

Tuesday, 24 November 2015
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Murray (Chairman) Councillor Sabri (Deputy-Chairman)
Councillors Miah, Murdoch, Salisbury, Taylor, Ungar and Di Cara (as substitute for Jenkins)

100 Minutes of the meeting held on 27 October 2015.

The minutes of the meeting held on 27 October 2015 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

101 Apologies for absence.

Councillor Jenkins.

102 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.

There were none.

103 6 Holywell Close. Application ID: 150951.

First floor addition over garage and single storey side extension – **MEADS**. Five objections had been received.

An additional objection had been received, the main points made were consistent with the other objections in that the objector was particularly concerned about the perceived detrimental effect the development would have on the unique character and appearance of the Close.

The applicant had confirmed that they would be happy to accept a condition requiring further details of the flank elevation to show a parapet wall along the flank of the proposed single storey side extension.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisor for Conservation were also summarised.

NB: Councillor Ungar was no longer present for this item.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time 2) Approved Drawings 3) Matching Materials 4) Parapet wall details

104 42-44 Meads Street. Application ID: 150975.

Replacement of pitched roof to the rear of no.42 with a raised flat roof to provide route for ductwork for new ventilation system to restaurant – **MEADS**. Five objections had been received.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisors for Environmental Health and Conservation were also summarised.

NB: Councillor Ungar was no longer present for this item.

RESOLVED: (Unanimous) That permission be refused on the grounds that the application by reason of lack of specific detailing fails to satisfy concerns over the noise and smells emanating from the proposed plant and machinery; in the absence of this information it is considered that the proposal would result in a severe loss of residential amenity.

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.

105 Devonshire Park. Application ID: 150903 (PP) and 150904 (LBC).

Demolition of Congress Suite, Devonshire Park Halls, first floor offices at front, catering lift, bistro and kitchen, and north east portico at rear of Winter Garden. Construct 3 storey conference (Welcome) building linked to Congress and Winter Garden with a service ramp to rear. Internal refurbishment repairs to the Congress and Devonshire Park Theatres. Internal refurbishment repairs to Winter Garden and remodelling of its front entrance to include reintroduction of a double pitched roof. Redecoration of tennis pavilion and creation of new show court. Provision of new public realm to south to include access to the Welcome Building with landscaping – **MEADS**.

The buildings/plots within the Campus had an extensive planning history however it was considered that the recent applications promoting the refurbishment of the Congress Theatre were considered to be most relevant to the determination of this application.

The observations of the County Archaeologist, the Specialist Advisors for Arboriculture, Regeneration, Planning Policy and Conservation, East Sussex County Council Highways department, South East Regional Design Panel, Eastbourne Access Group, Historic England, 20th Century Society, Theatres Trust, Victorian Society, Eastbourne Society, County Ecologist, the ESCC SUDS and Eastbourne Hospitality Association were also summarised. Sussex Police, Eastbourne and District Chambers of Commerce and Environment Agency made no comment.

At its meeting on 6 October 2015 the Conservation Area Advisory Group expressed its full support for the scheme, however it acknowledged concerns raised by one of the external advisors regarding the Welcome Building's canopy, in that its siting, scale and design would compete with and potentially diminish the integrity of the Grade II* Congress Theatre.

(Members noted that this minute was based on the scheme as originally submitted and not the recently received amended proposal).

The committee was advised of comments received from the Eastbourne Inclusion Group as follows:

The Group was pleased that the architects/planners had come back to them because it was important that any disability access, wherever it was, was right the first time round. The effective dialogue with the group was very much appreciated.

- Drop Off Zone Proposals: greater area for drop off adjacent to the Towner Gallery should meet the needs and demands of all users. The issue that the lifts serving all levels of the Congress were situated in the Welcome Building, and therefore there would still be a distance to travel once inside the Congress to get to the stalls. DIG did not consider this a problem as long as they did not need to travel out doors to the Welcome Building to gain access to the Congress.
- Accessible toilets: Greater number of accessible toilets and some with 'Radar Keys' should assist.
- Parking bays: Larger more accessible bays in the right locations would benefit the scheme. DIG acknowledged that spaces behind the Towner and to the front of the Devonshire Park theatre were being remodelled. Disabled parking bays were well used and should be retained in future development options.

Mr Howell, Eastbourne Society, addressed the committee stating that he had concerns regarding the canopy in that in its current position it may diminish the importance of the Congress Theatre. Mr Howell also raised concerns regarding the siting of the plant housing on the Compton Street side of the Winter Garden and requested that consideration be given to re-siting the housing.

Mr Godfrey, Chamber of Commerce, addressed the committee in support stating that Tourism and Conferencing was essential to the economy of Eastbourne as were the International Tennis events. The Chamber of Commerce fully support the development of the site.

