planning Permission (EB/2013/0139) exterior alterations and modifications, approved conditionally on 08.05.2013.
- Application for Full Planning Permission (EB/2013/0119) demolition of conservatory and infilling side elevation at ground floor level, approved conditionally on 08.05.2013.
- Application for Full Planning Permission (EB/2013/0118) Re-grading, resurfacing and redesign of car park area and layout, approved on delegation and overturned at committee on 12.06.2013.
- Application for Full Planning Permission (EB/2013/0027) Installation of ATM to front elevation together with extension of roof overhang, approved conditionally on 03.04.2013.

Proposed development:

Advertisement Consent is sought for several fascia signs to be erected and inserted on the applicants building and associated parking areas, but limited within the confines of their own site.

Applicant's Points:

No Design and Access Statement or Planning Statements have been submitted.

Consultations:

- A site notification was placed nearby; this 'Notice of Application for Planning Permission' was carried out on 31.05.2013, which expired on 21.06.2013.
- Neighbour notification letters were sent out on 30.05.2013 to several nearby properties, consultation date expired on 22.06.2013.

Statutory Consultee:

- Letter for statutory consultee sent to Local Highway Manager on 30.05.2013.

Statutory Consultee Response:

- Email received from Mr. C. John (Highways Officer at East Sussex County Council) on 25.06.2013 stating:

"We do not wish to comment on this application, the illuminated signage is set back from the highway, the totem signage is replacing an existing sign, and the car park signage (one-way, no-entry, and disabled parking) is there to ensure that the car park functions correctly".

Neighbour Representations:

No comments received.

Appraisal:

The applicant proposes to introduce a sign onto the front elevation of their building (east elevation) which overlooks onto Victoria Drive. The proposed signage measures a distance of 8.2m by 0.6m and has a lumination level of 250cd/m², additionally, two LED lighting units are proposed onto the top of the fascia throughs and brackets which are to have an illuminated level no greater than 250cd/m². This externally static sign, its scale, positioning and lumination level is considered appropriate and shall in no way present any hazardous glares to oncoming vehicles, nor shall it conflict with existing road traffic signs.

Additionally, extra signage (non illuminated) is proposed on the entry/exit points to the site, in the form of four metal panelled signs, each measuring 450cm x 450cm placed on bollards which are to not exceed a height greater than 2.55m, similarly a disabled parking bay sign and two further dibond panels fixed to the wall of the main building. A further sign is placed nearing the entrance, retaining an overall height no greater than 5.6m. These signs are to be erected to control and direct the flow of traffic to minimise congestion and hazard to oncoming road users. All elements of the proposed scheme therefore adhere to 'Policy D1' on 'Sustainable forms of Development' from the 'Eastbourne Core Strategy Local Plan 2007-2027' and 'Policy TR11' on 'Car Parking' from the 'Eastbourne Borough Plan 2007'.

The proposed fascia sign is visible from the public realm, notwithstanding this; the sign is located approximately 4m above street level and distanced some 15.2m away from the highway, considered unintrusive as it would not dominate its surroundings.

As a whole, the architectural framework of the existing building is considered chaotic; the building does not relate well to its elements, the proposal however, to include a new colour scheme (beige) would introduce a centralised design concept and much needed renewal of its facade, revamping the aesthetic quality on three elevations.

The proposed fascia sign is well fenestrated and shall therefore have a positive impact on the visual amenity, the proposed scheme therefore adheres to 'Policy UHT1' (a) on the '*Design of New Development*' and 'Policy UHT4' (c) on the '*Visual Amenity*' from the '*Eastbourne Borough Plan 2007*'.

Windows on all three elevations (north, east and south) are to be internally frosted with a grey coloured sheet, by virtue of material choice, the proposed fascia (east elevation), its scale, colouring, lettering style relates well on the architectural composition of the building on which it is fitted, in keeping with the surrounding scale and townscape, and would not detract the visual amenity of the streetscene. The applicants choice in material and finishes falls in keeping with that on the main building and therefore in accordance with 'Policy UHT1' (b) on the '*Design of New Development*' from the '*Eastbourne Borough Plan 2007*' .

Human Rights Implications:

It is considered that there are no adverse Human Rights implications.

Conclusion:

The newly proposed illuminated signage, the totem signage and car park signage are of a sensitive design which blends in well to its streetscene, moreover, enhancing the character of the building. Applicant's choice of materials and details maintain and reflect the local variations as appropriate. The developed scheme accords with saved policies from the Eastbourne Borough Plan (2007); the Eastbourne Core Strategy Local Plan (2012) and the National Planning Policy Framework (2012). Having regard to the material considerations and all other matters raised, the Local Planning Authority considers that the balance of considerations therefore weigh in favour of granting planning permission, subject to the following conditions.

Recommend: Permission be granted approval subject to the following conditions:

1. Details – Compliance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the 'Proposed Elevations East and North' labelled 'Dwg No: P-9772-220' and 'Proposed Elevations South' labelled 'Dwg No: P-9772-221' and 'Proposed Signage Details' labelled 'Dwg No: P-9772-222' all dated 30.04.2013.

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

2. Details – Compliance

That all materials to be used in the external surfaces of the development hereby permitted shall match details specified on the submitted plans and elevations, in terms of type, texture and colour.

Reason: To secure that the development is in harmony with the existing building.

3. Details – Compliance

Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: In the interest of visual amenity.

4. Details – Compliance

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety.

5. Details – Compliance

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, or so as otherwise to render hazardous the use of any highway.

Reason: In the interest of highway safety.

Summary of recommendations:

The newly proposed illuminated signage, the totem signage and car park signage are of a sensitive design which blends in well to its streetscene, moreover, enhancing the character of the building. Applicant's choice of materials and details maintain and reflect the local variations as appropriate. The developed scheme accords with saved policies from the Eastbourne Borough Plan (2007); the Eastbourne Core Strategy Local Plan (2012) and the National Planning Policy Framework (2012).

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

Committee Report 9 July 2013

Item 2

App.No.: EB/2013/0123	Decision Due Date: 12/04/2013	Ward: St Antonys
Officer: Toby Balcikonis	Site visit date: 01/06/2013	Type: Minor
Site Notice(s) Expiry date: N/A Neigh. Con Expiry: 25/04/2013 Weekly list Expiry: 25/04/13 Press Notice(s): N/A		
Over 8/13 week reason: Backlog of applications in connection with staff changes and organisational restructure		
Location:	(LIDL) 520 Seaside, Eastbourne	
Proposal:	Single-Storey Front Extension	
Applicant:	Mr Jason Gratton	
Recommendation:	Approve	

Planning Status

- Flood Zone 2
- Flood Zone 3
- Waste Disposal Site / Landfill
- Classified Road
- Public Sewer

Relevant Planning Policies:

Relevant Borough Plan Policies:

UHT1	Design of New Development
UHT4	Visual Amenity
HO20	Residential Amenity
TR11	Car Parking

Relevant Local Plan Policies:

3.14	Neighbourhood 13: St Anthony's & Langney Point
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Site Description:

The application site is located on the A259 at the junction of Seaside and Leeds Avenue, approximately 2 miles northeast of Eastbourne Town Centre. The site is surrounded by residential developments to the North and East, Tollgate Community School is located adjacent to the site to the South and beyond that, an Industrial Estate.

The area is approximately 1.1 acres with vehicle access into the site from Seaside Road, and a separate pedestrian access from Leeds Avenue adjacent to the customer entrance.

The principle elevation of the store lies 100metres from seaside across the attached car parking area out front.

The area is characterised by its mix of uses from residential (including flats, residential care homes, and single private dwellings), commercial (Gibbons Windows), Community centres (St Anthony's Church / Centre) and lies within the St Anthony's shopping district with Winston Crescent shops adjacent to the south of the site.

The northern boundary to the site is formed by Leeds Avenue which leads off from Seaside. At the junction of the 2 roads is sited Kingsford Court, a block of 12 residential flats whose principle elevation runs the width of the LIDL carpark ending almost directly opposite to the front elevation of the LIDL store which sits the main entrance to the building under a canopy which extends..... m out from the main building.

Running adjacent to the North side elevation of the store is situated a run of 12 vehicle garages belonging to the Kingsford Court flats. The area directly in front of each of the garages is a flat parking area large enough in length to park a typical family saloon car. The garages are accessed from Leeds Avenue via a dropped kerb carriage crossover which runs the full length of the garages.

The existing store is positioned to the Western side of the site adjacent to the rear site boundary, the remaining site is used for car parking, service area and perimeter landscaping. A total of 83 car parking spaces are currently provided including 4 disabled spaces and 4 parent and child spaces both located adjacent to the customer entrance.

Relevant Planning History:

App Ref:	Description: Display of two advertising billboards
EB/2012/0032	on front elevation facing St Anthony's Avenue
Decision: Granted	Date: 08/03/2012

Proposed development:

The applicant proposes to construct an extension at the front of the store adjacent to the entrance canopy with the purpose of increasing the storage space within the unit.

The width of the extension is 5.2metres which will result in the loss of 12 parking spaces (83 to 71) but whose width enables the additional building area to sit within the confines of the parking area it aims to replace and thus does not affect the existing circulation routes within the carpark.

The external finishes of the foodstore were chosen from a "palette of modern traditional materials" of which the proposed extension would also be constructed of.

The main reason for the extension is to improve the efficiency and productivity within the store. The internal dimensions of the new storage area are 4.8m x 28.5m resulting in a total internal floor area of 147.2 sqm.

Applicant's Points:

The new accommodation is required to provide a modest increase in stockholding and the ability to replenish stock from both sides of the sales area improving the efficiency and productivity within the store.

The proposed extension to the existing Food Retail Store will:

- Support the local economy.
- Provide an investment that will safe guard existing employment.
- Enhance an existing resource that will be of benefit to the whole community.
- The new storage area will not be accessible to customers.
- Pro rata the new parking provision per sqm of floor space more than sufficient despite the loss of 12 parking bays.
 - Comparing 9 similarly sized stores, Eastbourne LIDL could decrease to 65 spaces but proposes to keep 71.

