



Planning

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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 7 January 2014 - To follow.**
- 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 items of business.**

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.

5 Right to address the meeting/order of business.

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of planning applications/items listed and that these applications/items are taken at the commencement of the meeting.

6 17 Rectory Close. Application ID: 130966 (HHH). (Pages 1 - 6)

7 19 Sydney Road. Application ID: 131058 (HHH). (Pages 7 - 10)

8 39 Silverdale Road. Application ID: 130928 (PPP). (Pages 11 - 14)

9 Eastbourne Community Infrastructure Levy (CIL) - Draft Charging Schedule. (Pages 15 - 42)

Report of Senior Head of Development.

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.

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 e-mail. For further details on the rules about speaking at meetings please contact Local Democracy.

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.

Further Information

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

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enquiries@eastbourne.gov.uk

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Committee Report 04 February 2014

App.No: 130966 (HHH)	Decision Due Date: 21 January 2014	Ward: Old Town
Officer: Katherine Gardner	Site visit date: 3 January 2014	Type: Householder
Site Notice(s) Expiry date: N/A		
Neighbour Con Expiry: 31 January 2014		
Weekly list Expiry: 31 January 2014		
Press Notice(s): N/A		
Over 8/13 week reason:		
Location: 17 Rectory Close, Eastbourne, BN20 8AQ.		
Proposal: Proposed extensions at rear and side, together with new garage and internal alterations.		
Applicant: Mr C Bassett		
Recommendation: Grant planning permission.		

Relevant Planning Policies

National Planning Policy Framework 2012

7. Requiring good design.

Eastbourne Core Strategy Local Plan 2013

B1 Spatial Development Strategy and Distribution
 B2 Creating Sustainable Neighbourhoods
 C10 Summerdown & Saffrons Neighbourhood Policy
 D10A Design

Eastbourne Borough Plan Saved Policies 2007

HO2 Predominantly Residential Areas
 UHT1: Design of New Development
 HO20: Residential Amenity

Site Description:

The application site is a large detached property in the Summerdown and Saffrons Neighbourhood. It occupies a corner plot within Rectory Close with properties in Summerdown Road and Eastbourne College Memorial Ground to the rear. It is a Tudor-style property like the majority within the close which were all built as part of an estate development.

Relevant Planning History:

130752

Single and two storey extensions with balcony at side and rear, together with additional garage at side.

Withdrawn

19/11/2013

Proposed development:

There are a number of elements to this proposal. Firstly, the applicant proposes to erect a two storey extension to the Side (South West) elevation. The extension is 6m deep from the South West elevation, 7.5m in width and does not exceed the height of the existing roof. The roof is hipped on the South West side. There are no new windows/doors proposed on the South West facing part of the extension, however there is the relocation of existing doors and windows on the ground floor and there is to be one extra window installed on the first floor to serve the ensuite of bedroom 1, which is obscured glazed. The existing first floor bathroom window and ground floor utility room window and door are to be removed.

The first and second floors on the resulting South East elevation (facing Eastbourne College Memorial Ground) are to be fully glazed and there is a first floor balcony which has obscured panels surrounding it.

There is also an obscured bay window at first floor on the North West elevation (facing 15 Rectory Close), with a gabled roof, serving bedroom 5 and a ground floor window serving the kitchen.

Secondly, the installation of a single storey orangery on the rear (South East) elevation with a roof lantern. This is 6.88m wide with a depth of 3.78m and total height (including roof lantern) of 3.33m, but 2.72m to the flat roof. The rear of the Orangery has full length bi-folding doors and both the side elevations are also fully glazed. This extension does not extend beyond the existing North East elevation.

These 2 extensions are to be constructed in white render with matching roof tiles where appropriate. The windows and doors throughout the property are to be replaced with grey powder coated aluminium frames.

Thirdly, the installation of a second garage to the North West elevation. This is to be constructed in brick with tiles to match the existing dwellinghouse. It is to

span 7.29m in depth, 3.3m in width with a maximum height of 5m but 2.21m to the eaves, with a part hipped roof. The garage is attached to the side elevation but is not integral. There is door access at the side to the covered porch (see below) and access at the rear.

Further alterations to the rear include a juliette balcony above the orangery and an additional window serving first floor bedroom 2 and it's ensuite. The ground floor rear windows currently serving the kitchen are to be replaced by glazed french windows with access to the garden.

Further alterations to the front include the installation of a full height window at ground and first floor level to serve the landing and the hall and repositioning of the existing first floor window which serves the landing. The front entrance is to be replaced by this full height window and access repositioned to where the existing hall window lies. Also there is to be a glazed and tiled roof installed on the front elevation to act as a porch area with covered access to the garage extension.

Consultations:

Internal:

None.

External:

None

Neighbour Representations:

Objections to the proposals have been received from the following properties;

6 Rectory Close

11 Rectory Close

15 Rectory Close

19 Rectory Close

21 Rectory Close

23 Rectory Close

25 Rectory Close

65a Summerdown Close

Raising the following objections;

Overlooking/privacy impacts

Design of the proposed works

Proposed style and materials are out of keeping

Impacts on privacy from balcony

Objections raised on, loss of view, impact on sewer and impacts during the construction period, are not considered to be planning considerations.

Appraisal:

The main area for consideration is the impact of the side extension on the residents of number 15 Rectory Close and those behind the application site in Summerdown Road.

The main issues to consider for 15 Rectory Close are loss of privacy and overshadowing. The applicant has alleviated privacy issues by obscure glazing the first floor bay window which is addition to the previous application; this can be controlled by condition. The garden of number 15 is a smaller plot than that available at number 17 and is overlooked by the properties in Summerdown Road. The extension is situated 8m from the existing North West elevation and therefore is a sufficient distance from the boundary of number 15 to make loss of light minimal. It is regrettable that the outlook from the garden of number 15 is minimised, however this is not sufficient in itself to prompt refusal.

The extension causes the distance between the site and 65a Summerdown Road to be reduced. 65a Summerdown Road is situated on higher ground than 17 Rectory Close and the hipped style roof lessens the impact on this property. The location of 65a Summerdown Road on the corner of the service road to Eastbourne College and looking out over the grounds means that overshadowing is minimal by the addition of this extension and the room most effected by the addition is not a habital room (kitchen). Privacy is not negatively effected despite the installation of the balcony as this is not considered to have a more negative impact than the first floor window that was existing on the South West elevation.

The installation of the garage and the orangery do not cause any concern in relation to residential amenity as although the sides are glazed they are single storey and there is little difference to privacy as if someone was sitting in the garden. The modest size of these extensions means that overshadowing is not a concern either. They are constructed in materials sympathetic to the building itself and the surrounding properties.

The porch to the front elevation is considered to have a neutral effect on residential amenity and, although modern and at the front in a period style area, it is a subtle addition and not believed to have a significantly negative effect on the style of the Close.

