

Tuesday, 28 October 2014  
at 6.00 pm



# Planning Committee

Present:-

**Members:** Councillor Ungar (Chairman) Councillors Hearn, Jenkins, Miah and Murdoch

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## **80 Minutes of the meeting held on 30 September 2014.**

The minutes of the meeting held on 30 September 2014 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

## **81 Apologies for absence.**

Apologies for absence were reported from Councillors Harris, Murray and Taylor.

## **82 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

Councillor Jenkins advised that he had been contacted by a number of residents in relation to minute 83, 2 Vancouver Road. He advised that he had taken care only to listen and not make any comment to them regarding the application. He considered that he had not predetermined himself with regard to it.

## **83 2 Vancouver Way. Application ID: 141168**

Change of use of public amenity land to private garden within a new boundary wall of 2.29m high of 2 Vancouver Road – **SOVEREIGN**. Nine letters of objection had been received.

The observations of the East Sussex County Council's Highways Officer were summarised within the report.

Mr Williams addressed the committee in objection stating that the proposed wall would obscure the views for vehicles accessing and leaving Anchorage Way, creating a blind spot and resulting in a dangerous junction. In addition he also stated that the proposal would have a detrimental impact on the visual amenity of the surrounding area and was excessive in height. Mr Williams also presented a petition signed by 58 local residents objecting to the proposed wall.

The applicant had submitted a rebuttal statement which was reported to the committee.

**RESOLVED: (Unanimously)** That permission be refused on the grounds that 1) the proposal fails to respect the open plan nature of the estate or the character of the environment and is therefore contrary to saved policy UHT1, UHT4 & HO20 of the Eastbourne Borough Plan (2007) and policy B2 of the Core Strategy Local Plan (2013) 2) by nature of its scale, design and siting the proposal would form an overbearing and unneighbourly development which would have a detrimental impact on both visual and neighbour amenity and therefore be contrary to saved policies UHT1, UHT4, HO20 of the Eastbourne Borough Plan (2007) and policies B1, B2, C14 & D5 of the Core Strategy Local Plan (2013)

Appeal:

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

**84 36 Beltring Road. Application ID: 141180**

Demolish existing structure to rear and erect a two-storey extension on the same footprint – **DEVONSHIRE**. One comment and one objection had been received.

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

The committee was advised that the application was now accompanied by a construction method statement, outlining how the site could be developed without unduly impacting upon the site/surrounding area or any of the neighbours that adjoin/about the site.

The East Sussex Building Control Partnership made no response to the consultation. The Environment Agency had no objections.

Mr Manes addressed the committee in objection stating that the proposed rear window would directly overlook his property, namely his garden and conservatory and would block sunlight. Mr Manes stated that other extensions to neighbouring properties had frosted glass to rear windows. Mr Manes distributed photographs of the application site to the committee.

Mr Wilson, applicant, addressed the committee in response stating his desire to upgrade facilities for tenants.

**RESOLVED: (Unanimously)** That permission be granted subject to the following conditions: 1) Time 2) Approved Drawings 3) Materials 4) Method Statement.

**85 37 Mountfield Road. Application ID: 141134**

Proposed change of use from Class A1 (retail) to Class A3 (restaurant/café) and Class A5 (hot food takeaway) (AMENDED PLAN RECEIVED) – **HAMPDEN PARK**. 11 objections and a petition of approximately 150 signatures objecting to the proposal had been received. Further comment

on the amended plans had also been received from the tenant residing above the application site.

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

The observations of the Specialist Advisor (Environmental Health) and Specialist Advisor (Planning Policy) were summarised within the report.

Mr Ireland addressed the committee in objection stating that the site was currently poorly maintained. The placement of the proposed extraction flue was inappropriate and detrimental to the tenant, and that the associated smells, hours of opening and proposed sale of alcohol would be detrimental to neighbouring properties.