The proposed extension will integrate successfully into the existing fabric of the surrounding area and will be of social and commercial benefit to the local community.

Summary Information

Existing/proposed sales Area:	1053.4sqm (unchanged)
Change in floorspace:	147sqm of storage space added
Number of jobs created/lost:	No change
Existing parking spaces:	83 Spaces
Proposed parking spaces:	71 Spaces
Building Materials:	To match existing

Consultations:

Highways Manager – Consultation date: 07/05/2013

Response Received: 07/06/2013

This application proposes an extension to the store which will add 147m2 of storage area for the store. The extension is to be built over part of the existing car park which would reduce the level of on site parking from 83 spaces to 71 spaces.

Had this proposal been for an extension of the trading floor then the outcome may well have been different. As it is not however, it is unlikely to be an increase in the number of customers/trips to the store. The applicant has also provided additional information regarding parking provision at other stores. This has shown that the level of parking proposed is in line with these examples.

The applicant has also stated that the car park is used by visitors to the nearby shops, school and nursery which take up a number of spaces. This has also been stated in some of the objections. As it is not the responsibility of the store to provide parking for adjacent sites this also needs to be taken into account.

The accessibility of the site must also be taken into account as it lies on a well served bus route with bus services which operating with a service frequency up to every 7/8 minutes. These routes link the site to large parts of the town.

The applicant has also suggested that they are looking at the possibility of installing parking controls/management during the day parking is limited to 90 minutes to ensure that there is a regular turnover of spaces to maximise the availability.

Following discussions with the applicant a strategy for monitoring and controlling the parking situation has been suggested. This involves parking surveys carried out within 3 months of the development being opened. The resulting data will then be analysed and through discussions between the applicant, EBC & ESCC a decision will be made about installing a car park management system. If it is deemed necessary then this will be agreed jointly between the applicant, EBC & ESCC. It should be noted that any system would only operate during the day overnight parking does not currently concern the applicant.

On this basis The Highway Authority does not wish to restrict grant of consent subject to recommending that any consent shall include the following attached conditions:

- Within 3 months of the proposed extension opening, parking surveys will be carried out following discussion with the Highway Authority, to determine if a Car Park Management System needs to be implemented. This decision will be made by Eastbourne Borough Council in consultation with the Highway Authority and if deemed necessary the Car Park Management System strategy will be agreed by the same.

Reason: In the interests of highway safety

Neighbour Representations:

24 neighbouring addresses were consulted as a result of the application with 12 representations received.

The 12 residents of the adjacent Kingsford Court submitted a collective response (summarised below):

- Difficulties in parking day & evening since store built
- Store gets extremely busy where parking provision seem insufficient
- Parking over spills out on to surrounding areas and blocks in residents parking areas blocking resident's garage access.

Further comments received:

- LIDL carpark also used by nearby Nursery, St. Anthony's Church and parents picking up and dropping off children from Tollgate school.
- Congestion on roads caused by cars entering and exiting the carpark.
- LIDL's delivery lorry often has trouble negotiating carpark due to cars blocking loading bay areas.

Appraisal:

The proposed extension will be constructed of materials used for the existing LIDLs store (including: Alucobond Panel Gables/fascias, Terracotta tiles for roof, galvanised mild steel external metal work) harmonising with its appearance and character, making it acceptable under the provisions of Policy UHT of the Borough Plan.

The single storey construction, at under 4 metres in height will not be overbearing in size and scale, and at 5.2 metres in depth will align with the canopy sited over the entrance and trolley storage area at the front of the store helping the new development blend in with the parent building and not project from it. Its positioning alongside the canopy will lesson any visual impact with neighbouring properties to the East helping to conceal the new development.

There will be no effect on any important vistas or erosion of local distinctiveness, or any kind detrimental impact on visual amenity as a result of the proposal and for that reason it accords with Policy UHT4 of the Borough Plan.

There are no concerns of overshadowing or loss of light to neighbouring properties from the proposed development due to its siting size and scale. The additional storage area will be served via the existing loading bay on the West side of the site so there are no concerns for increased noise, general disturbance or odour. For these reasons, there is no conflict with Policy HO20 concerning the potential loss of Residential Amenity to nearby properties.

The compliance of the new development with regard to residential and visual amenity, and accordance with policies relating to the design of new developments leaves the impact of the loss of 11 parking spaces to the front of the store.

Currently there are 4 disabled access bays on site situated in the area proposed for the extension. The applicant seeks to reposition these bays to a suitable location within the carpark seeking to minimise any impact to any disabled customers wishing to use the store.

The addition to the store is not to increase its sales area, but to provide a larger and more efficient storage system. There is not thought to be a direct increase in the amount of customers visiting the site as a direct result of the new development, and for this reason the provision for parking does not need to increase and so the question is to whether the decreased provision can support the existing and future patronage of the store.

Taking in to account the evidence from the applicant regarding parking provision in 9 similarly sized sites, and appraisal from Highways, the number of proposed spaces is considered to support the site. It was however noted that, if the application had been an extension designed to increase the sales area of the store then the feedback received from Highways may not have been to support the application.

In addition to feedback offered from Highways it was also highlighted that the site is served by regular buses every 7/8 minutes thus helping to minimise the need for use of a private car to travel to and from the site. Situated on site and set to be retained, are cycle stands to enable secure storage of customer bicycles, further helping to reduce the need for provision of car parking spaces.

Received objections from nearby residents make representations with regard to the impact of people, whom some of which are potentially LIDL customers parking in the surrounding roads when the store's carpark is full, causing obstructions to their own private parking facilities which include a garage with access and parking in front for each of the 12 residential flats in the adjacent Kingsford Court.

Noted by Highways, the applicant and in received representations, the LIDL carpark and also surrounding roads are used by others visiting the area for other reasons than to use the store. One of the busiest times for the carpark correlates with the parents using the spaces when dropping off and picking up their children from the adjacent school and nursery and also people using St. Anthony's church opposite and the nearby Winston Crescent parade of shops.

It is not the store's responsibility to provide parking for these other uses, but does not currently enforce any restrictions with regard to their car parking, although the applicant has suggested that they are looking at the possibility of installing parking controls/management during the day parking is limited to 90 minutes to ensure that there is a regular turnover of spaces to maximise the availability.

Overall it is considered that the reduced proposed parking provision is sufficient for the requirements of a store of this size, a view that is supported by the Highways Manager of East Sussex County Council.

The new additional storage would not be accessible by the public/patrons for the store and will not have a direct increase in people visiting the store and parking on site. For this reason the proposal accords with the council's policies for relating to the provision of parking in the Borough Plan.

Policy 3.14 of the Local Plan focusing on the neighbourhoods of Langney Point and St Anthony's, the area in which the application site is located aims to actively increase its economic by looking to allow additional employment floorspace, This vision for the area is also committed to reducing the impact of the car, and thus helping to minimise any negative impact felt by residents living in this area. With the provision of cycle storage facilities on site, the LIDL store adheres to this sustainable vision for the area's future.

Overall the application is considered acceptable, and therefore recommended for approval.

Human Rights and Equality & Diversity Implications:

The proposal is considered to have no significant Human Rights or Equality and Diversity implications.

Conclusion:

The proposal does not harm the distinctiveness of the local area, and is appropriate in scale, form, materials and setting and as such accords with Policy UHT1.

There is no loss or change to screening as a result of the proposal, and as it is not in the public realm does not erode local distinctiveness or have an effect on an important vista, and for these reasons is acceptable as it does not conflict with Policy UHT 4.

The provision of parking deemed sufficient as to accord with the requirements of the council's parking policy, TR11.

The proposal does not have a negative affect on residential amenity in its locale, and there will be no loss of outlook, privacy, overshadowing or loss of light. As a result of the development there is thought to be no concerns of an increase in noise or general disturbance and therefore adheres to Policy HO20 of the Borough Plan.

Overall the development adheres to the criteria laid out in the Local and Borough Plans and its policies.

Recommendation:

Permission be granted subject to the following conditions:

- (1) Time Limit
- (2) Matching materials
- (3) Plan No.s

INFORMATIVE:

Monitor use of parking on site, implementing parking measures if deemed necessary by ESCC Highways.

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

Committee Report 9 July 2013

Item 3

App.No.: EB/2013/0136	Decision Due Date: 07/05/2013	Ward: Devonshire
Officer: Toby Balcikonis	Site visit date: 01/05/2013	Type: Minor
Site Notice(s) Expiry date:	N/A	
Neigh. Con Expiry:	01/05/2013	
Weekly list Expiry:	01/05/2013	
Press Notice(s):	N/A	
Over 8/13 week reason: Backlog of applications in connection with staff changes and organisational restructure		
Location:	24 Vine Square, Eastbourne	
Proposal:	Erection of 3 Aviaries on Side/Rear Elevation	
Applicant:	Mr Michael Willsher	
Recommendation:	Grant Planning Permission	

Planning Status

- Flood Zone 2
- Flood Zone 3

Relevant Planning Policies:

UHT 4: Visual Amenity
HO20: Residential amenity

Site Description:

The application site is a semi-detached property within a predominantly residential area. The front elevation has a North-East aspect and faces out on to the junction of Vine Square and Martello Road. Other use of the area includes a sizeable commercial site (Stone Cladding showroom, Marshalls Yard) adjacent to the adjoined property (22 Vine Square) and beyond that to the North-West, a school (St Andrews).

6 metres to the South-East, running parallel with the application site lies the semi-detached neighbouring properties of 26 & 28 Vine Square with the boundary between 24 and 26 at an equal distance of 3 metres between the closest point of the dwelling houses.