The proposed materials, to include white rendered new walls and rendering of the existing building at first floor level, replacement of windows with aluminium framed windows, concrete interlocking roof tiles and the level of glazing to the rear elevation is considered acceptable and will not detract from the appearance of the house building or the terrace to warrant a refusal of the application on design grounds.

The development does not contravene any of the visions for the Summerdown and Saffrons Neighbourhood Policy.

Human Rights Implications:

Consultation with the community has been undertaken as part of the application process and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues.

Conclusion:

The elements of this proposal are deemed acceptable because the size of the plot means the site is able to accommodate the extensions without overcrowding the location, or having a detrimental impact on the amenity of surrounding residential properties.

The extensions are situated far enough from the boundary of neighbouring properties that residential amenity is maintained through design. Overshadowing is not significantly and there are no issues surrounding loss of privacy or increased ability to overlook.

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

Recommendation: grant planning permission subject to conditions.

- (1) Time for commencement.
- (2) In accordance with approved drawings.
- (3) Materials to be as stated.
- (4) Obscure glazing to be installed and maintained to first floor window on northwestern elevation of extension and windows to be fixed shut.

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

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Committee Report 04 February 2014

App.No: 131058 (HHH)	Decision Due Date: 11 February 2014	Ward: Devonshire
Officer: Katherine Gardner	Site visit date: 19 December 2013	Type: Householder
Site Notice(s) Expiry date: 8 January 2014		
Neighbour Con Expiry: 8 January 2014		
Weekly list Expiry: 8 January 2014		
Press Notice(s): N/A		
Over 8/13 week reason: Bought to Planning Committee within time.		
Location: 19 Sydney Road, Eastbourne		
Proposal: Retrospective application for the installation of decking and guardrails to flat roof at rear, with removal of bedroom window, to be replaced with access door to decking.		
Applicant: Rebecca Smith		
Recommendation: Refuse planning permission.		

Planning Status:

Retrospective Application - application submitted as applicant is currently trying to sell the property.

Sent to Delegated on 15 January 2014 and escalated to committee with recommendation for refusal.

Relevant Planning Policies

National Planning Policy Framework 2012

7. Requiring good design.

Eastbourne Core Strategy Local Plan 2013

B1 Spatial Development Strategy and Distribution

B2 Creating Sustainable Neighbourhoods

C3 Seaside Neighbourhood Policy

D10A Design

Eastbourne Borough Plan Saved Policies 2007

HO2 Predominantly Residential Areas

UHT1: Design of New Development

HO20: Residential Amenity

Site Description:

The application site is a mid-terrace property in the Seaside Neighbourhood area. The property backs on to properties in Longstone Road. Planning permission was granted in 2010 for the erection of a single storey rear extension, decking and guard rails were added to the flat roof of the extension to create a terrace area; and a door installed in place of a window at first floor level to allow access to the terrace. The applicant has stated that the works were carried out in October 2010. There are other properties in the immediately surrounding area which have carried out similar works, for which there is no record of planning permission having been granted.

Relevant Planning History:

EB/2010/0751

Single storey rear extension.

APPROVED CONDITIONALLY

2011-01-14

Proposed development:

The applicant seeks retrospective planning permission for the installation of the decking, guard rails and the replacement of the door with the window.

Consultations:

Internal:

None.

External:

Environment Agency – no comments.

County Archaeologist – no comments.

Neighbour Representations:

None received.

Appraisal:

This development causes concern in terms of overlooking and loss of privacy to the surrounding properties of Sydney Road and Longstone Road. The decking allows a wider angle view to the adjoining terraced properties; causes issues of overlooking and a sense of overlooking to surrounding properties in what is a relatively confined area as the two roads of terraced houses are back to back.

Therefore the negative effect on residential amenity has been identified but it is necessary to assess whether this impact is sufficient to warrant a refusal of the application.

Those opposite in Longstone Road are less affected as there was already a view from the bedroom to these properties regardless of the installation of decking; although it is considered the terrace increases the sense of overlooking here.

There is however concern over the use of the decking as an area for leisure activity. This suggests a possible increase in activity and noise from the rear of terrace. The work for this retrospective application was completed in October 2010 and there have been no complaints and no responses received to the neighbour consultation for this application.

There are two similar structures opposite the rear of 19 Sydney Road, in Longstone Road, for which there is no record of planning permission or enforcement complaints but which have also been in situ for a number of years.

In planning terms the use of the flat roof in this manner does not in itself require planning permission, but the works the installation of the decking and guardrails facilitating the use of the terrace do require consent.

The site is a terrace within the busy Seaside Neighbourhood which is centrally located within the Town. There is a lack of uniformity to the terraces which means the design of the development is not unacceptable.

However, the negative effects on residential amenity is considered sufficient enough to recommend refusal of this application. Had this application been submitted prior to the works being carried out it is felt that it would be unlikely to be approved.

Human Rights Implications:

Consultation with the community has been undertaken as part of the application process and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues.

Conclusion:

This development is deemed unacceptable as residential amenity is negatively affected through increased overlooking, loss of privacy and anticipated increased noise from the use of the decking as an amenity area. These issues are of significant enough concern to promote refusal.

Recommendation: Refuse planning permission for the following reason;

The development consisting of the installation of decking and guard rails to the flat roof facilitating the use of the flat roof as a terrace increases overlooking and a sense of overlooking, resulting in a loss of privacy to surrounding residential properties, contrary to saved policy HO20 of the Borough Plan 2007 and policy B2 of the Core Strategy Local Plan 2013.

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

Committee Report 4 February 2014

App.No: 130928 (PPP)	Decision Due Date: 15 January 2014	Ward: Meads
Officer: Jane Sabin	Site visit date: 7 January 2014	Type: Planning Permission
Site Notice(s) Expiry date: N/A		
Neighbour Con Expiry: 19 December 2013		
Weekly list Expiry: 23 December 2013		
Press Notice(s): N/A		
Over 8/13 week reason: Request to speak at Committee		
Location: 39 Silverdale Road, Eastbourne		
Proposal: Retrospective application under section 73a for the provision of a raised platform with fencing in rear garden.		
Applicant: Miss D Plato		
Recommendation: Approve conditionally		

Planning Status:

Area of High Townscape Value
Predominantly residential area

Relevant Planning Policies:

National Planning Policy Framework 2012

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development

UHT4: Visual Amenity

UHT16: Protection of Areas of High Townscape Value

HO20: Residential amenity

Eastbourne Core Strategy Local Plan 2013

B2: Creating Sustainable Neighbourhoods

D10: Historic Environment

D10A: Design

Site Description:

This large, detached, period property is located on the south side of Silverdale Road, close to and opposite the junction with Grange Road; it occupies an elevated site on ground which slopes significantly at the rear (towards St Johns Road). The building is divided into three large flats. The current application relates to the ground floor flat, which has the sole benefit of the large sloping rear garden, 24m wide and 45m deep, which has been terraced into three levels historically.