Mr Gillard addressed the committee in objection stating that the proposal would result in serious parking issues, exacerbating the existing traffic issues in the area. There were a high number of food outlets in the local vicinity and the proposal had prompted some 150 objections.

Mr Kent, agent for the applicant, addressed the committee in response stating that the objections of the tenant had been considered and by revising the placement of the extraction flue, the access stairway to the flat above the application site would be greatly improved. The applicant had stated his agreement to increase acoustic separation. The current parking arrangements at the site would not be altered as part of the proposal, and the waste bin could be repositioned to a more suitable location. Mr Kent stated that the impact of any smells and noise could be monitored by Environmental Health.

The committee discussed the proposal and were concerned at the large number of existing food outlets in the vicinity of the application site; however they acknowledged that this was not a material planning consideration. Members were concerned about impact on traffic in such close proximity to a roundabout and extremely busy level crossing, and parking requirements associated with a take away establishment.

**RESOLVED: (Unanimously)** That permission be refused on the grounds that proposal by reason of the location, size and design of the proposed external flue would represent a prominent feature that would be intrusive and detrimental to the local street scene as well as having the potential to have an adverse impact upon the amenities of the residential properties in the area by reason of noise and fumes.

Appeal:

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

## **86 Sea Houses Square. Application ID: 141210**

Enhancement works to Sea Houses Square, including new surface treatments, street furniture, lighting and the introduction of street trees – **DEVONSHIRE**. One letter of objection had been received. Councillor

Wallis, Cabinet Portfolio Holder for Place Services, had expressed his support for the application.

The committee was advised that directly relevant planning history for the application site was limited, however the most relevant applications had been detailed within the report.

The observations of the Specialist Advisor (Arboriculture), the Specialist Advisor (Conservation), Specialist Advisor (Planning Policy), Environment Agency and East Sussex County Council Highways Department were summarised within the report.

At their meeting on the 7 October 2014, the Conservation Area Advisory Group very much welcomed enhancements to this area but there were elements which should be reconsidered. Of particular concern was the proposed lighting, and lower lights more in keeping with the Victorian area were recommended. Trees should not be of a species which have berries, and would be better placed in the middle, not to the side where they would affect the windows of the adjacent building. Stone seating was considered unsuitable both in visual terms and practicality uncomfortable and cold to sit on, and timber seating of traditional organic curved shape was preferred.

A petition of objection with over 170 signatures was reported at the meeting raising concerns relating to the erection of permanent structures awnings/conservatories and to any additional tables and chairs at the Seahouses Square site.

The committee noted that in direct response to the issues raised by the Conservation Area Advisory Group and the Councils Conservations Officer the scheme had been amended with the tree species changed to one more appropriate for its seaside location. The proposed benches had also been modified. Notwithstanding the revised details the precise matters of detail would be controlled via planning condition.

Additional comments of the East Sussex County Council Highways Officer supporting the improvements in principle were reported at the meeting. It was recommended that the matters of detail in relation to the implementation of the scheme should form part of a S278 Agreement with the Highways Department.

Mr Taylor addressed the committee in objection stating that whilst he was in favour of the improvements, he objected to the proposed awnings. He referred to a petition signed by over 200 residents also objecting to the awnings and felt that they would affect the setting of the water fountain. Mr Taylor felt that the proposed tables would be detrimental to an area that was classed as public land.

Councillor Wallis addressed the committee in support of the application stating that various groups had identified Seaside as an area in need of investment and funding had been secured for the improvements. Public

consultation identified support for the proposals and Seahouses Square application was part of the improvements process.

Mr Jones, applicant, addressed the committee in response confirming Councillor Wallis' statement regarding the need to improve the area, having contacted many local groups keen to enhance the Seaside area. He anticipated the improvements would create a centre for economic activity, encouraging footfall from the pier through to Seaside.

**RESOLVED: (Unanimously)** That permission be granted subject to the following conditions: 1) Time Limit 2) Approved Plans 3) materials used in the hard-surface areas 4) Details of planters/benches 5) Details of external illumination including degree of illumination 6) Tree Pit design 7) Species selection of trees 8) Standard Advert Conditions.