The described arrangement of 2 lots of Semi-detached properties is exactly mirrored to the rear of the properties (addressed 20 – 26 Winchelsea road) with rear shared boundaries equidistant from the rear elevation at 10 metres (20 metres separates the opposite pairings). The application site shares a rear boundary with 22 Winchelsea Road.

A fence from the boundary shared with 26 Vine Square across to the rear elevation of the applicant dwelling house forms an enclosed rear garden measuring 7.5m wide by 10m in length.

Relevant Planning History:

There are no previous planning applications on this site.

Proposed development:

The applicant has constructed an arrangement of aviaries in order to house 2 birds of prey. His collection consists of a Harris Hawk and a Great Horned Owl, both housed in separate enclosures. The applicant keeps these birds as a hobby and has plenty of experience of looking after birds of this nature. The birds are housed in the aviaries all year round, and they are taken out regularly to fly (exercise) and to hunt (birds and rodent which some of which will be their feed).

The diet of the birds have to be strictly controlled and their weights closely monitored in order to keep them in peak condition for flying and hunting, and the food needs to be fresh. They are fed with a mixture of rabbits, mice and pigeons either caught and frozen, or purchased and stored frozen. The food is then defrosted and eaten fresh, with any leftover / uneaten food removed from the aviaries to help prevent infection / illness and smells from rotting meat.

The aviaries are maintained and cleaned regularly in order to keep the birds healthy, and so the applicant does not foresee smell being an issue at all, now or in the future.

Mr Willsher advised that the aviaries were constructed with the welfare of the birds in mind. The recommended minimum size for an enclosure for a bird of prey is 6ft by 6ft, large enough for the occupant to full stretch its wings. It is widely held that a larger enclosure is better to give the birds space to move and fly short distances.

The applicant is applying for retrospective planning permission for the erection of three aviaries to the rear of the property. Each unit is partially clad with shiplap timber over a wooden frame construction and enclosed by shallow pitched (almost flat) felted roofs with 50mm / 150mm diameter wire mesh to the front back and sides.

The arrangement of the aviaries (all measuring 2.10m in height and 2.6m in width) comprises of 2 main blocks, the largest of which forms an inverted 'L-Shape' (covering total area of 33m²) along the boundaries of 26 Vine Square (8m) and 22 Winchelsea Road (7.5m) maintaining a distance of 0.5m from the two named boundaries and 1 metre with the boundary of 22 Vine Square.

The remaining standalone unit (2.6m x 5.25m, comprising area of 13.75m²) projecting along the boundary with 22 Vine Square at a distance 0.5metres from the boundary fence and 1m from rear elevation of 24 Vine Square.

An inner courtyard, constructed of a permeable purple slate covering, is formed between the 2 blocks of aviaries (which maintain a distance of between 1m -2.5m from each other).

Applicant's Points:

- Larger enclosures better than minimum 6ft x 6ft
- Food not stored in open and is closely regulated and fresh
- Enclosures regularly maintained and cleaned so no smell issues
- Height of enclosure limited to lessen impact on neighbours

Summary Information:

- 3 Aviaries predominantly wood in construction
- 2.10 height
- Maintain a distance of at least 0.5metres from all boundaries
- Total area covered by development: 47m²
- Total area within curtilage of property: 122.63m²

Consultations:

Environmental Health (Contacted 14/06/13):

There are no known noise or smell issues with this Aviary and I cannot put any restrictions on the application.
If there are ever any problems with noise or smell then this would be dealt with by use of the nuisance provisions in the 'Environmental Protection Act 1990'

Neighbour Representations:

3 Neighbours with shared boundaries (22 & 26 Vine Square, and 22 Winchelsea Road) consulted, with 1 objection received (points summarised below).

- Stated that there is no adverse smells at present from the keeping of birds, but worried that in summer there may be.
- Stated that the start date and completion of works later than suggested.

Start date of works & completion

- Leylandii trees screening cages getting large and damaging existing fences.

Appraisal:

Ordinarily this development would be assessed under the General Permitted Development Order (buildings incidental to the enjoyment of a dwelling house) and would have been found acceptable for the following reasons, that the development is/has:

- not on land forward of the principle elevation
- single storey with lower than maximum eave height 2.5m and maximum roof height of 3m for roof type
- within maximum height of 2.5m within 2m of a boundary
- no balconies or raised platforms
- under half of the land around 'original house' being used for the said development
- not within area of special interest (AONB etc.)
- not listed building or in conservation area.

For this particular site the Permitted developments rights have been removed and therefore the development must be assessed with greater regard to the NPPF and localised Borough Policies paying specific regard to design, visual and residential amenity.

The size of the development is suitable for the purpose of housing the existing birds of prey and at 2.10m tall the aviaries are not overbearing in height and do not have an adverse effect on resident amenity due to their scale through loss of outlook or overshadowing, and as there are no habitable rooms to consider, does not result in any loss of privacy to neighbours. The applicant did limit the height of the aviaries so as not to impinge on surrounding neighbours. The size and scale of the development is deemed to be suitable so as to accord with the relevant policies in the Borough Plan.

The existing aviaries are standard in construction and the materials used are not out of keeping with the local neighbourhood and do not detract from the visual amenity of the area, and for this reason accord with the relevant policies of the Borough Plan.

The development falls within identified flood risk zones, but as there is no increase to population density on the site and that the materials used in the construction along with the use of permeable flooring helps ensure that there is no increased danger arising from flooding, the aviaries do not pose an issue in this regard. Similarly it is deemed that there is no adverse effect to the other identified constraints caused by the siting of the aviaries.

As noted on site visits and noted in neighbour representations there is currently no disturbance caused by noise or odour as a result of the development. The neighbour was concerned that in the heat of the summer this may become a problem, but as the keeping of birds in aviaries is not an uncommon practice in British gardens and if maintained properly, established aviaries are of little cause for concern to neighbouring properties on the grounds of eroding their amenity.

The aviaries are used to house a small number of birds (two), and there have been no recorded complaints of noise or odour submitted as a result of this development, and as such was not recommended for refusal by Environmental Health.

A point to note is that if noise or odour were to become an issue then these would be dealt with by the use of the 'Nuisance Provisions' in the Environmental Protection Act 1990.

With regard to the concerns expressed about the Leylandii trees on the application site, the view is held that these cannot be considered to be part of the development, and so cannot be factored in to the decision to grant or refuse planning permission. The maintenance of these trees is a civil matter and falls outside of the reaches of the planning department.

For these reasons and in the development's accordance specifically with policies UHT4 or HO20 of the Borough Plan this application is recommended for approval.

Human Rights and Equality & Diversity Implications:

The proposal is considered to have no significant Human Rights or Equality and Diversity implications.

Conclusion:

The scale, location and visual impact of the proposal do not detract from the residential amenity of the surrounding area. In accordance with policy HO20, the proposal by virtue of its location, size and design, does not impact on outlook, privacy, overshadowing or loss of light, and is at a scale that is appropriate to the neighbouring buildings.

There are no recorded issues with regard to noise or odour as a result of the use of the development since its completion, and exist statutory measures for dealing with such issues if they were to arise in the future.

Subject to conditions, the proposal complies with the relevant borough plan policies: Eastbourne Borough Plan 2001-2011 (Saved policies, 2007) and the National Planning Policy Framework (2012).

RECOMMEND: Permission be granted, subject to the following conditions:

- 1) Restricted use (non-commercial).
- 2) Within two months of no longer being used as an aviary, the structure should be removed.

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

Committee Report 9 July 2013

Item 4

App.No.: EB/2013/0230	Decision Due Date: 29/05/2013	Ward: Upperton
Officer: Katherine Gardner	Site visit date: 23/05/2013 and 18/06/2013	Type: Minor
Site Notice(s) Expiry date: N/A Neigh. Con Expiry: 30/05/2013 Weekly list Expiry: 30/05/2013 Press Notice(s): N/A		
Over 8/13 week reason: Backlog of applications in connection with staff changes and organisational restructure. Late request for objector to speak at committee.		
Location: 13 Prideaux Road, Eastbourne, East Sussex, BN21 2ND		
Proposal: Proposed change of use of number 13 Prideaux Road from use class C3(a) to C2, including a single storey extension at the side and rear, along with a first floor glazed link extension in order to extend the existing Palm Court Nursing Home at Number 15-19 Prideaux Road.		
Applicant: Doctor. T. Durgahee		
Recommendation: Approval (with conditions)		

Planning Status:

- Source Protection Zone
- Tree Preservation Order 143
- Primarily Residential Area

Relevant Planning Policies:

- UHT1 – Design of a New Development
- UHT4 – Visual Amenity
- UHT5 – Protecting Walls/Landscape Features
- UHT7 – Landscaping
- TR11 – Parking
- HO17 – Supported and Special Needs Housing
- HO20 – Residential Amenity
- NE28 – Environmental Amenity

Site Description:

The application site is currently a single private dwelling comprising of one detached property. It is a 2 storey 6 bedroom property with parking at the front and a long back garden. It is subject to Tree Preservation Order 143.

It is on the South side of Prideaux Road and opposite the junction with Kings Drive and St Thomas A Beckett Primary School.

It is next door to Palm Court Nursing Home (15-19 Prideaux Road) and number 11, another large dwellinghouse currently occupied, which also has a long garden to the rear.

There is a driveway and garage to the left of the dwellinghouse separating numbers 11 and 13. There is currently a side gate and garden area with a shed separating numbers 13 and 15. The garden backs onto a glass conservatory and garden of an adjoining property in Le Brun Road. The rear gardens are bounded by substantial brick walls on all sides.

The external walls are white pebbledash and have timber detailing on the gables. The roofing is plain tiling and the property is of a Tudor style, in keeping with nearby residencies. There are currently 53 rooms in the property, 10 of which are double rooms, housing 2 residents each.