Relevant Planning History:

EB/2012/0585 Conversion of potting shed into study
Approved conditionally 11 October 2012

Proposed development:

Permission is sought (partially retrospectively, as construction ceased when the council advised that planning permission was necessary) to create an enclosed flat play area on the middle level of the east side of the garden. The area measures 7.5m wide and 9m deep, constructed within retaining walls to the front and sides, which will be rendered on the sides, and faced with greensand stones removed from the original retaining wall (annotated as "rubble" on the submitted plan) on the front elevation facing the flats. The highest part of the retaining wall is at the front and measures 600mm in height, reducing to ground level at the rear. Above the retaining walls to the front and one side, fencing is proposed with decorative trellising on the top; to the front this would measure 1.8m in height, whilst the west side would be 1m. The east side (closest to the boundary with the rear wall of Silverdale Garages) would be a plain rendered wall 1.2m high, which would return along the rear, effectively acting as a retaining wall for the top level of the garden. The surface of the play area would be finished with artificial grass.

The play area is required to create an all-weather safe environment for a child living at the property, whose mother is disabled and cannot take her son to public areas, such as the beach or park. The play area will be used by the family and visiting friends; there are no proposals to build any structure on it.

Consultations:

Internal:

The Conservation Officer considers that as the works are not visible from the public realm, there are no conservation issues.

Neighbour Representations:

Four objections have been received and cover the following points:

- The plans are not clear and are not to scale; the play area is much bigger than shown on the plans; the plans are full of inaccuracies in scale and detail, with the print unreasonably small
- The application description and the planning statement describe two totally different proposals, which must make the application invalid
- There is another adult living at the address who could take the child to public amenity areas
- It will encourage more children to the property, resulting in an increase in noise all year round, and not just the summer months; the area is a quiet residential one; the size and expense of the proposal obviously means that it is intended to be used by more than just family and a few friends; the noise from the existing garden is already so loud that windows have to be kept shut

- It might be used as a play school or play scheme
- The plans show the play area being screened by shrubs and trees, but this is only from ground level and during the summer months – the flats on the upper floors will have their view of a peaceful garden spoiled by the unsightly grey blocks and astro-turf finish
- The lease states that there should be no buildings erected

One further representation has been received stating that the existing proposal presents no problems, but expressing reservations if the site were to be developed into a nursery in the future.

Appraisal:

The main issues to take into account in determining this application are the impact of the proposal on the character and appearance of the area, and the impact on the amenities of nearby residents.

Character and appearance of the Area of High Townscape Value

As stated by the Conservation Officer, there is no public view of the proposal, and therefore no impact on the character and appearance of the Area of High Townscape Value.

Residential amenity

The development would be 20m from the rear of the building and the upper floor flats. It is considered that the completed development (i.e. with a green surface, render and fences) would not look out of place within a garden setting, and only occupies a relatively small part of the larger garden area. The garden is terraced on three levels, with a degree of hard surfacing and structures, including paths, patios, sheds and a large, red brick (possibly Edwardian) gazebo. The play area takes up a relatively small part of the garden, and the materials proposed are commensurate with a garden environment; I am also mindful that this particular part of the garden was previously laid to concrete crazy paving. It is therefore concluded that the development would not have an adverse impact on the outlook towards the garden from the upper floor flats. The concrete blocks are inappropriate, however, and therefore a condition should be imposed requiring the walls to be rendered before the play area is first brought into use. In terms of noise, it is not considered that the provision of the play area would necessarily increase noise in a domestic garden; most families will invite friends to visit, and it is natural that children will wish to play in a garden, whether there is an all-weather pitch or not. In this respect, it is considered that the objections to noise generated by children are not supportable in this domestic situation.

Other matters

There is no reason to doubt that the plans are accurate. The terms of the lease is not a matter within the remit of planning legislation, and is a private matter between the interested parties. The use of the flat as a nursery would require a specific grant of consent, and therefore cannot be taken into account in determining the current application.

Human Rights Implications:

The impact of the proposal on the amenities of nearby residents is considered to be within acceptable limits in the context of a domestic property.

Conclusion:

The proposed development would not have any harmful effects on the character and appearance of the area or on the amenities of nearby residents, and it therefore complies with the relevant saved policies of the Eastbourne Borough Plan 2007, the Eastbourne Core Strategy Local Plan 2013 and the National Planning Policy Framework.

Recommendation: Approve conditionally

Conditions:

1. Time limit
2. In accordance with drawings
3. That the walls surrounding the platform/play area shall be rendered before the development is first brought into use, and permanently retained as such thereafter.

Agenda Item 9

COMMITTEE: PLANNING
DATE: 4th February 2014
SUBJECT: Eastbourne Community Infrastructure Levy (CIL) – Draft Charging Schedule
REPORT OF: Senior Head of Development

Ward(s): All
Purpose: To seek authority from Planning Committee to publish the CIL Draft Charging Schedule for a 6 week representation period before the document is then submitted for Public Examination.

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

Recommendations:

1. That Planning Committee approve the CIL Draft Charging Schedule for representations to be made over a 6 week period.
2. To delegate authority to the Senior Head of Development in consultation with the Lead Cabinet Member to make minor amendments before the commencement of the 6 week representation period.

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 that the CIL Draft Charging Schedule is published for a 6 week representation period between 14 February and 28 March 2014. 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 5 February.

Background Papers:

The Background Papers used in compiling this report were:

- Cabinet Report – 5 February 2014
- Community Infrastructure Levy Regulations (2010) [as amended]
- National Planning Policy Framework CLG (2012)
- Eastbourne Community Infrastructure Draft Charging Schedule (February 2014)
- Eastbourne Infrastructure Delivery Plan (Revised, February 2014)
- Eastbourne Infrastructure Funding Gap Analysis (Revised, February 2014)
- Eastbourne Draft Regulation 123 Infrastructure List (Revised, February 2014)
- Eastbourne CIL Viability Assessment (October 2013)
- Eastbourne CIL Consultation and Cooperation Statement (February 2014)

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

BODY: CABINET

DATE: 5th February 2014

SUBJECT: Eastbourne Community Infrastructure Levy (CIL) –Draft Charging Schedule

REPORT OF: Senior Head of Development

Ward(s): All

Purpose: To seek authority from Cabinet Members to publish the CIL Draft Charging Schedule for a 6 week representation period before the document is then submitted for Public Examination.

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:

1. That Cabinet approve the CIL Draft Charging Schedule for representations to be made over a 6 week period.
2. To delegate authority to the Senior Head of Development in consultation with the Lead Cabinet Member to make minor amendments before the commencement of the 6 week representation period.
3. To delegate to the Senior Head of Development in consultation with the Lead Cabinet Member and the Local Planning Steering Group to make any necessary adjustments to the CIL Charging Schedule following the completion of the consultation before submission to the government inspectorate for the public examination.

