

Tuesday, 6 January 2015
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Ungar (Chairman) Councillor Harris (Deputy-Chairman)
Councillors Hearn, Jenkins, Miah, Murray, Murdoch and Taylor

107 Minutes of the meeting held on 25 November 2014.

The minutes of the meeting held on 25 November 2014 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

108 Apologies for absence.

None received.

109 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 Ungar declared that with regard to minute 113, 45 Darley Road, minute 115, 58 Darley Road and minute 117, 1 Hillbrow Denton Road, he had previously reached a view in relation these applications and considered himself as being pre-determined with regard to them. Councillor Ungar withdrew from the room whilst these items were considered.

110 5 The Courtyard, Wharf Road. Application ID: 141327.

Conversion of part of the garage to extend habitable space – **UPPERTON**. A letter of support had been received.

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

East Sussex County Council Highways (Development Control) raised no objection.

Councillor West, Ward Councillor, addressed the committee in support of the application stating that the proposal had enhanced the living space for the resident and that the alterations had been carried out to a high standard

RESOLVED: (By 5 votes to 2 with 1 abstention) The remaining area of garage shall be used for the parking of a small car, motor cycle or storage of bicycles and for no other purpose and shall be permanently retained as such in perpetuity.

111 26 Desmond Road. Application ID: 141390.

Demolition of rear conservatory and erection of single storey extension – **DEVONSHIRE**. One letter of objection and one letter of support had been received.

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

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time 2) Drawings 3) Materials 4) No Permitted Development (windows and doors to side elevations).

112 34 Dillingburgh Road. Application ID: 141389 (PPP).

Erection of a detached 2 bedroom bungalow with garage within the rear curtilage of the application site, accessed from Dacre Road – **OLD TOWN**. 11 objections and one letter of support had been received.

The relevant planning history; including appeal decisions for the site was detailed within the report.

East Sussex County Council made no response to the consultation and the Environment Agency raised no objection.

RESOLVED: (By 7 votes and 1 abstention) That permission be refused on the grounds that the proposed development would, by reason of its size, siting and design, result in an incongruous and intrusive feature in the streetscene which would be out of keeping with, and detrimental to the character and appearance of the area. As such the proposal would conflict with policies HO6, UHT1 and UHT4 of the Eastbourne Borough Plan 2001-2011, policies B1, B2 and D10A of the Eastbourne Core Strategy Local Plan 2013 and paragraphs 7 and 56 of the National Planning Policy Framework.

Informative

This decision has been based on the plans submitted with the application on 3 November 2014, numbered 94262/010, 94262/020 and 94262/040.

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.

113 45 Darley Road. Application ID: 141356.

Installation of a wall mounted canopy to be used as a smoking shelter – **MEADS**.

The Council's Estate Manager made no response to the consultation, and the Specialist Advisors for Arboriculture and Conservation and the East Sussex County Council's Archaeologist raised no objection.

NB: Councillor Ungar withdrew from the room whilst this item was considered.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time limit 2) Approved drawings

114 49 Babylon Way. Application ID: 141388 (HHH).

Proposed single-storey extension to existing front and rear elevations; together with the provision of a raised patio with access to rear garden – **RATTON**. Three objections had been received.

A further letter of objection was reported at the meeting making the following comments:

- Loss of light caused by the height of the extension
- Difficult to determine the precise height (4.3m appear unnecessary high)
- The installation of privacy screen would exacerbate the height on the boundary (1.8 high screen) to be located on top of proposed decking would result in a top level of height of up to 3.3m
- Poor development if there needs to be a 3.3m high privacy screen to make it acceptable.

RESOLVED: (By 7 votes with 1 abstention) That permission be granted subject to the following conditions: 1) Time Limit 2) Plan Numbers 3) Matching Materials 4) Maintain obscure glazing surrounding patio 5) Restriction of further development 6) Time limit for the implementation of privacy screen (shall be erected within 3 months from the completion of the raised decking)

Informative:
Construction and delivery traffic

115 58 Darley Road. Application ID: 141357.

Installation of a smoking shelter with seating – **MEADS**.

The Council's Specialist Advisors for Arboriculture and Conservation raised no objection.

NB: Councillor Ungar withdrew from the room whilst this item was considered.

RESOLVED: (By 5 votes to 2) That permission be granted subject to the following conditions: 1) Time limit 2) Approved drawings

116 Courtland Hotel, 3-5 Wilmington Gardens. Application ID: 140711 (PPP).

Change of use to convert a 45 bedroom hotel to a 14 bedroom guesthouse hotel and 15 residential apartments – **MEADS**.

The committee was advised that this application had been delayed in reporting to Planning Committee as officers sought the views/opinion of the District Valuers Office (DVO) into the financial assumptions that had been made by the applicant.

The response from the DVO had not yet been received; however in discussions with the Chair of Planning Committee it deemed appropriate to bring the application forward to committee so that the main principles in the case could be aired. Members noted that no decision would be issued until the DVO had responded and that should the District Valuers Office (DVO) hold a different opinion regarding the financial information submitted, the application would be reappraised and reported back to Planning Committee.