Mr Tidemarsch, Levitt Bernstein, addressed the committee in response stating that the canopy was integral to the design, and consultation with Historic England was ongoing regarding the siting of the columns. The Welcome Building canopy identified the main entrance to the complex.

Mr Crook, Consultant Architect for Levitt Bernstein, addressed the committee stating that the side lift; staircase and plant room would be re-sited to the rear of the building away from the public realm.

RESOLVED (150903): (By 5 votes to 3) 1) That in the event that the Legal Agreement requires changes/alterations from that which currently accompanies the application then delegated authority be given to the Senior Specialist Advisor (Planning) in consultation with the Chair of Planning Committee to agree these variations

2) Subject to there being a satisfactory legal agreement in place covering:

- Travel Plan Monitoring Fee
- Commitment to enter a S278 Agreement
- Engage with East Sussex County Council in relation to a Parking Strategy (including real time bus information)
- Engage in the delivery of initiatives to create and foster local job opportunities

Then Planning and Listed Building Consent be issued with the following conditions:

1) Commencement within 3 years 2) Development in accordance with approved plans 3) Submission and approval of a Written Scheme of Investigation 4) Tree protection during works 5) Tree protection (excavation/foundations/drains) 6) Tree planting scheme 7) Auditable arboricultural site monitoring system 8) Surface water drainage scheme & maintenance management plan 9) Biodiversity works in accordance with submitted survey 10) Details of hard and soft landscaping including street furniture, railings etc 11) Submission of a Traffic Management Scheme (size & route of works vehicles) 12) Provision of wheel washing facilities 13) Submission of construction details of the plaza and surrounding highway, surface water drainage, outfall disposal and street lighting 14) Provision of approved parking areas prior to occupation 15) Submission of details of cycle parking and provision prior to occupation 16) Hours of operation (building works) 17) Notwithstanding the details hereby approved further details shall be submitted for approval in consultation with the national amenity societies showing the roof of the Racquet Building the front to The Winter Gardens and the catering core to the Winter Gardens 18) Details & samples of external materials 19) Details & samples of mesh filled glass 20) Details & samples of internal fittings and finishes within the Congress 21) Details & samples of internal fittings and finishes within the Winter Gardens 22) Details & samples of elevational treatment and facing materials to the additions to the Winter Gardens 23) Details including large scale sections of decorative metalwork to the Winter Gardens 24) Details of the junctions between the Congress and Winter Garden links 25) Details of repairs/paint finish of the listed telephone box outside the Devonshire Park Theatre 26) Phasing of works & repairs 27) Methodology of repairs to all heritage assets 28) Methodology of making good 28) Details of new and repositioned signage on the buildings and within the plaza.

RESOLVED (150904): (Unanimous) That Listed Building consent be granted subject the conditions outlined above.

106 East Beach Hotel. Application ID: 150965.

Retention of existing UPVC windows to front (south east) and side (south west) elevations (retrospective) – **DEVONSHIRE**. One objection had been received.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisor for Conservation and Eastbourne Hospitality Association were also summarised.

At its meeting on 6th October 2015 the Conservation Area Advisory Group expressed a concern that the replacement UPVC windows installed are out of keeping with the surrounding area.

The committee was advised that 28 letters of support had been received from residents and businesses in the surrounding area. The letters raised the following points as reasons to support the application:

- It was submitted that the UPVC windows that had been installed improved the appearance of the building and protect the rhythm and fenestration of the building.
- The previous timber windows were beyond economic repair, and the cost of painted timber replacement windows would be prohibitively expensive.
- There were environmental benefits to UPVC replacement windows through reduced heat loss, helping achieve environmental objectives.
- The windows that had been installed provided an improved quality of accommodation, improved ventilation and a reduction in noise (from the weather and from traffic).
- UPVC had been allowed elsewhere in Eastbourne and there was an inconsistency of approach on the part of the Council.

Page 70 of the officers report incorrectly stated that the Langham Hotel (43-49 Royal Parade) had installed double glazed UPVC windows on the front elevation without planning permission. It had subsequently been confirmed by the owner of the building that the replacement double glazed windows on the front elevation of this building had been constructed using painted timber.

The Chairman stated that this case raised important issues, not only for the hotel stock within Eastbourne but also every property that was seeking replacement windows. The decision made on this case might have significant implications going forward; and therefore recommended that the item was deferred pending a site visit. The site visit would enable Members to fully assess the merits and issues in relation to this case.

NB: Councillor Ungar was no longer present for this item.

RESOLVED: (Unanimous) That the application be deferred pending a site visit.