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 April 2015¹, 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. However, they will still be used for site specific contributions such as affordable housing.

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 Council's proposed Regulation 123 (Appendix C) infrastructure list has been published alongside the Draft Charging Schedule (DCS).

2.0 The Charging Schedule

- 2.1 The Council has prepared a Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) which will be published for representations to be made by the local community and key stakeholders. The Charging Schedule has been revised following changes made to the proposed charges after consultation on the Preliminary Draft Schedule. A summary of the representations received and changes made are outlined in the Consultation and Cooperation Statement which is a background paper to this report. The revised charges are supported by further evidence on development viability. The DCS 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 DCS is supported by an evidence base which includes a detailed and refreshed 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 adopted Eastbourne Core Strategy and Town Centre Local Plans. Only developments that are shown to be viable will be charged CIL.
- 2.3 The DCS is also supported by a revised and up-to-date Infrastructure Delivery Plan and accompanying Funding Gap and Section 106 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 a CIL charging regime.
- 2.4 Proposed CIL rates have been tested based on the full affordable housing requirements, by market value area and the requirement for Level 3/4 of the Code for Sustainable Homes. This is a key priority for the Council, conforming with the spatial development strategy as identified in the Core Strategy Local Plan, and ensuring that CIL rates are viable overall. A range of typical development types over all use classes have been tested within the viability assessment. The

¹ To be confirmed in revised CIL Legislation, to be published soon.

recommended CIL charges are reasonable and have not been set at or near to the maximum level assessed in the viability evidence. The Council considers that the proposed CIL rates will be resistant to market and policy changes, given that they have been set at an appropriate level that is viable within the current economic climate and are resilient to short term changes. They will be reviewed as circumstances dictate.

3.0 **The proposed CIL charges**

3.1 The CIL legislation does not allow for a differentiation between brownfield and greenfield land viability. Only one rate can be set for both types. Brownfield development forms a significant proportion of the Council’s spatial development strategy and therefore acts as the primary guide to setting residential CIL rates. The revised charge takes account of further viability testing to fully consider site specific abnormal costs and the reduced viability of apartment development. The revised charge ensures that the overall CIL rate for residential development is fair and robust across the whole Borough. It is not considered that the variations in residential sub-markets across the Borough are significant enough to justify a differential zone approach and as such a single rate is proposed.

3.2 Only residential and retail (A1-A5 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 across all of the A1-A5 retail Planning Use Classes. No other types of development will be liable for a CIL payment, and therefore will be zero rated.

3.3 The proposed CIL charging rates are as follows:

Type of Development (Planning Use Class)	CIL rate/sq. m for net additional floorspace
Residential (C3) *	50
Retail (A1-A5) #	80
All other uses	0

* Where there is a net gain in dwellings

Where the development is 100 sq. m. or greater.

Appendix B provides a map of the CIL charging area, which includes all areas of the local authority outside of the designated South Downs National Park.

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.

3.5 **Exemptions** - The Council is not proposing to introduce an exemptions policy or offer exceptional circumstances relief at this stage as the proposed charges are considered to be robust and will not affect the overall viability of liable schemes

across the Borough. The Council can consider whether to offer or withdraw exceptional circumstances relief separate to the publication of the Charging Schedule so may chose to at a later date if appropriate.

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. The Council is also in the process of working with Civica to fully develop CIL planning software for the Council so that on adoption the Council can collect, administer and allocate CIL payments towards infrastructure projects.

4.2 Financial

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

4.3 Legal

The DCS 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 DCS.

4.5 Equalities and Fairness Impact Assessment

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

5.0 Representations Stage and Next Steps

5.1 In line with CIL Regulations, the Council is required to publish the DCS and invite representations to be made for at least a 4 week period. The Council has recommended a 6 week period as this is a technical planning document that will be targeted to specific stakeholders and infrastructure providers. The representation period is timetabled for Friday 14 February – 28 March 2014. A representation response form has been prepared which asks key questions relating to soundness and procedural matters. Alternatively representations can be received by letter, email or on the Council's new on-line consultation portal at www.planningpolicyconsult@eastbourne.gov.uk.

5.2 Once representations have been received, the Council can make a decision whether to:
i) submit the Charging Schedule; or
ii) propose modifications and invite representations for a further 4 week period.

The results of the consultation will be discussed with the Local Plan Steering Group,

chaired by the Cabinet portfolio holder, and agree, if necessary, any adjustments, including the need for any further consultation, to the Charging Schedule as a result of the consultation. The Charging Schedule is then submitted to an independent examiner and any representations received are forwarded for consideration at the Public Examination. It is anticipated that the Public Examination could take place as early as May/June 2014.

- 5.3 The Council will continue to formalise its procedures for collecting, spending and monitoring CIL, so that it can be implemented by Summer 2014. The Council is continuing to work closely with Civica on the development of a CIL module which can be added to the current APP/W2 system that is used to process planning applications.
- 5.4 The Charging Schedule will be presented to Planning Committee on 4 February and comments will be reported verbally to Cabinet.

6.0 Conclusion

- 6.1 The DCS 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 Draft Charging Schedule and give authority to publish the document for representations to be made over a 6 week period. Delegated authority is also requested for the Senior Head of Development in consultation with the Lead Cabinet Member to make minor amendments to the document before commencement of the 6 week representation 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 Draft Charging Schedule (February 2014)

Eastbourne Infrastructure Delivery Plan (Revised, February 2014)

Eastbourne Infrastructure Funding Gap Analysis (Revised, February 2014)

Eastbourne Draft Regulation 123 Infrastructure List (Revised, February 2014)

Eastbourne CIL Viability Assessment (October 2013)

Eastbourne CIL Consultation and Cooperation Statement (February 2014)