As per the Relevant Planning History (below) the Nursing home has already seen the erection of a single storey extension to the rear of numbers 15-17. When looking from the rear, the application site is adjacent, to the right, of this previous addition. The property is currently next to a storage area/outhouse at number 11, separated by a wall which increases in height halfway along the rear garden, and on the side elevation of number 11 facing the application site, are the kitchen door/windows on the ground floor and 1 bedroom and a bathroom/toilet on the first floor. There are also 3 bedrooms on the rear elevation of number 11 with an outlook to the rear of number 13 from the first floor.

There are bus stops directly outside the application site on both sides of the road.

Relevant Planning History:

App Ref: EB/2009/0659	Description: Change of use from single private dwelling to become part of Palm Court Nursing Home. To include erection of a single storey extension and revision to vehicle access
Decision: Approved Conditionally	Date: 25/11/2009

App Ref: EB/2011/0282 Description: Discharge of conditions 3 (materials), 4 (tree protection), 6 (details of services) and 7 (details of hedge) of permission EB/2009/0659 (FP) for the change of use from single private dwelling to become part of Palm Court Nursing Home. To include erection of a single storey extension and revision to vehicle access
Decision: Discharged Date: 25/07/2011

App Ref: EB/2011/0283 Description: Variation of condition 9 of permission EB/2009/0659(FP), to permit a minor material amendment to the single storey extension, comprising an increase in length by 1.5m and the provision of a bay window at the rear.
Decision: Approved Conditionally Date: 08/07/2011

Proposed development:

There are a number of elements to this application:-

- Firstly, the applicant wishes to apply for a change of use from class C3 (a) (dwelling houses) to C2 (residential institutions).
- Secondly, the proposal involves erecting a single storey extension to both sides and rear of the property.

The extension will be formed in brick and render with timber detailing to the gables in order to match existing. The roof tiling used will also match the existing plain tiles and consist of flat roof tops with sloping edges. There will be black uPVC rainwater goods installed on the extension and white uPVC windows and doors throughout.

The proposed side extension, to join numbers 13 and 15, is set back from the front elevation and the rest of the extension is to the rear of the property.

The first floor will contain 6 ensuite bedrooms converted out of the first floor of the original site.

The ground floor (including extension) consists of 12 en suite bedrooms and a large lounge area. On the South East elevation, next to number 11, the extension does not protrude beyond the plane of this existing elevation, leaving a distance of 4.10m between the boundary with number 11.

There is a 148 square metre lounge area on the ground floor which is to be lit via 2, 4x6m roof lanterns and there are numerous skylight windows proposed throughout the adjoining corridors.

The rear extension will match the addition already made to numbers 15-19, in both style and materials; however it will extend slightly beyond the rear elevation of number 15. There will still be sufficient space for a garden area as with 15-19 Prideaux Road.

The proposed development extends a maximum depth of 26.85m, which equates to 19.61m beyond the current rear elevation. The highest point of the ground floor extension, including the peaks of the roof lanterns does not exceed 4.95m.

The roofing on the rear and side extension will match that of the extension approved at number 15-19 Prideaux Road, with a pitched roof and plain tiling.

Palm Court currently houses 53 rooms of which 10 are double rooms. Therefore, the additional rooms will now house 10 individuals in the double rooms; therefore of the 18 bedrooms proposed in the extension, there will be a net increase of 8 rooms/possible residents.

- Thirdly the proposal includes a first floor glazed link extension to attach numbers 13 and 15, in order that 13 Prideaux Road becomes part of Palm Court Nursing Home.

The first floor addition, which can be seen from the front of the property, is the glazed link between numbers 13 and 15. The highest point of this, from the ground, reaches 6.10m, just beyond the eaves of the host property, and the maximum width is 2.51m. The height of the glazed link itself is 2.57m.

There are no proposed changes to the boundary walls but the existing garage will be removed.

Applicant's Points:

- The applicant indicates that all tree related issues were dealt with in the original application EB/2009/0659 and the discharging of the conditions with regards to EB/2011/0282.
- The proposal is not intended to significantly increase the number of residents at Palm Court; it is in the interests of increasing amenities and quality of facilities, amenity and comfort for residents provided by the nursing home.
- In relation to parking considerations, the road is only busy during school drop off/collection times. Staff share car journeys, walk, bike or travel to work on public transport. Relatives are welcome throughout the day so there is no time for "visiting hours" where visitors are all arriving or leaving at the same time, they are staggered throughout the day, usually no more than 2 or 3 visitors at a time. The proposal offers 5 additional off street parking spaces.
- The extension would also house current residents from the more dated buildings of Palm Court Nursing Home, during a future refurbishment of these areas.

- There is no expectation of big increases in staffing levels. The fees for the better quality care proposed by the development will not be increased. It is a long term investment for better care in the community, not intended to create an immediate higher turnover through increased fees or residents.
- The quality of care administered to patients and relatively low increase in residents, and therefore staff/visitors, ensures there is not a high level of noise.
- There are currently 53 residents. There are 10 double rooms which are to be converted into single rooms to create only 43 rooms/residents in 15-19 Prideaux Road. There will be 19 bedrooms created in the conversion of number 13, therefore creating a potential maximum increase of 9 residents.
- Other Nursing Homes in residential areas within Eastbourne have at least 60 residents, and the extension would allow a maximum of 61 throughout the Nursing Home.
- In relation to privacy, the extension is single storey and has been designed to keep away from the boundary of number 11.
- The kitchen is located between 17 and 19 Prideaux Road and there is no intention to enlarge the kitchen and no food preparation will be carried out at number 13, therefore the level of smells from the property will not increase.

Consultations:

The Environment Agency – no comments.

Planning Policy Manager – no comments.

Downland, Trees and Woodland Manager – The Beech tree in the front garden of 15 Prideaux Road is protected with a Tree Preservation Order. It is considered to be of high quality and value, in such condition as to be able to make a substantial contribution to the area for a minimum of forty years. The approval of this application will have no impact on the Beech tree in the front garden of 15 Prideaux Road providing the conditions as set out below are attached to the decision notice.

Head of Environmental Health – no comments.

Neighbour Representations:

- It is not suitable for this residential area to continue to be overdeveloped with care homes.
- Road safety for residents and pupils of the nearby school are jeopardised as there is insufficient parking on site which causes a high volume of on road parking.
- The size of the development is out of proportion with the local area and as such is not sustainable.
- An increase in the size of the Nursing Home will cause increases in residents, staff, noise, traffic, use of services and pollution. This is in relation to residents, staff, visitors and service deliveries.
- There will be an increase in smell from the catering involved.
- The increased energy used by such a business would have a detrimental effect upon the local area.
- Loss of privacy caused by the change from a 6 bedroom house to a 19 bedroom business, operating 24/7.

Appraisal:

The original proposal suggested 19 bedrooms within the extension with part of the extension protruding beyond the plane of the existing South East elevation and therefore bringing it in closer proximity to the boundary with number 11. Following negotiations between the applicant and objector the architect has submitted revised plans on 21/06/2013 to supersede those received on 03/04/2013.

The main issues to consider in the determination of this application relate to :-

- The Principle of the development
- Support for local businesses
- Impact upon character of host property
- Impact upon character of the area
- Impact upon the amenities of the adjoining properties

The Principle of the development

It is considered that in this instance the loss of the dwelling house to provide an enlarged care facility would not be objectionable in principle.

The adjacent property has a long standing history as a care home use and care homes are considered appropriate within residential areas.

The applicant has provided an appropriate Design and Access Statement.

Policy HO17 states that planning permission will be granted for residential care homes subject to location in relation to public transport, shops, open spaces, entertainment and community facilities. The Nursing Home is situated in a good location and is currently maintaining its viability in this location. Also, the property itself, along with the proposed developments, is suitable for the needs of the occupants and disabled access. As the property has over 3 bedrooms it is also suitable to be converted to a non-residential establishment.

Support for local business

The application proposes an extension to an existing business which in its self creates job opportunities to support the local economy.

Care homes provide an important local facility which need to be located close to amenities and infrastructure; given the long standing nature of the care home business on this site it is considered that the support for this proposal would go some way to maintaining its viability.

The proposal is suitable in terms of policy HO17 as above.

Impact upon the host property

The proposed development does not have a detrimental impact on the site or surrounding location as the style of the original building is to be maintained and is in keeping with the already completed 15-19 Prideaux Road. Therefore, the proposal is in accordance with policy UHT1 in that it harmonises with the appearance and character of the local environment. In the same vein, the materials, formation, setting and layout of the property are also appropriate to the building itself and the surrounding area.

The extensions are set back from the front elevation, and are largely to the rear. The view of the property from the front will be changed most noticeably between numbers 13 and 15, with the addition of the first floor glazed link, which is described in detail below. This will match the property in terms of colour (white and black to match the exterior walls) but will form a length of glass panelling at first floor level which is more contemporary than the buildings that it joins.

Impact upon the character of the area

The application for change of use class of this property will not have a significant impact on the amenity of the area as the net increase in residents is a maximum of 8 and there is provision within the plan for 5 extra parking spaces. Access to these spaces is proposed via the driveway at number 15 as well as number 13, through removing the front boundary wall. There will be four within the current front driveway/garden of number 13 and one at the left of the building following the removal of the garage.

Additionally, there is a bus stop in close proximity to the application site and pedestrian, cyclist and public transport access is not affected (HO20). There is a large amount of on road parking available in Prideaux Road so suitable off site provision is closely available (TR11).

The change is in-keeping with the quiet largely residential road, and there are already a number of Nursing Homes in the locality.

The first floor glazed link, although a relatively modern addition to this style of properties', is designed to maintain their individual integrity, creating the illusion that numbers 13 and 15 are separate properties in their own right and maintaining the current view of large residential, Tudor-style properties that dominate the majority of the road.

There has been an example of this glazed link at Avalon Nursing Home, Neville Road, Eastbourne, where it does not detract from the character of the neighbourhood. The properties here are of a similar style and size to those in Prideaux Road. The link is formed of full length glass panels which would extend between numbers 13 and 15 at first floor level and allows light and a visual aspect between the properties.