### **87 Tennis in the Park. Application ID: 140895**

Retrospective application under section 73a for the additional use of the pavilion as a cafe (Class A3) – **UPPERTON**. In excess of 500 representations had been received the vast majority of which were in support of the retention of the café use at the site. Five objections had been received.

The committee was advised that the application sought permission to regularise a long standing café operation at the premises, and would enable trade with the general public to continue. The proposal sought to mirror the approved licensing hours, which was considered appropriate in this location, and which did not result in a material loss of amenity to the occupiers of the surrounding properties or adversely affect the character of the park in general.

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

The observations of the Council's Estate Manager and Specialist Advisor (Environmental Health) were summarised within the report.

Ms Marshall addressed the committee in objection stating concern regarding the opening hours and hours of operation.

Councillor Tutt, Leader of the Council, addressed the committee in support stating that the café had enhanced the area, operating a high quality establishment. Councillor Tutt referred to the petition signed by 500 residents in support of the café.

The committee discussed the application, querying the distinction between hours of operation and opening, the 'special events' late closing and the facilities for the tennis community. The Senior Specialist Advisor (Planning) advised the committee that the opening and operational hours often differed as the proprietors required time to prepare, in addition for the Council to take formal action against a perceived breach of planning control, there needed to be a substantive and materially harmful breach. The Senior Specialist Advisor (Planning) advised that no such breach was evident with the use of the site to prior to reporting to committee.

**RESOLVED: (By 3 votes with 2 abstentions)** That permission be granted subject to the following conditions: 1) The café (Class A3) use approved by this permission shall not operate outside of the following hours:

- 09.00hrs to 22.30hrs every day
- 09.00hrs to 23.30hrs on a Thursday, Friday and Saturday up to a maximum of 10 occasions per calendar year

2) The premises shall operate only as a D2/A3 mixed use, and shall not be used for any other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

### **88 Eastbourne Enforcement Protocol.**

The committee considered the report of the Senior Specialist Advisor (Planning) seeking Members' approval to the updated Planning Enforcement Policy.

Members were advised that the current Planning Enforcement Policy Statement had been adopted by the Council in April 2010. In the past four years there had been changes in legislation and in the Council's organisational structure and therefore the Enforcement Policy required updating and revising. The proposed changes to the previously adopted enforcement policy were modest and related to updating legislative references and clarify the type and nature of enforcement action that could be pursued.

Members attention was drawn to page 13 of the Enforcement Policy which had been appended to the report and highlighted the timescales for each of the three priority classes. Members were encouraged to inform residents of these timescales when discussing complaints and the reporting of breaches of planning control.

The Policy statement continued to:-

- Promote the joined up enforcement approach, recognising that working closely with others from outside the planning service was essential to maximise outcomes.
- Reflect and reinforce the more proactive work already undertaken by the by the planning enforcement processes and also by the Difficult Properties Group in taking positive action to improve the environment of the Borough and the amenities of its residents.

Planning Committee would receive a quarterly report detailing the actions and outcomes relating to enforcement matters.

The committee noted that since the Enforcement Policy was revised in April 2010 it had been successfully implemented bringing about significant changes in the Council's approach to enforcement issues in general.

Planning enforcement now enjoyed a significantly higher profile than in the past. Public expectation was also higher and therefore a more robust policy document which more clearly identified when and how action could be undertaken was required to ensure that these expectations could be met.

The committee expressed their thanks to the Council's enforcement officers for their commitment to provide an efficient and effective service.

**RESOLVED: (Unanimous)** That the updated Enforcement Policy be endorsed.

#### **89 Smarter Planning Champion Status 2014.**

The committee considered the report of the Senior Specialist Advisor (Planning) advising members of the Smarter Planning Champion accreditation scheme.