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

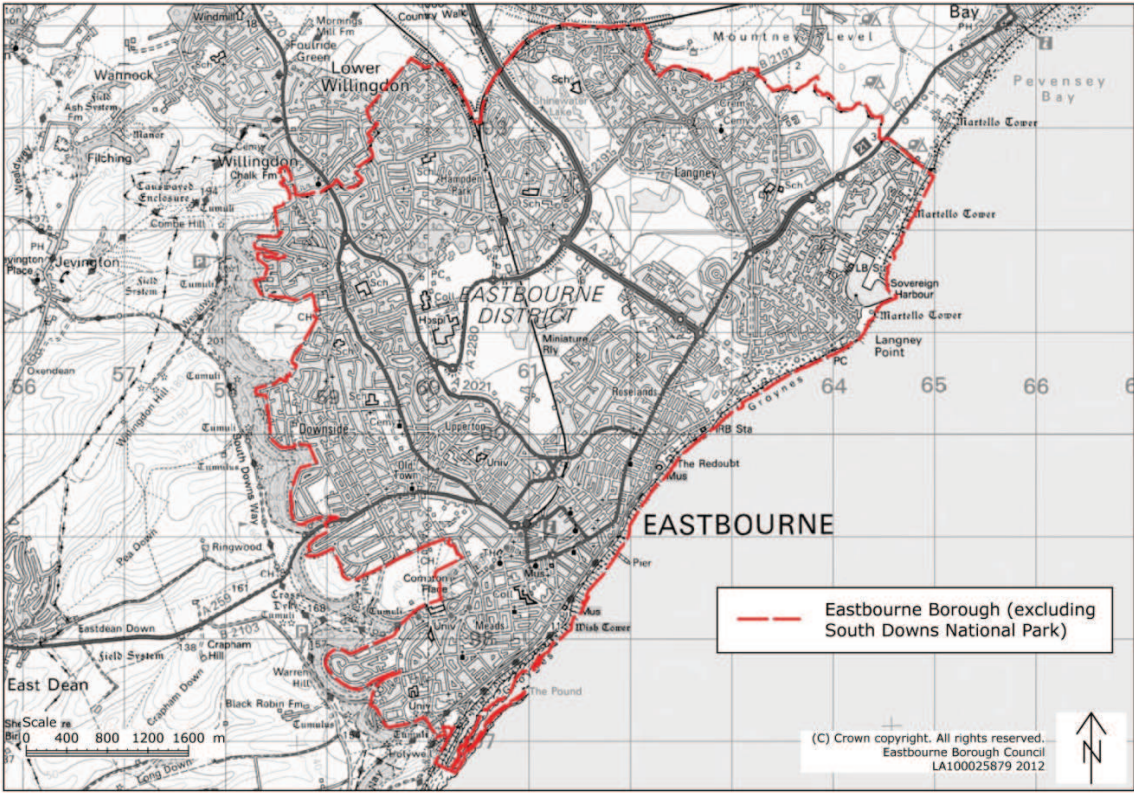
APPENDIX A**Eastbourne Community Infrastructure Levy – Draft Charging Schedule (February 2014)**

Attached separately.

APPENDIX B

CIL Charging Area

The CIL Charging Area will be all areas within the local authority boundary excluding the South Downs National Park, as identified below



APPENDIX C

Regulation 123 Infrastructure List

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Eastbourne Local Development Document

COMMUNITY INFRASTRUCTURE LEVY Draft Charging Schedule

**Representation Period:
Friday 14 February to 28 March 2014**

Specialist Advisory Team
Customer First
Eastbourne Borough Council
1 Grove Road
Eastbourne
East Sussex
BN21 4TW

Tel no: (01323) 410000
Fax: (01323) 641842
Text Relay: 18001 01323 410000

E-Mail: planning.policy@eastbourne.gov.uk

Price: £20

Available to view and download for free at:
www.eastbourne.gov.uk/cil

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7. Next Steps

Appendices

Appendix A Calculating the Chargeable Amount
Appendix B Consultation Response Form

1. Introduction

- 1.1 Eastbourne Borough Council (The Council) has prepared a Community Infrastructure Levy (CIL) Draft Charging Schedule for representations to be made between Friday 14 February and 28 March 2014. This version of the Charging Schedule will be submitted for independent Public Examination and will be examined alongside any representations received.
- 1.2 Changes have been made to the Charging Schedule to take account of representations made during the previous consultation stage¹ and the resulting need for additional viability evidence and testing. In summary this has resulted in revised charges which are robust, based upon detailed viability evidence. These charges will not compromise the Council's ability to deliver its spatial development strategy.
- 1.3 This document sets out the general explanation of CIL, the background to its preparation and the methodology used to determine the proposed CIL rates.
- 1.4 The Charging Schedule 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.
- 1.5 The Charging Schedule is also supported by a revised Infrastructure Delivery Plan and accompanying Funding Gap and Section 106 Analysis document, to demonstrate that there is a funding deficit between the total cost of required infrastructure and the infrastructure delivered or financed by the Council or external partners and agencies. This analysis justifies the position of the Council to move forward with a CIL charging regime.
- 1.6 This document has been prepared in accordance with the CIL Regulations 2010 (as amended) and statutory guidance. These background documents are also available as part of this consultation and the following link is provided to the Communities and Local Governments Website:
<https://www.gov.uk/government/policies/giving-communities-more-power-in-planning-local-development/supporting-pages/community-infrastructure-levy>
- 1.7 This document has been shaped internally with continued engagement with infrastructure providers, stakeholders and Members, and was presented at the Council's Cabinet on 5 February to seek authority to submit the Charging Schedule for representations to be made.
- 1.8 Part of the South Downs National Park (SDNP) is located within the western part of the Borough. As the SDNP Authority manages growth and development within the SDNP, it will introduce its own CIL in due course to cover development within its area. Areas within Eastbourne Borough, that are designated within the SDNP boundary will therefore not be included in this Charging Schedule.

¹ The CIL Preliminary Draft Charging schedule underwent public consultation from 19 July – 30 August 2013 and a summary of representations can be found in the accompanying CIL Consultation and Cooperation Statement.

2. An Explanation of CIL

- 2.1 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. For example strategic and local transport infrastructure would include the provision of cycle lanes. CIL places a charge per square metre on development. It will not be the sole funding source for all infrastructure delivered, but will supplement public sector revenue streams.
- 2.2 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 a planning application;
 - All liable developments will contribute to the cost of infrastructure provision, not just large scale development;
 - A proportion of CIL will be made available to allow local priorities to be delivered;
 - From April 2015², 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.
- 2.3 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 the Council's published Regulation 123 list. The draft proposed Regulation 123 list is submitted alongside the Charging Schedule.

Development that is Liable for CIL

- 2.4 CIL legislation states that all new residential units, and the erection of or extensions to other buildings (over 100 sq. m. net additional gross internal floorspace in size) are liable to pay CIL. All net additional dwellings (self contained houses or flats) are liable regardless of their size. The floorspace of any buildings that are demolished as part of development proposals will be off-set against the new overall floorspace liability. In some instances CIL will apply to the floorspace allowed under permitted development as well as development for which a planning application is required.
- 2.5 CIL is not charged on changes of use or internal alterations where there is no net gain in floorspace, provided that the building has been in continuous use for at least 6 months of the 12 months preceding planning permission being granted. Development proposals that already have a planning permission when the CIL charging schedule comes into force are not liable for CIL. This includes any subsequent Reserved Matters applications following outline planning permission. However, if development proposals with planning permission are not commenced within a conditioned time limit, any subsequent renewal or amendment applications

² To be confirmed in revised CIL Legislation, to be published soon.

will be liable to CIL if by that time a CIL Charging Schedule has been adopted by the Council.