The properties are to be joined at ground floor level by a bricked extension but the link provides first floor access between the properties, without forming only a bricked building which could dominate the road from numbers 13-19.

There are no proposed changes to the boundary walls and the conditions below in regard to landscaping show policies UHT5 and UHT7 have been considered.

Impact upon the amenities of the occupiers of the adjoining plots

Due to the scale of the extension, issues regarding privacy have been considered, however, as the extension is ground floor only and there are walls screening the extension, this is not considered to pose a significant problem in terms of the privacy of occupants at number 11. There is a large brick wall separating the properties to provide screening.

Due to the fact that the extension is only on the ground floor and the peaked roof lanterns do not extend beyond the eaves of the existing roof they do not cause concern in terms of their height. The extension will not overshadow neighbouring properties or affect their outlook.

The potential increase in residents has been considered in terms of increased noise, disturbance and odour. The applicant has advised that there will be no kitchen in number 13 and the current kitchen is central within Palm Court Nursing Home as existing, so increases in smell for neighbours are unlikely.

As mentioned, access to the additional parking is via the driveway at number 15 so disturbances from cars arriving and leaving will not be significantly closer to neighbouring properties than they are already. As the applicant states, visiting hours are throughout the day so there is no one period of high volume of cars, except during drop off and pick up times at the school adjacent to the site.

Access to the actual building will be through the entrance door of number 15 and via an indoor corridor to number 13, therefore the likelihood of more disturbances from deliveries etc is small, due to the central access still being via number 15.

Concerns over increase in noise are minimal due to the nature of the nursing home (Dementia Care). The applicant advises that the quality of care decreases noise from residents and as above, obtaining deliveries and accommodating visitors/staff will not significantly increase noise as the distance of these activities from existing neighbours are largely unchanged. The large lounge area is within the centre of the extension, surrounded by bedrooms on all sides, therefore the main living area within the Nursing Home, which may have formed a concern in relation to noise, will not cause a disturbance to neighbours.

Therefore amount of pollution in relation to noise and smell is unlikely to change significantly and does not currently cause a detrimental impact to neighbours or the environment. The proposal provides a neutral impact to the environmental amenity of the area.

Due to these points it is not deemed that the proposal has a significant negative impact on visual, residential or environmental amenity (policy NE28).

The extension does bring the property in closer proximity with the conservatory and garden to the rear of the site, belonging to a property in Le Brun Road, however, there is still a significant area of garden beyond the extension and therefore it does not encroach on the property to the rear. The rear elevation of the proposed extension does extend beyond the existing rear elevation but this is minimal.

It is recommended that the proposal is approved.

Human Rights and Equality and Diversity Implications:

N/A

Conclusion:

By virtue of the size, style, materials used and location of the development, this proposal is considered acceptable under the policies within the Eastbourne Borough Local Plan (Saved policies, 2007). Therefore it is recommended that the development be approved.

This is subject to conditions but the proposal accords, Eastbourne Core Strategy Local Plan (2007-2027) and the National Planning Policy Framework (2012).

RECOMMEND: Permission be granted subject to the following conditions:

- (1) Time Limit
- (2) Tree Protection
- (3) Restriction of bonfires - trees
- (4) Foundation details – trees
- (5) Soil Levels – trees
- (6) Location details of site office and access – trees
- (7) Restriction of no. of units to 61
- (8) Plan No.s

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

Committee Report 9 July 2013

Item 5

App.No.: EB/2013/0014	Decision Due Date: 23 March 2013	Ward: Meads
Officer: Jane Sabin	Site visit date: 20 February 2013	Type: Change of use
Site Notice(s) Expiry date: 28 February 2013		
Neigh. Con Expiry: 24 February 2013		
Weekly list Expiry: 27 February 2013		
Press Notice(s)-: N/A		
Over 8/13 week reason: Negotiations and re-notification of neighbours		
Location: Silverdale Garages, 33 Silverdale Road		
Proposal: Provision of a 5-6 bedroom single private dwelling with garage, staff quarters, swimming pool and roof-top garden.		
Applicant: Elite Hotels		
Recommendation: Approve		

Planning Status:

- Area of High Townscape Value

Relevant Planning Policies:

Borough Plan 2001-2011

UHT1	-	Design of development
UHT4	-	Visual amenity
UHT5	-	Protecting walls/landscape features
UHT16	-	Protection of Areas of High Townscape Value
H03	-	Retaining Residential Use
H07	-	Redevelopment
H08	-	Redevelopment of Garage Courts
HO20	-	Residential Amenity
TR11	-	Car Parking

Core Strategy

B1	-	Spatial Development Strategy and Distribution
B2	-	Creating Sustainable Neighbourhoods
C11	-	Meads Neighbourhood Policy
D1	-	Sustainable Development
D5	-	Housing
D10	-	Historic Environment

Site Description:

This vacant, derelict backland site was last used as garaging/parking for The Grand Hotel at ground floor level (approximately 12-15 cars), with six small flats above for staff. It is located behind numbers 35 and 37 Silverdale Road, and is accessed via a sloping, narrow drive 45m in length, which currently belongs to Rustington Court in St Johns Road and provides pedestrian access to its rear garden. The difference in ground levels between Silverdale Road and St Johns Road is significant, with Silverdale Road being on much lower ground; the application site is located half way between the two, so that it is higher than the Silverdale Road properties, but much lower than those in St. Johns Road, although it is parallel to the rear block of Highview Court.

The building on the site is arranged in a "U" shape around an open courtyard, constructed of brick, under a slate roof, with ironwork to the balcony and stairs which serve the first floor flats. Windows are timber, vertical sliding sash. The central courtyard is laid to Staffordshire stable block, as is typical of the period (Victorian) and location. The surrounding properties are all residential, and comprise a mix of Victorian and 1970's flats. The outside walls of the building also form retaining walls to the gardens of surrounding properties

Relevant Planning History:

App Ref:EB/2004/0850	Description: Demolition of first floor staff accommodation and changes to the ground floor garage walls including the installation of a security gate to provide secure overspill parking for the Grand Hotel.
Decision: Refused	Date: 12 January 2005

Proposed development:

The proposal is to convert the existing building to a 5-6 bedroom single private dwelling with a double (tandem) garage, staff quarters, basement swimming pool and roof-top garden between the ground and first floors. The scheme includes excavation to create a basement level and a new entrance through a glass boundary wall facing the drive. There is a mix of modern materials (such as the glass boundary wall) and more traditional finishes (brick chimney stack detail and courtyard ironmongery). Whilst retaining the main fabric and form of the building, the scheme is otherwise modern in design. From the outside, the main changes would be the introduction of conservation style roof lights, the provision of a first floor garden and the glass wall facing the drive

Applicant's Points:

- The site is located in Meads and an Area of High Townscape Value, two positives which have been the main reason behind the decision to retain the existing building. Other reasons are that the main walls form the retaining walls to neighbours' gardens, and that neighbours' views would be unaffected by the proposal.
- It is proposed to retain the building in the form of one family dwelling, with 5-6 bedrooms, garaging for two cars, swimming pool, staff quarters and a roof garden accessed from the first floor.
- The courtyard would have been used historically as a turning circle for horse drawn carts, and it is proposed to infill the courtyard, referencing the turning circle with a shallow pool of water, forming an "inside/outside" entrance open to the sky in part; trees would grow through the circular opening in the roof garden above.
- The ambition is to provide an exemplary modern home within the envelope of an historical asset, providing the existing building with another 150 years of existence in line with modern living standards, albeit at the "high-end".
- Privacy is an important issue for future occupiers and neighbours alike. All rooms are single aspect onto the courtyard/roof garden; the roof garden comprises timber decking and planting, and any perception of overlooking will be dealt with by using a strip of dense planting at the edge of the slab adjacent to High View Court.
- The site is overlooked by surrounding blocks of flats (High View Court to the east, and Hill Court, West Cliff Court and Rustington Court to the south); the upgrading of the building and the introduction of a roof garden will improve the outlook from all these properties, whilst preserving privacy.
- Sustainable features will include the introduction of a roof garden, rainwater harvesting, super insulated walls, floors and roofs, low u-value double glazed windows, A+ rated appliances, low energy light bulbs and water saving taps/sanitary ware

Consultations:

The Conservation officer raises no objection to the proposal, as the site is not visible from the road, and has no boundary wall. Neither chimney stacks, nor roof can be seen from the public highway. In terms of scale, there are no conservation issues, as the footprint and roofline of the proposal do not exceed existing, and there are no trees or other important landscape features associated with the building.

(Memo dated 18 February 2013)

Planning Policy supports the application in principle, subject to consideration of the impacts on amenity by the case officer. The proposal would provide a large residential unit on a brownfield site in a sustainable location. In conformity with the National Planning Policy Framework, the proposal would provide sustainable development and should be permitted. (Memo dated 1 March 2013)

The Highway Authority requested and attended a site meeting with the agent and the case officer following concerns about the length and width of the access. It was confirmed that the access is only suitable for one user (in terms of vehicles), and amendments to the garaging/turning arrangements were agreed.

Neighbour Representations:

The original submission attracted 23 objections, which are summarised thus:

- The Arabic walling design is completely of character with the existing and surrounding buildings; it will look more like a mosque than a dwelling
- The proposed development and architecture is completely out of character, and a roof garden would overlook the garden of Rustington Court
- Too ambitious for a backland development
- Loss of privacy to residents of Highview Court who have open plan patios
- Noise – complaints resulted from the use of the existing balcony by staff until the early hours of the morning for socialising
- The driveway is a ROAD and is owned by Rustington Court, it cannot be gated and is for the use of Rustington Court residents; to say otherwise is misleading.
- Object to increased traffic on the road
- If it is to be an annexe to the Grand Hotel, then there would be no need for an alcohol licence, and could result in partying and swimming at any time of the day and night
- There would be nothing to stop the eyesore of solar panels being placed on the roof.
- The proposal will use vast amounts of energy, despite any figures produced.
- Concerns about the amount of spoil produced from the excavation of the basement, and damage from vehicles servicing the construction of the proposal. Therefore a protective independent barrier should be provided to the wall adjoining High View Court for the duration of building works, and hours of works should be restricted.
- Concerns about noise from a swimming pool and roof-top garden, especially if it is to be an annexe to the hotel, and displacement of refuse bins from the drive (belonging to the adjacent flats).
- The premises were not garages, but stables. It should not be demolished, but converted either to staff accommodation or affordable housing; unacceptable to build a house that only wealthy people could afford.
- Notwithstanding the stated concerns, very keen to see something done with the site, which is becoming an eyesore.

