

Tuesday, 5 January 2016
at 6.00 pm



Planning Committee

Present:-

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

113 Minutes of the meeting held on 24 November 2015.

The minutes of the meeting held on 24 November 2015 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

114 Apologies for absence.

There were none.

115 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.

116 2a St Marys Road. Application ID:151011 (PPP).

Redevelopment of site to provide 3no. self-contained flats with three undercroft parking spaces – **OLD TOWN**. Four objections had been received.

The observations of the East Sussex County Council Highways Department were summarised within the report. The Specialist Advisor for Planning Policy made no response.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Commencement of development within three years 2) Development in accordance with the approved plans 3) Submission of samples of materials 4) Details of entrance gates, and permanent set back of 5.5m from highway 5) Provision of parking spaces before occupation and permanent retention 6) No guttering to be fixed onto or on top of the wall adjoining Gore Park Avenue 7) Restriction on building work hours.

117 6 Wedderburn Road. Application ID: 151149 (HHH).

Two storey extension at side, and single storey extension at rear – **RATTON**. Six letters of objection and one of support had been received. The relevant planning history for the site was detailed within the report.

The applicant had submitted revised drawings which were in direct response to questions raised by interested third parties and related to drainage and parking issues. Some residents had raised issues over the late posting of amended drawing on the Council's website.

Members noted that the applicant had supplied an additional supporting statement outlining that the accommodation was needed to meet the requirements of a growing family.

The applicants had supplied a structural report outlining how the extension could be built without compromising the integrity of the boundary fence/wall. The applicants acknowledged that, given the proximity to the existing boundary, a party wall agreement would be required and were happy to accept a condition with regard to the obscure glazing to the flank window.

Members noted some factual inaccuracies in the report at page 18, site description which stated that 'the plot rose left to right (viewed from the front)'; this should have read 'rising from right to left when viewed from the front'.

At page 21, at the top of the page, the report stated 'a refusal based on lack of off-street parking or the displacement of parking on to the local highway network could be justified.' It should read could NOT be justified.

Mrs Dinc addressed the committee in objection stating that other extensions in the area had been rejected, the bulk and height of the proposal was out of keeping with the surrounding area and would infringe on space and privacy.

Mr Brabner addressed the committee in objection stating that he was concerned that excavation on the site would damage the footings to his property and the extension would overshadow his kitchen and garden.

Mr Coffey, agent for the applicant, addressed the committee in response stating that the neighbours' amenity would be safeguarded, with no significant overlooking or overshadowing.

RESOLVED: (By 5 votes to 4 on the Chairman's casting vote) That permission be granted subject to the following conditions: 1) Time Limit 2) matching materials 3) No PD windows 4) Construction times 8:00 a.m. and 6:00 p.m. on Mondays to Fridays and 8:00 a.m. and 1:00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank/Public Highways 5) High level window to ground floor extension fitted with obscure glazing and fixed shut 6) The use of the extension hereby approved shall only be used for purposes incidental/ancillary to the main property at No 6 Wedderburn Road and shall not at any time become a primary or independent unit of residential accommodation.

118 12 Carew Road. Application ID: 151200 (HHH).

Erection of an upper ground floor extension above existing lower ground floor extension – **UPPERTON**. One letter of support had been received. The committee was advised that a further letter supporting the application had been received. The relevant planning history for the site was detailed within the report.

Councillor Rodohan, Ward Councillor, addressed the committee stating that the proposal had limited views from the public highway and that neighbours had not objected.

RESOLVED: (By 5 votes to 1 with 2 abstentions) That permission be granted subject to the following conditions: 1) Time 2) Materials 3) No windows in flank walls.

119 14 Maple Road. Application ID: 151006.

Application seeking retrospective planning permission for the retention of a biomass boiler, flue, and associated housing within the car park together with a 2.1 metre high boundary fence and lowering of the associated boiler pipework below and behind the top of the fence. (Amended description) – **ST ANTHONYS**. Three objections had been received.

Members were advised that a previous application had been submitted to retain the biomass boiler. This application was withdrawn following a committee resolution to refuse planning permission as insufficient information had been submitted to show that the biomass boiler was not having a detrimental impact on surrounding residential properties.

This application was the result of an enforcement investigation into the siting of the structure containing the biomass boiler. The investigation commenced following a complaint from a member of the public that the structure had been erected at the end of September 2014. In accordance with the Council's Enforcement Policy, Brewers were advised to submit a planning application to retain the works.

The observations of the Specialist Advisor for Pollution and Licensing were summarised within the report.

RESOLVED: (Unanimous) That this application be deferred pending the receipt of further information on the pollution issues at the site and that a further round of consultation be undertaken.