Exemptions and Relief from CIL

- 2.6 The CIL Regulations set out the exemptions for paying CIL and stipulates that the following types of development will not be liable for CIL:
- Development of less than 100 sq. m. net additional gross internal floorspace, unless it results in the creation of net additional dwelling(s);
 - Full relief is applied on all those parts of chargeable development that are to be used as social/affordable housing;
 - A registered charity landowner will receive full relief from their portion of the liability where the chargeable development will be used wholly or mainly for charitable purposes;
 - The conversion of or works to a building in lawful use that affects only the interior of the building;
 - Development of buildings and structures into which people do not normally go into or enter under limited circumstances (for example an electricity sub-station or wind turbine);
 - Development granted planning permission before the date that CIL is formally adopted and built out before the expiry of the planning consent;
 - When the resulting CIL is calculated as £50 or less, then a CIL payment will not be charged by the Council.

2.7 The Council has chosen to not apply an exceptional circumstances policy as it is felt that the viability charges are fair and reasonable based upon the viability of all proposed schemes across the Borough.

2.8 Any development which the Council has identified as 'zero rated' within its CIL charging rates, at this moment in time is considered to be financially unviable. This takes account of evidence prepared at this moment in time, and will be subject to review in future years. Any changes to CIL rates by development type will be subject to a full review and publication/examination of a fully revised CIL Charging Schedule.

When is CIL Payable?

2.9 Detailed guidance on the process of paying CIL will be issued by the Council in due course as the CIL charging schedule nears adoption. For the purposes of this document a general and brief outline is provided as follows.

2.10 Payment of CIL is due from the date of commencement of the liable development. The default position is that the whole amount must be paid within 60 days of commencement, unless the development falls under the criteria for the Council's phasing policy (Policy CCS2), under which payment can be made in installments.

2.11 CIL operates on the exchange of formal notices:

- The person(s) who pay CIL provide the Council with an **Assumption of Liability Notice**, required with the planning application;
- A **Liability Notice** is issued by the Council along with the planning permission decision, stating how much CIL is payable. The responsibility to pay the levy lies with the local landowner and is a local land charge;

- Before the development starts the developer provides the Council with a **Commencement Notice**, giving the start date;
- The Council will then issue a **Demand Notice** (the bill) to ensure that payment is received within 60 days of commencement.

Calculating the Chargeable Amount

2.12 In order to calculate CIL payments due it is necessary for the following details to be supplied with the planning application:

- The gross internal area of all buildings and their uses on the site prior to development (if any);
- The gross internal area of buildings to be demolished and their uses (if any); and
- The proposed gross internal area of all buildings and their uses on the site once the development has been completed.

2.13 The Council will calculate the amount of CIL payable ('the chargeable amount') in respect of a chargeable development in accordance with the requirements and formulas in Regulation 40 of the CIL Regulations 2010 (as amended). The amount of CIL chargeable at a given rate must be calculated by applying the prescribed formula as defined in the CIL Regulations and shown in Appendix A of this Charging Schedule.

2.14 The total chargeable amount for a development scheme is equal to the sum of the amounts of CIL chargeable for each use (at each relevant rate) for the development permitted. For example if the development scheme includes both residential and retail elements, the chargeable amount will be calculated taking the sum of the relevant charges for each of these uses.

2.15 The relevant rates are the rates at which CIL is chargeable (Table 1, Section 4), which are in effect (a) at the time planning permission first permits the chargeable development; and (b) in the area in which the chargeable development will be situated.

3. Evidence Base

3.1 CIL Regulation 14 requires that when setting CIL rates charging authorities must aim to strike an appropriate balance between:

- The desirability of funding infrastructure (in whole or in part) from CIL; and
- The potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across the charging authority's area.

This balance is a central consideration of the CIL rate setting process.

3.2 The Charging Schedule is informed by the best available evidence base which includes Borough level viability assessments and an up-to-date Infrastructure Delivery Plan. These pieces of evidence assess the infrastructure requirements and potential levels of CIL that can be achieved across the district by type of development. Only development types that are shown to be generally viable will be charged CIL. In addition, evidence has been prepared to show that there will be a funding gap between identified public resources for infrastructure and the level of infrastructure that will need to be delivered in support of the growth being

identified in the adopted [February 2013] Eastbourne Core Strategy Local Plan ('The Core Strategy'). This evidence documentation is available for consideration in support of the Charging Schedule.

- 3.3 The Core Strategy and Proposed Draft Employment Land Local Plan³ identify that a total of 5,022 net dwellings and 43,000 sq. m. of employment land will be delivered within the plan period 2006-2027. Viability evidence in support of CIL has looked in detail at the location of new development (both neighbourhood location and type of land e.g. brownfield/greenfield), the affordable housing requirements for residential schemes, and the typical sizes of and mixes of development coming forward to assess overall viability. It is considered that although there is a noticeable disparity between viability on brownfield and greenfield sites, current or emerging CIL legislation does not allow for, nor does it support this differentiation. Brownfield development forms a significant proportion of the Council's spatial development strategy and therefore acts as the primary guide to setting residential CIL rates. The revised charge takes account of further viability testing to fully consider site specific abnormal costs and the reduced viability of apartment development. The revised charge ensures that the overall CIL rate for residential development is fair and robust across the whole Borough. It is not considered that the variations in residential sub-markets across the Borough are significant enough to justify a differential zone approach and as such a single rate is proposed.
- 3.4 Only residential and retail (A1-A5 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 across the A1-A5 retail Planning Use Classes. No other types of development will be liable for a CIL payment, and therefore will be zero rated.
- 3.5 It is important to confirm that the proposed CIL rates have been tested based on the full affordable housing requirement being delivered on each development scheme, which is 30% in low value market areas and 40% in high value market areas. Testing was also set at Level 3 and 4 of the Code for Sustainable Homes. This is important to ensure that CIL rates do not affect the ability to deliver affordable housing and sustainable development. 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.
- 3.6 It is also important that when CIL charges are recommended, that they are not set at or near to the maximum level assessed in the viability evidence. The Council consider that the proposed CIL rates (Table 1, Section 4) will be resistant to market and policy changes, given that they have been set at an appropriate amount that is viable within the current economic climate.

³ Public consultation is currently taking place on the Employment Land Local Plan.

4. Proposed CIL Charging Rates and Phasing Arrangements

4.1 The proposed CIL rates for Eastbourne are set out in Policy CCS1 'CIL Charging Rates' below, with Table 1 setting the rates by development type and Figure 1 identifying the zones to which the residential CIL charges apply.

**POLICY CCS1:
Community Infrastructure Levy Charging Rates**

The Council has set CIL charges for residential (C3 Use Class) and retail (A1-A5 Planning Use Classes) per square metre of net additional (gross internal floorspace) development as identified in Table 1, for those areas defined in Figure 1. These charges will apply to all liable developments as identified in the CIL Charging Schedule planning document.