Following amendments to the scheme (once the architect had established that the access was not in the ownership of the applicant) to remove the gates from the plans and improve the turning radius into the garage, neighbours were re-notified. Three objections were received:

- Does not remove previous objections
- There are restrictive covenants
- No provision for refuse, and concern that a refuse lorry would try and use the road, resulting in damage and obstruction
- Intensification of use of the road; the license to use the road is restricted to just one car

(Letters and emails dated 11 February to 11 June 2013)

Appraisal:

The main issues to take into account in determining this application are the impact on the character and appearance of the area, the principle of residential use for one dwelling, residential amenity and parking.

The building has been unused in recent years (although squatters have been evicted), and is in poor decorative order inside and out. The fabric of the building appears to be sound, and it forms part of the supporting walls for adjoining gardens. It is considered that the re-use and refurbishment of the building envelope is an acceptable means of bringing the site back into use. The site lies within an Area of High Townscape Value, but due to its location 45m back from the public highway and behind 35 & 37 Silverdale Road, it is all but hidden from public viewpoints. The alterations are largely internal (the rearrangement of internal walls/rooms), with the principle ones being the provision of a basement (with swimming pool) and the "roof-top" garden, which is actually level with the ceiling of the ground floor. From the outside, the existing roof would screen most of the alterations; the provision of a glazed wall across the entrance to the site would be visible, but would have a very minimal impact. Most of the fabric of the building would be retained, i.e. the roof, chimneys, outside walls, the decorative railings to the first floor balcony, the fenestration to the end elevations facing the access. As the alterations are mostly within the courtyard area, there would be no impact on the character and appearance of the Area of High Townscape Value, as much of the historic fabric of the building is to be retained.

The use of the building as one dwelling would potentially have less impact than a garage/parking compound for 12-15 cars and six staff flats, in terms of the impact on the surrounding area. Whilst planning policies requires no net loss of residential units, it is clear that in the circumstances of this particular backland site, principally a long narrow access with no passing facilities and the lack of any opportunity for additional windows on the outside walls, its development for a single user is very much the preferred option.

In terms of residential amenity, it is clear that the use of the premises as six staff flats has resulted in some conflict, by reason of the numbers of people using the site during evening hours (after staff had finished work). Whilst nearby residents have become accustomed in recent years to the site being unused, the previous use could be reinstated. It is considered that its proposed use as a single dwelling would result in no additional impact on residential amenity over and above the authorised use. With regard to overlooking of the patios of Highview Court, this is already possible from the existing balcony that serves as the entrance/walkway to the flats, and will not change. The windows on the end elevation are to be partly obscure glazed to further reduce this (even though they are mostly clear glazed currently). It is also likely that the use of the site by two vehicles (in the integral garage) would have less impact in terms of noise than the potential 12-15 in respect of the authorised use.

Parking on the site is proposed for two cars, which is considered adequate in this location so close to the town centre. Many of the Victorian properties in Silverdale Road have no parking facilities, and this is not a significant problem.

Many of the objectors appear not to have looked at the plans, or have not understood them, as objections to the demolition are unfounded, as is the overlooking from the roof garden and noise from the basement swimming pool. Other issues raised by the objectors are not planning issues, such as covenants, the number of cars using the site and the ownership of the road. There would be no justification to withdraw permitted development rights in respect of solar panels for this backland location. The protection of the walls to the sides of the access can be controlled by condition, and there is adequate space to store refuse within the site.

Human Rights Implications:

It is considered that the impact on residential amenity is within acceptable limits, and would not result in harm over and above the authorised use.

Conclusion:

The proposed development is considered to be acceptable in term of its impact on the character and appearance of the area, residential amenity and parking.

Recommendation:

GRANT subject to conditions

Conditions:

- (1) Commencement within three years
- (2) Approved plan reference numbers
- (3) Hours of operation
- (4) Details of drainage ++
- (5) Details of refuse storage ++
- (6) Details of glazing ++
- (7) Obscure glazing in south elevation
- (8) Protection of boundary walls during construction ++
- (9) No windows/openings in outside walls/roof slopes

Informatives:

- ++ Pre- commencement conditions

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

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COMMITTEE	PLANNING
DATE	9th JULY 2013
SUBJECT	Review of the Local Information Requirements for the Validation of Planning Applications
REPORT OF	Mark Baker – Senior Planner

Ward(s)	ALL
Purpose	To inform and update Members of the implications of the requirements for reviewing the Local Validation List
Contact	Mark Baker mark.baker@eastbourne.gov.uk 01323 415612
Recommendation	[1] Member's are asked to note the current position and work carried out to date. [2] Adopt the draft LVL at Appendix 1 as interim list with immediate effect. [3] Endorse the proposed course of action as set out in paragraph 2.2 of this report. [4] That future revisions of the LVL be delegated to the relevant senior head to update the list in light of legislative and other changes (subject to prior public consultation where required), such delegation to be exercised after consultation with the Chair of Planning

1 Background

- 1.1 Since 6 April 2008 the validity of planning applications received by this authority (except those for mineral development) has been informed by the National and Local Validation Lists (LVL). The LVL sets out what information, over and above the national requirements, is necessary to accompany planning applications.
- 1.2 On the 8th January 2008 this Committee considered a report by the Head of Planning, regarding a draft LVL and resolved that stakeholder consultation take place and be reported back to them. A further report was considered by this Committee on the 4th March 2008, where, having considered the responses received, it resolved to adopt the list subject to some fine tuning, details of which were to be agreed with the Chairman.
- 1.3 It was always the Government's intention that local planning authorities (LPA's) review their local validation lists and following on from this, it issued three consultation papers in response to the Killian Pretty review of 2008 which recommended reforms to the planning system. In particular this report recommended that there should be

a more proportionate approach to information requirements to reduce costs for the applicant and to reduce the amount of time taken by LPA's and statutory consultee's to read unnecessary detail during the determination period.

- 1.4 In *The Plan for Growth* issued alongside the 2011 Budget, the Government Announced a programme of measures to simplify and streamline the arrangements for making and determining planning applications in England. This reflects its wider ambition to make the planning system more efficient and positive in outlook and operation.
- 1.5 An important part of this is making sure that what an applicant must do to seek and obtain planning permission is proportionate. Applicants are obliged to satisfy a wide range of information requirements when they submit their planning applications to the LPA. Some of these requirements are nationally prescribed, but local planning authorities have strong, broad powers to impose their own requirements by means of their LVL.
- 1.6 The key purpose of stipulating what a planning application must comprise is to ensure its validity and so LPA's have up front the information that is essential for a sound, timely and confident decision. It also means that statutory consultee's and other third parties who look at and comment on applications can see what permission is being sought, and what the impacts (both positive and negative) are likely to be.
- 1.7 The Killian Pretty Review recommended that information requirements for all planning applications should be made clearer, simpler and more proportionate, with unnecessary requirements removed. A range of regulatory, policy and guidance changes were then made, but concern about disproportionate information persists.
- 1.8 The key issue is that the right information must be available, at an appropriate time, to support good decision-making. The National Planning Policy Framework [March 2012] guides applicants to discuss information requirements with the LPA and key consultee's early on. The advice goes on to say that LPA's should publish a list of their information requirements for applications, they should be proportionate to the nature and scale of the proposal and reviewed on a frequent basis.
- 1.9 A statutory instrument came into force on 31 January 2013 the effect of which is that for a LVL to carry any weight it must have been published within 2 years before the planning application is made. This applies to applications made on or after 31 June 2013.
- 1.10 Eastbourne Borough Council's [EBC's] LVL was published in March 2008 following stakeholder consultation, but will not carry any weight after 31st June 2013. For this reason it is proposed that the 2008 LVL should be reviewed.

2 The Review Process

- 2.1 Given the Statutory time constraints, officers have undertaken a review of EBC's existing LVL and supporting documents and prepared a draft revised version taking into account:
- changes in Government guidance and planning policy, notably the National Planning Policy Framework;
 - Guidance on Information Requirements and Validation;
 - National policy guidance in the form of The Growth and Infrastructure Act 2013 [GIA];
 - National Planning Policy Framework [NPPF];
 - the saved policies from the EBC local plan;
 - the Eastbourne Core Strategy local Plan and following supplementary planning documents:
 - Eastbourne Park SPD
 - Sovereign Harbour SPD
 - Sustainable Building Design SPD
 - abolition of Regional Policy, namely the South East Plan; and
 - the experience of officers in its use, including anecdotal feedback from applicants, agents and consultee's.

The draft revised LVL is attached at Appendix 1 and Members' are asked to adopt this document as an 'Interim LVL, to be used with immediate effect whilst a formal 8 week consultation is carried out, the details of which follow.

The consultation will include the following organisations and individuals:

- East Sussex Council's councils;
 - statutory consultee's;
 - non-statutory consultee's; and
 - applicants and agents who have submitted a planning application since the 2008 LVL was published.
- 2.2 It is proposed to report the results of the consultation exercise and with any proposed revisions to the LVL to the Planning Committee for endorsement as soon as possible thereafter.

3. Human Resources

- 3.1 There are no financial-resource implications for this monitoring as it can be delivered within the existing staffing establishment.