The committee was advised that the Government's online planning and building regulations resource 'The Planning Portal' had developed an accreditation scheme for participating members focusing on the delivery of best practice in the submission of online planning applications.

Eastbourne Borough Council had been awarded the 'Smarter Planning Champion' status in recognition of the service area's drive for efficiency and the continued improvement in the delivery of the service.

The recent implementation of new software and hardware had now resulted in full integration between the Council's planning function, its web site and the Planning Portal. This full integration meant that the end to end planning function could now be commenced and concluded electronically without the reliance on a paper file (receipt, fee payment, consultation, evaluation and decision). This had resulted in an increase in the electronic submission (via the Planning Portal) to approximately 80-90% of all applications received. This rate exceeded the national average of 70% and placed Eastbourne at the head of East Sussex authorities.

The Council had pledged to use its best endeavours to continue to promote 'digital' first ethos for its planning function and where possible support its regular planning agents in their attempts to obtain accreditation.

The committee expressed their thanks to officers in achieving the accreditation.

**NOTED.**

#### **90 Summary of Performance of Planning Services - Quarter 2 (July - September 2014).**

The committee considered the report of the Senior Specialist Advisor (Planning) which provided a summary of performance in relation to key areas of the Development Management Services for the second quarter (July - September) 2014.

Given the many varied types of planning application received Central Government required that all Councils report the performance in a consistent and coherent manner. Therefore the many varied applications were grouped together into three broad categories Major, Minor and Others. Applications falling into each category were outlined within the report.

In analysing the performance for the processing of these differing types of application the Government allow 13 weeks for the processing Major applications and 8 weeks for processing the Minor and Other categories. The figures detailed within the report highlighted the development control performance figures against these categories for the calendar year 2013 and the second quarter of 2014 (July - September).

In addition the report also included information about the recent appeal decisions. Members were requested to note that any decision made to refuse an application opened the potential for an appeal by the applicant to the Planning Inspectorate.

As members were aware the majority of the applications received were granted planning permission, however for those that were refused and challenged through to an appeal it was considered important to analyse the appeal decisions in order to determine and evaluate whether lessons needed to be learnt, or interpretations needed to be given different weight at the decision making stage. In addition the evaluation of the appeal decisions would also go some way to indicate the robustness and the correct application of the current and emerging policy context at both a local and national level.

Officers considered that in granting planning permission for 91% of all application received, planning services of Eastbourne Borough Council had supported and stimulated the local economy and had also helped to meet the aspirations of the applicants. Only where there were substantive material planning considerations was an application refused.

The assessment of the performance of planning services showed that the team were performing at or over the National PI threshold and that there were at this time no special measure issues.

Notwithstanding this for the first six months of 2014 Eastbourne had one major application going through to an appeal decision and this was overturned resulting in 100% of cases being overturned.

Members had requested further information on the number of refusals issued. This information was highlighted within tables 4 and 5 of the report. In common with other years the Council refused less than 10% of the applications received.

Appendix 1 to the report included further application data by ward and the number and types of pre-application requests received.

Members had previously requested information relating to live enforcement cases which would keep members informed of the cases and issues that



were live in their area and would assist in:-

- Tackling breaches in planning control which would otherwise have an unacceptable impact on the amenity of the area;
- Maintaining the integrity of the decision-making process;
- Helping to ensure that the public acceptance of the decision making process is maintained.

It had been a significant period since the previous report on the planning enforcement function, table 11 of the report provided a position statement of the performance for the entire year to date.

Members noted some of the data placed high volumes of enforcement action in the Devonshire ward, which reflected the focus given by the Difficult Property Group through S215 (Untidy Sites) legislation and also emphasised the support for the 'Driving Devonshire Forward' policy document.

The committee thanked the Senior Specialist Advisor (Planning) for providing the detailed enforcement case information and expressed their thanks to the officers for their continued efforts in improving the Planning function and related activities.

**NOTED.**

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

None received.

The meeting closed at 8.52 pm

**Councillor Ungar (Chairman)**