120 41 Pevensey Road. Application ID: 151227.

Proposed conversion of a previously approved 2-bedroom ground floor flat into 2no. 1-bedroom self-contained flats for single occupancy including a new single storey rear extension – **DEVONSHIRE**. The relevant planning history for the site was detailed within the report.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Permission must be implemented in accordance with the following approved plans:

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At no time shall there be any changes to the internal layout of the flats hereby approved unless previously agreed in writing by the Local Planning Authority 2) The development must be completed by undertaking works to remove the internal partition wall that presently exists within unit 2 and is not shown on the approved plans. This work must be undertaken within a period of six months of the date of this decision. No part of the unit shall be occupied until these works had been completed.

Informative:

Condition 1 of this permission has been added to prevent the re-erection of the wall that must be removed under condition 2 of this permission. It does not prevent future building works to the unit in question as long as the general layout hereby approved by this permission is retained.

121 Unit 1, Hawthorn Road - Birchwood Skoda. Application ID: 151206 (PPP).

Conversion and change of use of part of existing service retail/car showroom (Sui Generis) to Class A1 retail unit; Incorporating new fire exit and external air conditioning units – **ST ANTHONYS.**

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

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time Limit 2) Approved Drawings 3) Notwithstanding the provisions of the Town and Country Planning Use Classes Order the retail store hereby approved shall only trade furniture and not be permitted to retail to any extent (other than ancillary) any items from the following list unless the end user has been named and agreed in writing by the Local Planning Authority:

- Fashion; Footwear; Sportswear & Sports Equipment; Children's Clothing and Toys

122 3-5 Wilmington Gardens, Courtlands Hotel. Application ID: 151134.

Change of use to convert a 45 bedroom hotel to a 14 bedroom guest house hotel with owner's accommodation and 15 residential apartments – **MEADS.**

Planning committee had previously considered this proposal on 6 January 2015 for the change of use of the existing hotel at 14 Wilmington Gardens to 1 x 14 bedroom hotel with ancillary owners accommodation and 15 residential units. At this time the committee agreed that the application should be returned to members for consideration following the receipt of viability evidence from the district valuer.

Following the January 2015 committee meeting the applicant subsequently appealed against non-determination under Section 78 of the Town and Country Planning Act. This appeal was considered and decided in the course

of 2015. In the absence of a response from the district valuer, the Council took advice from BPS Chartered Surveyors, which generally supported the applicants' position that the hotel accommodation was not viable in its existing form.

In considering the non-determination appeal the Inspector found that the applicant had successfully demonstrated in its own evidence that in light of site specific issues the existing hotel accommodation was not viable as a going concern, and as such a conversion of the premises to a partial hotel use and partial residential use fulfilled the requirements of Policy TO1 and TO2 of the Eastbourne Borough Local Plan. The Inspector also made an award of costs against the Council, finding that it had acted unreasonably in defending the appeal in light of the viability evidence put before the Inspector.

The policy context and planning history were assessed in the previous committee report, attached as annex 1 of the report.

The committee was advised that a statement from the Eastbourne Hospitality Association (EHA) had been received and was summarised as follows:

As with the first application EHA fully supported this proposal. Since the first application all of the substantive issues had been assessed by the appeal inspector and had been ratified by the Council's hotel survey and seafront strategy. The scheme would have a beneficial impact upon the conservation area and also provided the type of accommodation needed by delegates visiting the proposed new conference facilities at Devonshire Park.

Mr Weir, Chairman of the Eastbourne Hotel Association addressed the committee stating that there was a need for this type of accommodation in Eastbourne, as there were currently too many bed spaces resulting in low room rates, which did not support the tourism economy in Eastbourne.

RESOLVED: (By 1 vote with 7 abstentions) That permission be granted subject to the completion of a section 106 agreement securing the following measures:

- An affordable housing contribution of £35,656
- A household waste and recycling facilities contribution of £345
- Agreement that the half of the residential units will not be occupied until completion of the hotel element of the scheme.

And conditions as follows: 1) You must apply to us for approval of how waste and recycling is to be stored on site in the final development. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the proposed development 2) You must provide the parking spaces shown in accordance with the layout shown on plan number 795201/15/07 rev A B. The parking spaces shown may only be used by residents and visitors to the approved accommodation and may not be used for any other purpose 3) You must provide the car parking spaces shown on drawing number 795201/15/07 rev A B prior to the first occupation of the hotel and tourist

accommodation use hereby approved by this permission 4) You must provide details of refurbishment measures to the hotel/guesthouse element of the scheme submitted to the local planning authority for the approval of the local planning authority. These details should include:

- details of redecorations and internal fixtures and fittings (to include including bathing and sanitary ware)
- details of the new stair access