4. Legal

- 4.1 The 'Memorandum of Understanding' will be reviewed and influenced by officers within the Councils Legal Department in order to ensure that the views of Eastbourne Borough Council, its elected members and or its constituents are not inhibited and or prohibited from engaging in the planning process.

5 Environmental/Community Safety/Human Rights/Anti Poverty

5.1 There are no adverse impacts on these implications as a direct result of this report.

6 Conclusions

6.1 That member's adopt the draft revised LVL attached at Appendix 1 as an 'Interim LVL, to be used with immediate effect and endorse the proposed course of action as set out in paragraph 2.2 of this report.

Mark Baker
Senior Planner

COMMITTEE: PLANNING
DATE: 9 July 2013
SUBJECT: Eastbourne Community Infrastructure Levy (CIL) – Preliminary Draft Charging Schedule
REPORT OF: Senior Head of Development

Ward(s): All

Purpose: To seek Members' views on the report before being considered by Cabinet on 10 July 2013

Contact: Craig Steenhoff, Specialist Advisor (Planning) ,
1 Grove Road, Eastbourne
Tel no: (01323) 415345
E-mail: craig.steenhoff@eastbourne.gov.uk

Recommendations: Members are asked for their views on the attached report which will be reported to Cabinet at their meeting on 10 July 2013

1.0 Introduction

- 1.1 This is a covering report to introduce the Cabinet report attached. The Cabinet Report is self explanatory and includes a discussion under the usual implication headings so will not be repeated here.
- 1.2 The Cabinet Report seeks authority to approve the CIL Preliminary Draft Charging Schedule and give authority to the Senior Head of Development in consultation with the portfolio holder to undertake targeted consultation for a 6 week period.

Craig Steenhoff
Specialist Advisor (Planning)

Background Papers:

The Background Papers used in compiling this report were:

Cabinet Report 10 July 2013

BODY: CABINET
DATE: 10th July 2013
SUBJECT: Eastbourne Community Infrastructure Levy (CIL) – Preliminary Draft Charging Schedule
REPORT OF: Senior Head of Development

Ward(s): All

Purpose: To seek authority from Cabinet Members to undertake targeted consultation on the CIL Preliminary Draft Charging Schedule for a 6 week period.

Decision type: Budget and Policy Framework

Contact: Craig Steenhoff, Specialist Advisor (Planning) , 1 Grove Road, Eastbourne
Tel no: (01323) 415345
E-mail: craig.steenhoff@eastbourne.gov.uk

Recommendation: To approve the CIL Preliminary Draft Charging Schedule and give authority to the Senior Head of Development in consultation with the portfolio holder to undertake targeted consultation for a 6 week period.

1.0 Introduction

1.1 The Community Infrastructure Levy (CIL) allows local authorities in England and Wales (defined as Charging Authorities) to raise funds from developers undertaking new building projects. It effectively replaces much of the existing process of planning obligations commonly known as 'Section 106' agreements. The primary use of CIL is to gain financial contributions from certain types of viable development to help fund new or improved strategic infrastructure required to support the growth identified in a local authority's Core Strategy. CIL places a charge per square metre on development. It will not be the sole funding source for all infrastructure delivered, but will supplement other public sector revenue streams.

1.2 CIL has a number of significant advantages over the current system of Section 106 agreements, including:

- Payment is non-negotiable, which helps speed up the planning process;
- The CIL charge is transparent and predictable, meaning that applicants will know their CIL liability prior to submitting planning application;
- All liable developments will contribute to the cost of infrastructure provision, not just large scale development;
- In the longer term the intention is that a proportion of CIL will be available to spend on local infrastructure priorities;
- From 6 April 2014, CIL will be the main mechanism for securing developer contributions for infrastructure to support growth. Section 106 planning

agreements will be significantly scaled back after this date.

- 1.3 The money raised from CIL will be used to pay for infrastructure to support development, ensuring that new development bears a proportion of the cost of delivering the new infrastructure required. CIL can be spent on any community infrastructure required to support growth, provided the infrastructure is on a Council published Regulation 123 list. The draft Regulation 123 list will be available for comment alongside the Preliminary Draft Charging Schedule (PDCS).

2.0 The Charging Schedule

- 2.1 The Council has prepared a Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule (PDCS). This provides the first step in setting the CIL rates for Eastbourne, and allows stakeholders to comment on the proposed rates, which are supported by evidence on development viability. The PDCS sets out the general explanation of CIL, the background to its preparation and the methodology used to determine the proposed CIL rates.
- 2.2 The PDCS is supported by an evidence base which includes a detailed viability assessment. The viability assessment document examines the levels of CIL that can be achieved across the Borough without affecting the overall viability of development identified in the Eastbourne Core Strategy Local Plan. Only developments that are shown to be viable will be charged CIL.
- 2.3 The PDCS is also supported by a revised Infrastructure Delivery Plan and accompanying Funding Gap Analysis document, to demonstrate that there is a funding deficit between the total cost of required infrastructure and the infrastructure already agreed for delivery and to be financed by the Council, external partners and agencies. The funding gap analysis justifies the position of the Council to move forward with CIL.
- 2.4 Proposed CIL rates have been tested based on the full affordable housing requirements, by market value area and the requirement for Level 4 of the Code for Sustainable Homes. This is a key priority for the Council in conformity with the spatial development strategy identified in the Core Strategy, and ensures that CIL rates are viable overall. A range of typical development types over all use classes have been tested within the viability assessment. The recommended CIL charges are reasonable and have not been set at or near to the maximum level assessed in the viability evidence. The Council consider that the proposed CIL rates will be resistant to market and policy changes, given that they have been set at an appropriate amount that is viable with the current economic climate.

3.0 The proposed CIL charges

- 3.1 The viability assessment has concluded that for residential development, the existing Core Strategy high and low value areas form a strong basis for CIL charging zones, reflecting the disparity in land values and viability levels across the Borough. An assessment of viability on brownfield and greenfield land has also shown a clear distinction in viability levels for residential levels. A charging regime broken down by market value area and brownfield/greenfield land has therefore been proposed and for example has resulted in residential development being zero rated on brownfield land within the Low Value area.

3.2 Only residential and retail (A1-A3 Planning Use Class) developments have been assessed as viable for a CIL charge. Retail viability testing showed a wide range of proposed costs by type, but for ease and in line with planning regulations and recent case law it is proposed to have one standard charge for retail development. No other types of non-residential development will be liable for a CIL payment, and therefore will be zero rated.

3.3 The proposed CIL charging rates are as follows:

Residential Uses	
Brownfield Sites	CIL Rate £/sq. m.
Low Value Area	0
High Value Area	45
Greenfield Sites	CIL Rate £/sq. m.
Low Value Area	45
High Value Area	75
Non-Residential Use	CIL Rate £/sq. m.
Retail (A1-A3)	100
All Other Non-Residential Uses	0

Appendix B provides a map of the CIL charging area and residential charging zone boundaries.

3.4 **Phasing** - The Council consider that if a planning application is large enough to be delivered through appropriate phases, then CIL payments should be linked to these phases to ensure that development remains viable overall. The Council will negotiate relevant phasing on major applications during the determination of the planning application. Set phases and their relevant land use descriptions will need to be confirmed in an accompanying Section 106 agreement and these phasing stages will be linked to CIL liability. Therefore, the CIL charge will be calculated at each phase of the development, and will be liable for payment on commencement of each relevant phase.

4.0 **Resource Implications**

4.1 The Council has an agreed budget for progressing CIL through to adoption, which includes support by planning consultants in the preparation of viability evidence and attendance at the Public Examination.

4.2 Financial

There are no direct financial implications to the Council of this report. The cost of the publication and publicity for the PDCS will be met from within the existing service budget.

4.3 Legal

The PDCS has been prepared in accordance with the CIL Regulations 2010 (as amended) and takes account of recent case law related to the recent examination of CIL Charging Schedules.

4.4 Staff Resources

Officers will manage the publicity and consultation arrangements for the PDCS.

4.5 Equalities and Fairness Impact Assessment

A streamline assessment has been made as the CIL PDCS is a technical planning document. The assessment demonstrates that there are no impacts on equalities and fairness and there are no human right issues.

5.0 Consultation and Next Steps

- 5.1 In line with CIL Regulations, the Council is required to undertake consultation on the PDCS. The Council has recommended a 6 week period as this is a technical consultation that will be targeted to specific stakeholders and infrastructure providers. The consultation period is timetabled for Friday 19 July – 30 August 2013. A consultation response form has been prepared which asks key questions for which we require feedback. Alternatively responses can be received by letter, email or on the Council's on-line consultation portal.
- 5.2 The Council will consider all representations received during this consultation and report back to Cabinet in the Autumn with the final draft version of the Charging Schedule for publication in November/December 2013 when further representations are sought. At this stage the document is submitted to an independent examiner and any representations are forwarded to the examiner for consideration at the Public Examination. It is anticipated that the Public Examination could take place in early 2014.
- 5.3 The Council will continue to formalise its procedures for collecting, spending and monitoring CIL, so that it can be implemented in April 2014. Further information on this protocol will be provided with the Draft Charging Schedule later in the year. The Council is continuing to work closely with Civica on the development of a CIL module which can be bolted on to the current APP/W2 system that this used to process planning applications.

6.0 Conclusion

- 6.1 The PDCS has been prepared based on a comprehensive assessment of development viability across the Borough. The proposed rates are justified by evidence and ensure that they do not compromise the ability for the Council to deliver its spatial development strategy.
- 6.2 Cabinet are requested to endorse The CIL Preliminary Draft Charging Schedule and give authority to undertake targeted consultation for a 6 week period.