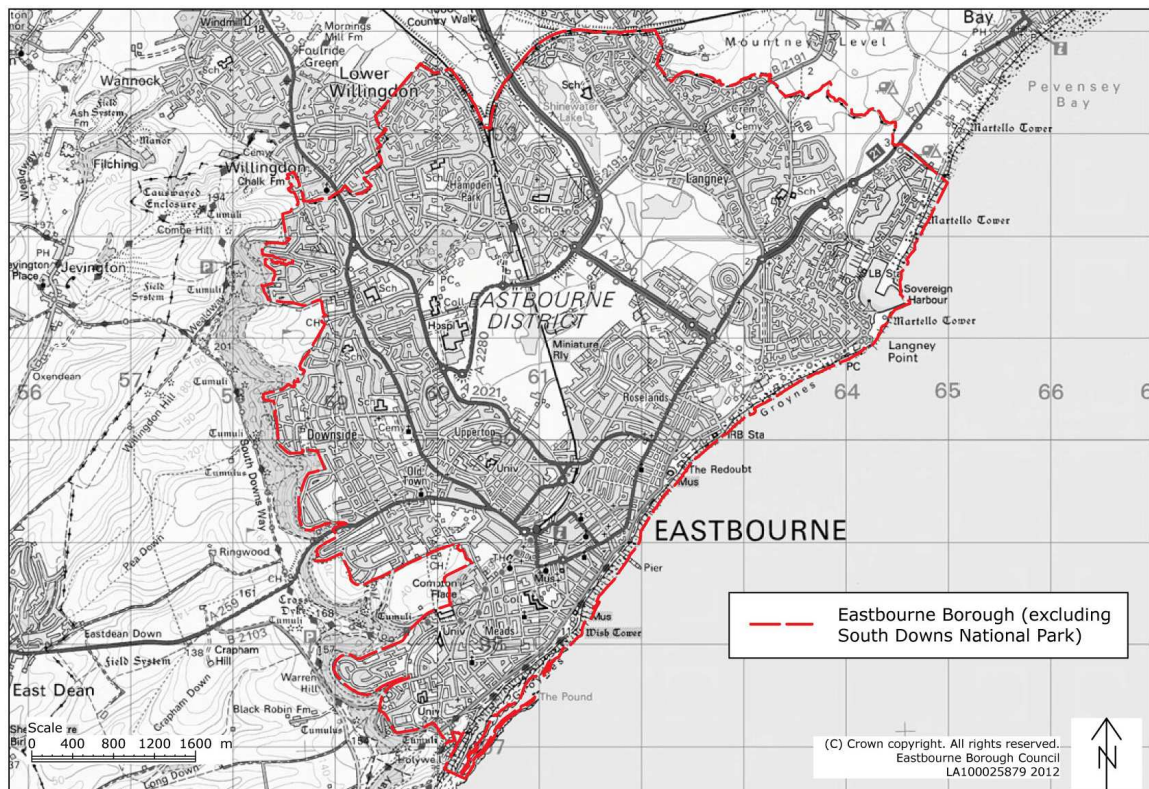
Table 1: Proposed Charging Rates for Eastbourne Borough Council CIL

Type of Development (Planning Use Class)	CIL rate/sq. m for net additional floorspace
Residential (C3) *	50
Retail (A1-A5) #	80
All other uses	0

* Where there is a net gain in dwellings
Where the development is 100 sq. m. or greater.

Figure 1: CIL Charging Area

The CIL Charging Area will be all areas within the local authority boundary excluding the South Downs National Park, as identified below.



Phasing

- 4.2 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 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. This is confirmed in Policy CCS2 below.

POLICY CCS2: Phasing of CIL Payments

For major planning applications where the development scheme is phased as detailed in an accompanying Section 106 agreement, then CIL liability will be calculated for each separate phase. The phasing arrangements including quantum of development (net additional gross internal floorspace) delivered by each development type (Planning Use Class) should be clearly distinguished at each phase. CIL payment will be liable on commencement of each relevant phase.

5. Other Matters

- 5.1 The Council has prepared a Draft Regulation 123 Infrastructure List which is provided as an accompanying background document. This provides a list of the infrastructure types that the Council currently considers it is likely to apply CIL revenues towards. It is important to note that this list is subject to future review and may change before the adoption and implementation of CIL by the Council in Summer 2014.
- 5.2 The Council has provided evidence on global infrastructure costs in its Infrastructure Delivery Plan as well as in its Funding Gap analysis for the provision of cross-boundary infrastructure, such as transport provision. The Council will continue to work closely with East Sussex County Council and Wealden District Council on the governance arrangements in order to implement CIL and ensure that CIL monies are collected in both Eastbourne and South Wealden towards the delivery of strategic transport infrastructure in the Eastbourne and South Wealden area.
- 5.3 There will be circumstances where infrastructure identified will also be critical to development to our neighbouring authorities and funding streams may be available from these sources, including potential CIL contributions raised by neighbouring authorities, especially transport and education provision with Wealden District Council. There will also be circumstances where CIL contributions collected will be required to be spent outside the Borough including transport provision in Wealden.
- 5.4 The Council will monitor the effectiveness of CIL through the Local Monitoring Report (normally published each year in December). This will take account of the economic climate and any change to the economic viability within the local area.

The review of CIL charges will need to be implemented through a full review of the CIL Charging schedule and supporting viability evidence. A full review will be undertaken when necessary in future years.

6. How to make a representation on the Draft Charging Schedule

6.1 Eastbourne Borough Council is seeking representations from key stakeholders, infrastructure providers and any other interest parties or individuals on the Draft Charging Schedule. The representation period runs for 6 weeks from Friday 14 February and comments/representations will be accepted up to **5pm on Friday 28 March 2014**.

6.2 Representations are invited by our on-line consultation portal, email or post. Please use the prescribed representation response form that has been produced in Appendix B, or send specific comments through to:

On-line consultation Portal: www.planningpolicyconsult@eastbourne.gov.uk

E-mail: craig.steenhoff@eastbourne.gov.uk

Post:

CIL Consultation
Craig Steenhoff
Specialist Advisory Team
Customer First
Eastbourne Borough Council
1 Grove Road
Eastbourne
BN21 4TW

6.3 Supporting documentation is available to view at www.eastbourne.gov.uk/cil or in hard copy by visiting the Customer Contact Centre at 1 Grove Road, Eastbourne, BN21 4TW. A summary of the supporting documentation is as follows:

- CIL Consultation and Cooperation Statement (February 2014);
- CIL Regulation 123 Infrastructure List (February 2014);
- Infrastructure Delivery Plan (February 2014);
- Infrastructure Funding Gap Analysis (February 2014);
- CIL Viability Assessment (October 2013).

6.4 Please note that representations made on this consultation cannot be treated in confidence. Copies of all representations received may be available to the public for inspection. The Council may also provide details or a summary of representations on its website. However, we will not publish personal information such as telephone numbers, email or private addresses. By submitting a representation on the Draft Charging Schedule you confirm that you agree to this and accept responsibility for your comments.