107 Langney Shopping Centre. Application ID: 150882 (PPP).

To erect mesh fencing 1.8m high, to create an outdoor play area 38.3m by 18m on the grassed area adjacent to Sandpiper Walk for children attending the nursery at Unit 50 Langney Shopping Centre – **LANGNEY**. Six letters of objection had been received.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisors for Arboriculture and Planning Policy were also summarised.

NB: Councillor Ungar was no longer present for this item.

RESOLVED: (By 6 votes with 1 abstention) That permission be refused on the grounds that the formation of an outdoor play space for use in

conjunction with the existing nursery would be detrimental to the amenities of the nearby residential occupiers by way of noise generated from the children using the facility. Additionally, the introduction of a 1.8 metre high mesh fence would be visually intrusive and alien in its appearance, out of character with the open plan nature of the area and for these reasons would not accord with policies HO20, UHT1 and UHT4 of the Eastbourne Borough Plan 2007 Saved Policies and policy D10a of the Eastbourne Core Local Strategy.

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.

108 Shinewater Playing Field. Application ID: 150660 (PPP).

Erection of 80 seat stand to football ground – **LANGNEY**. A petition of 32 signatures of objection 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 for commencement 2) Approved drawings 3) The stand shall be properly secured/enclosed when not in use to minimise anti-social behaviour.

Informative

The applicant is reminded that the display of any advertisements at the site would require express advertisement consent from the Local Authority. Class A, schedule 1 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 allows for the display of advertisements on enclosed land on the condition that the advertisement is not readily visible from outside the enclosed land or from any place to which the public have a right of access.

109 Upperton United Reform Church. Application ID: 150824 (PPP).

This application was withdrawn.

110 Summary of Planning Performance of the Planning Service for 3rd Quarter (July - September) 2015 and Planning Customer Satisfaction Survey (June - October).

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 third quarter (July – September) 2015 and the Customer Satisfaction Survey (June - October) 2015.

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.

In addition the report also included information about 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 learned, 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. In the current survey period a claim for costs of £15,000 from the Courtlands Hotel had been received.

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.

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

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.

Members requested that a list of long outstanding enforcement cases be included into this report in future.

Members were apprised of the results of the Customer Satisfaction Survey which had been sent to all applicants and agents, seeking their views on how the Council had dealt with applications.

There were a number of potential improvements listed within the report largely around improving accessibility and level of information available on the Council's website. Overall the majority of customers surveyed were happy with the service provided.

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.

111 South Downs National Park Authority Planning Applications.

There were none.

112 Employment Land Local Plan

The committee considered the report of the Senior Head of Regeneration, Planning and Assets seeking Members' views on the Employment Land Local Plan prior to its consideration by Cabinet on 9 December 2015.

In May 2012, the Eastbourne Core Strategy Local Plan was subject to Public Examination by a Planning Inspector. The Inspector expressed concerns over the evidence that supported Core Strategy Policy D2: Economy, particularly relating to the employment land supply. In order to address this issue without delaying the adoption of the Core Strategy, the Inspector recommended that Core Strategy Policy D2: Economy be the subject of an early review, leading to its replacement with an additional Local Plan to deal specifically with the employment land supply.

In order to meet this requirement, an Employment Land Local Plan (ELLP) was being produced. The ELLP would guide job growth and economic development in Eastbourne up to 2027 by identifying an appropriate supply of land for future employment development, in order to achieve a sustainable economy and make Eastbourne a town where people want to live and work. It related to land and buildings within the B1 (Offices and Light Industry), B2 (General Industry) and B8 (Storage and Distribution) Use Classes.

A Proposed Submission ELLP was presented to Cabinet on 10 December 2014 for approval and authority to publish to receive representations on issues of soundness. It was subsequently published for an 8 week period between 12 December 2014 and 6 February 2015. The representations received during the consultation had been taken into account in revising the ELLP.

Representations received on the Proposed Submission ELLP resulted in some changes being made on the ELLP and the supporting documents, and as a result a Revised Proposed Submission ELLP now needed to be published to allow for representations to be made on issues of soundness before it could be submitted for examination.

Planning Committee Members were asked to consider the attached report and any comments would be considered and reported verbally to Cabinet at its meeting on 9 December 2015.

Members noted that in order to progress the ELLP towards adoption, Cabinet would be requested to approve the Revised Proposed Submission

ELLP for publication to receive representations on issues of soundness between 11 December 2015 and 22 January 2016.

Following the representation period, the Employment Land Local Plan would be submitted to the Secretary of State for public examination, following which the Council would be able to formally adopt the Employment Land Local Plan.

RESOLVED: (Unanimous) That Cabinet be advised that the Planning Committee support the revised proposed submission Employment Local Land Plan for consultation.

The meeting closed at 8.20 pm

Councillor Murray (Chairman)