Notwithstanding the DVO issue detailed above, this application rests on whether the evidence supplied by the applicant is sufficient to comply with the relevant policies and thereby justifying the loss/reduction of hotel accommodation.

Members will know that any planning decision needs to be based upon material planning considerations and the assessment of these material considerations will lead the decision maker to an informed decision.

The four main issues for consideration by the committee in determining the application were summarised within the report.

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

The Council's Estate Manager and Housing Services Manager made no response to the consultation. The observations of the Specialist Advisors for Policy and Economic Development, the Tourism Manager, the East Sussex County Council department for Economic Infrastructure, the East Sussex County Council Highways Department, Eastbourne Hotels' Association and Eastbourne Chamber of Commerce were summarised within the report.

The committee expressed their concern at the potential loss of bed spaces in an area earmarked for considerable investment in the near future with the development of Devonshire Park and improvements to the conference offer. The committee were keen to retain the tourism offer in Eastbourne.

A revised recommendation was tabled at the committee and in the event of the application being appealed on 'Non Determination' grounds, in accordance with the wishes of members, a "minded to refuse planning permission reason" was also tabled, accepted by members and is reported below:-

Revised Recommendation:

1. That no decision is issued until such time as the District Valuers Office (DVO) have ratified the financial evidence accompanying the application.
2. Delegated authority be given to the Senior Specialist Advisor to evaluate the response of the DVO.
3. If the DVO's response is deemed to support the financial evidence accompanying the application the Senior Specialist Advisor be authorised to issue planning permission subject to a S106 and Planning Conditions as outlined below. The S106 should cover the delivery of affordable housing, the tariff based contributions for ESCC and controls over the timing of the

delivery of the refurbishment of the hotel/guest house, the S106 should express that no more than 7 of the residential units hereby approved shall be sold/occupied until such time as the retained hotel/guest house has been fully refurbished in accordance with conditions.

Suggested Conditions:-

- Time Limit
- Car park layout supplied
- Car parking provided before first beneficial use
- Cycle parking
- Details of the refurbishment measures to the hotel/guesthouse shall be submitted to and approved in writing prior to any development commencing. The details as submitted shall include details of redecorations and internal fixtures and fittings and also details of new stair access between the ground and lower ground floor.

4. If the DVO's response is deemed not to support the financial evidence accompanying application the Senior Specialist Advisor shall reappraise the application and report back to Planning Committee for decision.

Members did not endorse the recommended delegation to officers and requested that any decision should be made by Members at Planning Committee.

RESOLVED: (Unanimous) .That no decision is issued until such time as the District Valuers Office (DVO) had responded to the application and that following the receipt of this information/advice then officers to evaluate its content and report to Planning Committee for decision.

In the event that Members were in fact later asked to determine this application, rather than it going to appeal on the grounds of non-determination, they felt it appropriate to record that at this stage, prior to receiving the requested financial input from the DVO, they would have been minded to refuse planning permission for the reason below:-

That permission be refused on the grounds that the proposed development is considered unacceptable by virtue of the failure to demonstrate that the existing hotel is not viable. As such, it is considered that the proposal would result in the undue loss of tourist accommodation within the designated Tourist Accommodation Area and within this prominent tourist area contrary to Policies T01 and T02 O of the Eastbourne Borough Local Plan 2007, Policy D3 of the Eastbourne Core Strategy 2006-2027 and Assessment of Financial Viability of Tourist Accommodation Supplementary Planning Guidance.

Appeal:

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

117 1 Hillbrow, Denton Road. Application ID: 141355.

Installation of a smoking shelter – **MEADS**. Four letters of objection had been received.

The Council's Specialist Advisors for Arboriculture and Conservation and the East Sussex County Council Archaeologist raised no objection.

NB: Councillor Ungar withdrew from the room whilst this item was considered.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time limit 2) Approved drawings.

118 Hurst Arms, 76 Willingdon Road. Application ID 141112.

Subdivision of residence above The Hurst Arms public house into two self-contained flats facilitated by a rear metal staircase and access at first floor level, conversion of existing outbuilding to rear of site into one self-contained residential unit and associated alterations – **UPPERTON**. One letter of support, three objections and one general observation had been received.

The Specialist Advisor (Planning Policy) raised no objection.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) The development hereby permitted shall be begun before the expiration of three years from the date of permission 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:

- Site location plan/block plan – received
- Existing floor and elevation plans – received
- Proposed floor plan – received
- Proposed side elevation – received
- Proposed elevation plan – received

3) That all materials used in the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, texture and colour 4) The first floor flat above the public house trading area shall be used as the landlord's management flat for the building and shall not be occupied by anyone but the landlord or anyone not associated with the management of the ground floor public house 5) The first floor flat roof to the side extension, used to facilitate access to the flats at first and second floor, level shall not be used as a balcony, patio, roof garden or similar amenity area 6) The parking spaces provided to the rear shall be allocated to and used solely for the occupiers of the flats hereby permitted and shall be retained permanently for the accommodation of vehicles of the occupiers of the flats and shall not be used for any other purpose 7) Notwithstanding the approved details, the development shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority. These shall include details and locations of proposed trees and planting plans, species specification and samples of hard landscaping materials 8) That no demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place unless previously been agreed in writing by the Local Planning Authority.