7. Next Steps

- 7.1 Representations received on the Draft Charging Schedule will be submitted along with the document to the appointed examiner. Anyone submitting comments on the Draft Charging Schedule will have the right to be heard at the Examination.
- 7.2 Following the Examination, the examiner will publish their report and recommendations. If the examiner approves the Charging Schedule the Council will then be able to adopt it, setting a date for CIL to commence. It is currently anticipated that the Charging Schedule will be brought into effect during the Summer of 2014.
- 7.3 The Council will continue to formalise its procedures for collecting, spending and monitoring CIL, so that it can be implemented by Sumer 2014. Further information on this protocol will be provided on the Council's website at:
www.eastbourne.gov.uk/cil

APPENDIX A

Calculating the Chargeable Amount

- i) CIL charges will be calculated in accordance with CIL Regulation 40 (as amended). The chargeable amount will be an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates as set out in the charging schedule.
- ii) The chargeable amount will be index linked using the Royal Institution of Chartered Surveyors' All-in Tender Price Index figures for the year in which the planning permission was granted and the year in which the charging schedule took effect.
- iii) The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula:

$$\frac{R \times A \times I_p}{I_c}$$

Where:

A = the deemed net area chargeable at rate R;

I_p = the index figure for the year in which planning permission was granted; and

I_c = the index figure for the year in which the charging schedule containing rate R took effect.

The value of A must be calculated by applying the following formula:

$$G_R - K_R - \left(\frac{G_R \times E}{G} \right)$$

Where:

G = the gross internal area of the chargeable development;

G_R = the gross internal area of the part of the development chargeable at rate R;

E = an amount equal to the aggregate of the gross internal areas of all buildings which –

a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use; and

b) are to be demolished before completion of the chargeable development; and

K_R = an amount equal to the aggregate of the gross internal area of all buildings (excluding any new build) on completion of the chargeable development which–

a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use;

b) will be part of the chargeable development upon completion; and

c) will be chargeable at rate R.

**CIL Draft Charging Schedule
Consultation Response Form**

Eastbourne Community Infrastructure Levy Draft Charging Schedule – February 2014

All documentation is available to view and download for free via the Council's website (www.eastbourne.gov.uk/cil). The consultation starts on Friday 14 February 2014 and any representations should be received by 5pm on Friday 28 March 2014.

REPRESENTATION FORM

Once you have completed this form, please return by post to:

CIL Consultation
Craig Steenhoff
Specialist Advisory Team
Customer First
Eastbourne Borough Council
1 Grove Road
Eastbourne
BN21 4TW

Or email to:
planning.policy@eastbourne.gov.uk

Please note that you can make representations online swiftly and easily at:

<http://planningpolicyconsult@eastbourne.gov.uk>

YOUR DETAILS

Title	Mr / Mrs / Miss / Ms / Dr	First Name(s)	
Surname			
Company/ Organisation			
Position held			
If you are responding on behalf of a client or landowner please provide their details			
Address			
		Post Code	
Phone Number		Fax Number	
E-Mail Address			

YOUR REPRESENTATION

Matters on which representations can be made

The purpose of the Public Examination of the Draft Community Infrastructure Levy Charging Schedule is to consider whether it meets the following statutory tests in accordance with sections 212(1) and 221 of the Planning Act 2008 as amended, in that the Charging Authority has:

- (a) complied with the requirements of the Planning Act 2008 as amended and the CIL Regulations;
- (b) used appropriate available evidence to inform the Draft Charging Schedule;
- (c) had regard to the statutory guidance, "Charge Setting and Charging Schedule Procedure Guidance" March 2010.

Representations must relate to these matters. Other matters maybe outside the scope of the examination and will be subject to the examiners judgement as to their relevance. All representations will be considered by the examiner as written representations. Any person or organisation making representations has the right to be heard in person at the examination should they choose to appear. The examination will take the form of a hearing under the direction of the examiner.

1. Please indicate whether you wish to be present at the Hearing?

Yes

No *Please treat this representation as a written representation at the Examination*

2. Do you wish to make representations regarding matters of technical compliance with the Planning Act or CIL Regulations?

Yes

No

Please provide details:

3. Do you wish to make a representation based on the regard made to statutory guidance "Charge Setting and Charging Schedule Procedure Guidance" March 2010.

Yes

No

Please provide details:

4. Do you wish to make representations based on the evidence used to inform the Draft Charging Schedule?

Yes

No

Please provide details:

5. Are there any other representations you would like to make on the Draft CIL Charging Schedule? *(please reference section/paragraph number and add further details on separate sheets)*

NEXT STEPS

Following receipt of any representations the Council will consider them and whether any modifications to the Draft Charging Schedule are required. Were modifications to be made, the Council would produce a Statement of Modifications and provide opportunity for comment upon them at least 4 weeks before any Examination. Those making representations have the right to be heard at the Examination. After Examination, subject to any modifications required, the Council could move forward to final adoption of the Charging Schedule

6. Do you wish to be notified of further stages in the production of the CIL Charging Schedule, namely:

a) the Submission of the Draft Charging Schedule to an examiner for Examination?

Yes No

b) Publication of the recommendations of the examiner and the reason behind those recommendations?

Yes No

c) Approval of the Charging Schedule by the Charging authority (Eastbourne Borough Council)

Yes No



COMMUNITY INFRASTRUCTURE LEVY

DRAFT REGULATION 123 INFRASTRUCTURE LIST

Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) restricts the use of planning obligations for infrastructure that will be funded in whole or part by the Community Infrastructure Levy. The following table compromises Eastbourne Borough Council's Draft Regulation 123 List. It includes the infrastructure types that the Council currently considers it is likely to apply CIL revenues to, and such will not be secured through planning obligations. This is to ensure that there is no duplication between CIL and planning obligations secured through S106 agreements, in funding the same infrastructure projects.

Infrastructure currently considered to benefit from the application of CIL funding

- Strategic and Local Transport Infrastructure and facilities, excluding specific improvements needed to make the development acceptable in planning terms. These exclusions can include (but are not limited to):
 - × Highways crossovers to access the site and local junctions;
 - × Deceleration and turning lanes;
 - × Measures to facilitate pedestrian, public transport and cyclist improvement and access;
 - × Lighting and street furniture needed to mitigate impact of development;
 - × Mitigation works remote from the development where the need for such works is identified in a Transport Assessment.
- Education Provision;
- Library Facilities;
- Children's Play Space, Open Space and Sports Playing Fields;
- Flood Storage Infrastructure Provision and Surface Water Management Infrastructure.

It is important to note that this list is subject to future review and may change before the adoption and implementation of CIL by the Council later in 2014. A final version of the Regulation 123 List will be published alongside the adopted CIL Charging Schedule.

February 2014

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