5) You must not start work on any part of the refurbished hotel/guesthouse until we have approved what you have submitted, and you must implement this permission in accordance with details approved under the terms of this condition No 4 6) You must provide details of secure cycle parking to be approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. You must not start work on the relevant part of this development until we have approved what you have sent us 7) The lower ground floor flat of the guesthouse accommodation shown as residential accommodation on the approved plans must only be used by staff of the guesthouse hereby approved and must not be used as a self-contained residential unit in its own right 8) You must implement this planning permission in accordance with the following drawings approved as part of this application:

795201/14/07 amendment A B (site location plan)		
795201/EXG01	795291/EXG02	795201/EXG03
795201/EXG04	795201/EXG05	795201/EXG06
795201/EXG07	795201/EXG09	795201/EZG10
795201/C/01 rev B	795201/C/02 rev B	
795201/C/03	795201/C/04	795201/C/05
795201/C/06	795201/C/07	795201/C/08

123 23-25 Royal Parade, East Beach Hotel. Application ID: 150965.

Retention of existing UPVC windows to front (south east) and side (south west) elevations (retrospective) – **DEVONSHIRE**. One letter of objection and 28 letters of support had been received.

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

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

Two petitions, one of 36 signatures and one of 101 signatures had been received from Inspirations group, customers of the East Beach Hotel and the Eastbourne Hospitality Association respectively, in support of the application. Three further letters of support were also reported, including one from Councillor Holt.

Mr Weir, Chairman of the Eastbourne Hotels Association, addressed the committee in support stating that the policy on UPVC windows was merely guidance for the committee and that a number of other hotels west of the pier had replacement UPVC windows. Mr Weir also stated that the East Beach hotel was not a listed building.

Mrs Cowderoy, owner of the East Beach Hotel, addressed the committee stating that the 'tilt and turn' windows had been added to improve safety and security for guests.

Members discussed the application and agreed that the replacement windows were unsuitable and not appropriate in the building as the appearance of the hotel had been changed substantially.

The committee agreed that the reinstatement of the windows could be phased to floor by floor during the winter months.

RESOLVED: (By 7 votes with 1 abstention) That permission be refused and enforcement action authorised on the grounds that: Because of its bulk, materials, method of opening and detailed design the replacement UPVC windows would detract from the setting and appearance of the building of local interest and the Town Centre and Seafront Conservation Area. This is contrary to Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework 2012; Policies B2 (Creating Sustainable Neighbourhoods) D10 (Historic Environment) and D10A (Design) of the Core Strategy 2013; and Saved Policies UHT1 (Design of New Development) UHT4 (Visual Amenity) UHT15 (Protection of Conservation Areas) and UHT18 (Buildings of Local Interest) of the Eastbourne Borough Plan 2001-2011.

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.

124 Land at Sumach Close. Application ID: 151170.

Erection of a three storey building consisting of 13 flats (8 x 2 bed and 5 x 1 bed). Amended Description – **HAMPDEN PARK**. Three letters of support and seven letters of objection had been received. One further letter of objection was reported at the meeting.

The committee was advised that Southern Water had requested that a foul and surface water condition be imposed on any approval.

The observations of the East Sussex County Council Highways department, Specialist Advisor for Planning Policy and the Strategy and Commissioning Officer for Regeneration were summarised within the report.

RESOLVED: (Unanimous) That permission be granted subject to a satisfactory legal agreement to cover local employment initiatives and the following conditions: 1) Time for commencement 2) Approved drawings 3) Samples of proposed materials 4) Refuse/recycling storage (details submitted and to be provided prior to occupation) 5) Landscaping/planting

6) Wheel Washing 7) Surface Water drainage (Highways) 8) Parking provision (laid and provided before occupation) 9) Cycle Parking (details submitted and to be provided prior to occupation) 10) SUDS 11) The residential units hereby approved shall be retained in perpetuity as affordable rented accommodation unless previously agreed in writing by the Local Planning Authority 12) Position of services 13) Re-planting of trees have been requested by the Specialist Advisor for Arboriculture.

125 Upwick Road Drainage. Application ID: 151192 (VCO).

Variation of condition 11 of permission EB/2011/0193(FP) for the demolition of the garages to the rear of 2-8 Upwick Road and the erection of 6 houses and garages, parking spaces, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/ 4 Upwick Road to remove the entrance door at the side and form a new entrance door at the front. Variation sought: the disposal of foul water from the site into the existing drain at the rear of 7 Dillingburgh Road – **OLD TOWN**. Two letters of objection had been received. Three further letters of objection were reported at the meeting.

The relevant planning history for the site was detailed within the report. The observations of Southern Water Services Ltd were also summarised.