Craig Steenhoff
Specialist Advisor (Planning)

Background Papers:

The Background Papers used in compiling this report were as follows:

Community Infrastructure Levy Regulations (2010) [as amended]

National Planning Policy Framework CLG (2012)

Accompanying Reports/Documents:

Eastbourne Community Infrastructure Preliminary Draft Charging Schedule (July 2013)

Eastbourne Infrastructure Delivery Plan (Revised, June 2013)

Eastbourne Infrastructure Funding Gap Analysis (June 2013)

Eastbourne Draft Regulation 123 Infrastructure List (June 2013)

Eastbourne CIL Viability Assessment (June 2013)

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

APPENDIX A

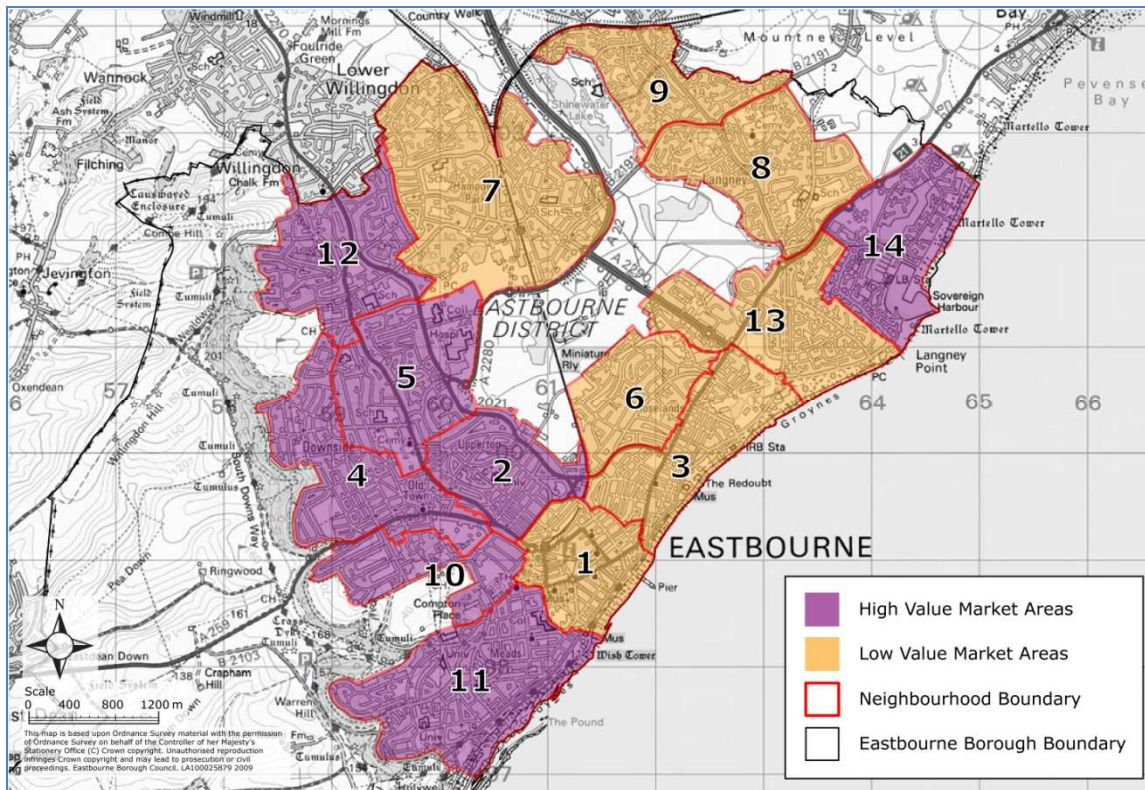
Eastbourne Community Infrastructure Levy – Preliminary Draft Charging Schedule (July 2013)

Attached separately.

APPENDIX B

CIL Charging Area and Residential Charging Zone Boundaries

The CIL Charging Area will be all areas within the 14 neighbourhood boundaries, further divided by High and Low Value Market Areas.



COMMITTEE: PLANNING

DATE: 9 July 2013

SUBJECT: 'Parking at Development in Eastbourne and Local Sustainable Accessibility Improvement Contributions' Supplementary Planning Guidance (SPG)

REPORT OF: Senior Head of Development & Environment

Ward(s): All

Purpose: To seek Members' views on the report before being considered by Cabinet on 10 July 2013

Contact: Matt Hitchen, Specialist Advisor (Planning),
1 Grove Road, Eastbourne
Tel no: (01323) 415253
E-mail: matt.hitchen@eastbourne.gov.uk

Recommendations: Members are asked for their views on the attached report which will be reported to Cabinet at their meeting on 10 July 2013

1.0 Introduction

- 1.1 This is a covering report to introduce the Cabinet report attached. The Cabinet Report is self explanatory and includes a discussion under the usual implication headings so will not be repeated here.
- 1.2 The Cabinet Report recommends the revocation of the 'Parking at Development in Eastbourne and Local Sustainable Accessibility Improvement Contributions' Supplementary Planning Guidance (SPG) at Full Council. Planning Committee Members are asked to consider the attached report and any comments will be considered and reported orally to Cabinet when they meet on 10 July.

Jefferson Collard
Senior Head of Development & Environment

Background Papers:

The Background Papers used in compiling this report were:

- Cabinet Report 10 July 2013
- 'Parking at Development in Eastbourne and Local Sustainable Accessibility Improvement Contributions' Supplementary Planning Guidance (2004)

COMMITTEE	CABINET
DATE	10 July 2013
SUBJECT	'Parking at Development in Eastbourne and Local Sustainable Accessibility Improvement Contributions' Supplementary Planning Guidance (SPG)
REPORT OF	Senior Head of Development

Ward(s)	All
Purpose	For Members to recommend that Full Council revoke the 'Parking at Development in Eastbourne' Supplementary Planning Guidance (SPG) at Full Council.
Contact	Matt Hitchen, Specialist Advisor (Planning), 1 Grove Road, Eastbourne Tel no: (01323) 415253 E-mail: matt.hitchen@eastbourne.gov.uk
Recommendations	That Cabinet recommends the revocation of the 'Parking at Development in Eastbourne and Local Sustainable Accessibility Improvement Contributions' Supplementary Planning Guidance (SPG) at Full Council.

1.0 Introduction

- 1.1 East Sussex County Council as Highway Authority provide advice to Eastbourne Borough Council on highways issues in planning applications, including the provision of parking at new development. This advice was guided by East Sussex County Council's 'Parking Standards at Development' Supplementary Planning Guidance (SPG), which was finalised in February 2002. The County's 'Parking Standards at Development' SPG was adopted by Eastbourne Borough Council in December 2002.
- 1.2 In October 2003, East Sussex County Council also adopted Interim Supplementary Planning Guidance on Local Sustainable Accessibility Improvement Contributions. In January 2004, the 'Parking Standards at Development' SPG was amended to include part of this guidance as an appendix, but only for a temporary period of 12 months.
- 1.3 East Sussex County Council has now developed new guidance on parking standards and formally rescinded the 'Parking Standards at Development' SPG. In addition, the interim guidance on

Development Contributions no longer applies. As the policy in the SPG is no longer being used, there is a need for Eastbourne Borough Council to also revoke the 2004 SPG.

2.0 Parking at Development in Eastbourne

- 2.1 Since 2002, the advice provided by East Sussex County Council as a statutory consultee on highways was based upon guidance within the 'Parking in Development' SPG.
- 2.2 The SPG was based upon Government guidance and policy contained in Planning Policy Guidance Note 13: Transport (PPG13). The SPG specified maximum parking standards for each type of development, which were modified depending on broad location.
- 2.3 In January 2011, the Government decided to remove maximum car parking standards from PPG13, and subsequently deleted PPG13 as a result of the introduction of the National Planning Policy Framework (NPPF). The NPPF allowed Local Authorities to set their own parking standards, taking into account local factors and circumstances.
- 2.4 In light of this and the fact that the SPG was over ten years old, East Sussex County Council have reviewed their car parking policy and produced a new set of standards that were adopted by the County Council in October 2012. The new car parking standards take into account local factors in determining appropriate levels of parking provision, whilst still balancing the need for parking and car use against the need to encourage more sustainable modes of travel.
- 2.5 As the SPG is no longer used by the County Council to provide advice on parking at development, it should also be revoked by Eastbourne Borough Council to avoid confusion.

3.0 Future Advice on Car Parking Standards

- 3.1 East Sussex County Council will continue to provide advice on the provision of car parking within development as a statutory consultee in the planning application process. Their advice will be based on their new guidance that they adopted in October 2012.
- 3.2 As a statutory consultee, the advice provided by East Sussex County Council is still a material planning consideration that can be used in the determination of an application.

4.0 Resource Implications

Legal Implications

- 4.1 When revoking Supplementary Planning Guidance, the Town and Country Planning (Local Planning) (England) Regulations 2012

require the Local Planning Authority to cease to make any documents relating revoked SPG available and take such other steps as it considers necessary to draw the revocation of the documents to the attention of persons living and working in their area. Therefore the SPG will be removed from the website and a statement will be made available on the website and in the Local Monitoring Report that the SPG has been revoked.

Financial Implications

4.2 None

Human Resource Implications

4.3 None

5.0 Conclusion

5.1 East Sussex County Council has produced new guidance on parking at development to replace their out of date SPG, which was adopted in 2002. The new guidance conforms with the latest policy and guidance on parking, and is based on local considerations such as accessibility, the type, mix and use of development, and local car ownership levels.

5.2 The old guidance is still adopted policy for Eastbourne Borough Council. However, East Sussex County Council will no longer use the SPG to provide advice on planning applications. East Sussex County Council will continue to provide advice on the requirement for parking in development as a statutory consultee in the planning application process based on their new guidance.

5.3 It is recommended that the 'Parking at Development in Eastbourne and Local Sustainable Accessibility Improvement Contributions' Supplementary Planning Document (2004) be revoked to avoid confusions as it is no longer used in the determination of planning applications.

Background Papers:

- 'Parking at Development in Eastbourne and Local Sustainable Accessibility Improvement Contributions' Supplementary Planning Guidance (2004)

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