119 Rear of 2-8 Upwick Road. Application ID: 141312.

Site formerly known as land to the rear of 2-8 Upwick Road: Variation of condition 2 of planning permission EB/2011/0193(FP) for a minor material amendment for a first floor rear extension to increase the first floor rear bedrooms of plots 1 - 6 and amendments to plots 5 and 6 (as per planning permission EB/2012/0753(FP) granted planning permission on appeal dated 11 December 2013) – **OLD TOWN**. Three objections and two general observations had been received.

The committee was advised that a copy of an undated letter to the occupiers of No 2 Upwick Road had been received from the applicants/developers; this letter sought the owner's consent to undertake the works (steps) towards the end of their development project. Officers were unaware as to what date this letter was served / posted and whether there had been any response to the developer from the owner of No 2.

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

Mr Cline addressed the committee in objection expressing concern regarding the discharge of conditions relating to previous permissions.

The committee were advised that critical issues, such as the steps to 2 Upwick Road, would often be implemented later in developments; this actually enabled the planning department, particularly in the context of a somewhat complicated application, to take a better-informed overall view of what, if any, enforcement action might be required.

The committee agreed that the increase to the dwellings would be an overdevelopment of the site.

RESOLVED: (By 4 votes with 4 abstentions) That permission be refused on the grounds that the proposed amendments to the houses to extend the first floor rear and the incorporation of changes granted under planning permission ref: EB/2012/0753 would fundamentally change the nature of, and are substantially different from, the development approved under planning permission ref: EB/2011/0193. As such, the proposed amendments do not constitute minor-material amendments and therefore cannot be granted under section 73 of The Town and Country Planning Act 1990 (as amended).

Appeal:

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

120 Trident Fish Restaurant, 23 Albert Parade. Application ID: 141224 (PPP) and 141225 (ADV).

1) 141224 - New shop front with amendments to windows and openings on front elevation to include new fixed planters, decorative screens and gate to external demise line, installation of an ATM and other associated

works. Also proposed is the installation of new retractable awnings to front (Green Street) and side (Chamberlain Road) elevations along with new external lighting. **2) 141225** - Proposed new signage (mixture of illuminated and non-illuminated and the installation of new retractable awnings to front (Green Street) and side (Chamberlain Road) elevations) for no. 20 Albert Parade and main restaurant (21-23 Albert Parade) – **OLD TOWN**. 16 letters of objection and two letters of support had been received.

The committee was advised that permission was recently granted (ref: 140057) to move the takeaway into the adjoining premises in order to enlarge the fish restaurant internally and extend the property to the rear to house a new kitchen and food preparation area.

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

The observations of the Specialist Advisor (Licensing) and East Sussex County Council Highways Department were summarised within the report.

The committee agreed that the proposed outside seating area was too large and encroached on the street scene detrimentally.

RESOLVED A (141224): (By 6 votes to 2) That permission be refused on the grounds that 1) the use of the forecourt on Green Street as an alfresco dining area due to the number of covers proposed would result in an intensification of use of the premises that would be likely to result in a detrimental impact to the amenities of the occupiers of neighbouring properties, and would therefore conflict with policies B2 of the Eastbourne Core Strategy Local Plan 2013, policies UHT1 and HO20 of the Eastbourne Borough Plan (Saved Policies) 2007 and paragraph 17 of the National Planning Policy Framework 2) the changes to the windows would be an incongruous and discordant element that would detract from the character/integrity of the host property and would therefore be harmful to the character and appearance of the site and surrounding area and would therefore conflict with policies 10a of the Eastbourne Core Strategy Local Plan 2013, policies UHT1 and UHT4 of the Eastbourne Borough Plan (Saved Policies) 2007.

RESOLVED B (141225): (By 7 votes to 1) That permission be granted subject to the following conditions: 1 – 5) Standard advert conditions 6) Limit hours of illumination to that stated in application form.

Appeal:

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

121 Unit 1 Britland Estate Application ID: 141316 (PPP).

Change of use from indoor skate park (Sui Generis) to the storage and sale of timber & landscaping supplies and associated products (B8 -Storage and Distribution) – **ST ANTHONYS**. Two objections had been received.

The committee was advised that there was an extensive planning history for this site; the most recent of which was detailed within the report.

The observations of the Specialist Advisor (Planning Policy) and East Sussex County Council's Development Control Manager were summarised within the report.

RESOLVED: (Unanimous) That permission be granted subject to the following condition: 1) Time Limit

122 South Downs National Park Authority Planning Applications.

None received.

The meeting closed at 8.44 pm

Councillor Ungar (Chairman)