The committee was advised that the applicant's legal advisors had outlined that Southern Water had confirmed that the sewers could be considered for adoption by them but that the applicant would need to apply for formal adoption. In addition they confirmed that an easement had been agreed with the occupiers of 7 Dillingburgh Road in order to allow continued access.

Members were reminded that the applicants had discharged the details in relation to foul and surface water disposal under application 140155 This approval had the site being drained via a soakaway for the surface water and the foul water being discharged via a pumped system into Upwick Road. The pump chamber had been installed 3.5m closer to Upwick Road. The applicants acknowledged that the new location had not been agreed by the Council but has been installed in the location on site as the most practical way of installation given the proximity of the agreed location to the existing new dwelling house.

The applicants acknowledged that to install ground works at this stage of the development was not ideal but contended that the location of the pump chamber was as close as was practicable to the approved location and would, if supported, enable the site to be drained to Upwick Road in the manner to which it was originally sought.

Councillor Coles, Ward Councillor, addressed the committee in objection stating that the adoption of the sewer had not yet been confirmed.

Mr Johnson, agent for the applicant, addressed that committee in response stating that an access agreement had been made with 7 Dillingburgh Road and Southern Water had confirmed they would adopt the sewer.

RESOLVED: (Unanimous) That permission be refused on the grounds that the application has not been accompanied with details to demonstrate the suitability and capacity of the existing drainage run to absorb additional connections. In addition the application has also failed to supply/demonstrate details to control/mitigate the potential risk of localised flooding and blockages within the immediate area, nor provide details that the sewers will be adopted as 'public sewer' by the appropriate statutory undertaker. In the absence of this information it is likely that the proposal may have an adverse impact upon the amenities currently enjoyed by the occupiers of nearby residential properties and also by the future occupiers of these new properties by reason of localised flooding and blockages of the local sewer network 2) The gravity system as proposed by this application remains unacceptable and should be refused for the reasons as highlighted 3) That Members defer Enforcement Action in relation to the siting pump chamber and give the applicant the opportunity to rectify the breach of planning control (pump chamber and vents not in accordance with the approved details) 4) Failure to remedy the breach of planning control either by way of re-siting or revised application would result in a sustained breach of planning control and in these circumstances then Enforcement Acton be authorised to secure compliance.

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.

126 Land within the curtilage of 4 Walnut Tree Walk. Application ID: 151007 (PPP).

Erection of a detached dwelling with integral garage – **RATTON**. 24 letters of objection and one of support had been received. One further letter of objection was reported at the meeting.

The relevant planning history for the site was detailed within the report. The observations of the Estate Manager, Specialist Advisors for Arboriculture and Conservation and East Sussex County Council Highways department were also summarised.

Members were advised of a letter from the agent addressing concerns / objections raised, summarised as follows:

- The Council's Arboriculturist did not make any actual objection to the development, having raised concerns which were now addressed by the clients Arboriculturist.
- The applicant did not understand the involvement of the Conservation Officer, as it was not a conservation area and there were no listed buildings nearby; it was a nice street but not in a conscious plan of Arts and Crafts design.
- The site was not designated open space; historically, the land was clearly a plot which was meant to be developed (as was no.4)

A response to the agent's letter from the Council's Arboriculturist had been received confirming that his recommendation was that the application be

refused on the grounds of the effect on preserved trees and that there was no space to reposition other trees because they could not reach maturity.

Mrs Clancy addressed the committee in objection stating that she had concerns about road safety on and near the application site and the capacity of the soakaway for the area.

Mr Barnhoorn addressed the committee in objection stating that he was concerned about potential damage during the development, and that the proposal was an overdevelopment of the site.

Councillor Belsey, Ward Councillor, addressed the committee in objection stating the proposal was an overdevelopment and would detract from the attractive entrance to the estate.

RESOLVED: (Unanimous) That permission be refused on the grounds that the proposed development would have an adverse impact on the character and appearance of the Area of High Townscape Value by reason of the loss of an open amenity area, the loss of trees and adverse impact on preserved trees, in addition to its inappropriate siting and design. It therefore conflicts with polices B2, C12, D10 and D10a of the Eastbourne Core Strategy Local Plan 2013, policies UHT1, UHT4, UHT16, HO6 and NE28 of the Eastbourne Borough Plan Saved Policies 2007, and paragraphs 56 and 60 of the National Planning policy Framework.

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.

127 Appeal Decision - 153 Victoria Drive.

The committee noted the outcome of the appeal relating to 153 Victoria Drive and the award of costs against the Council by the Planning Inspector.

NOTED.

128 South Downs National Park Authority Planning Applications.

There were none.

The meeting closed at 9.28 pm

Councillor Murray (Chairman)