

Tuesday, 2 February 2016
at 6.00 pm



Planning Committee

Present:-

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

129 Minutes of the meeting held on 5 January 2016.

The minutes of the meeting held on 5 January 2016 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

130 Apologies for absence.

Councillor Murray.

131 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 Hearn declared a personal interest in minute 137, 21 Glynde Avenue, stating that she knew one of the parties involved with this application. Councillor Hearn considered there was a risk of there being an appearance of bias if she took part. Councillor Hearn withdrew from the room following the public speaking on this item although before the item was debated by the committee.

132 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 – **ST ANTHONYS**. Members noted that in relation to the first (withdrawn) application (ref: 141434) a petition of 14 signatures and a further 3 letters of objection had been received. In relation to the current application three letters of objection had been received.

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

The committee was reminded that there had been two Planning Committee site visits to the application site to assess the impact of the proposals. This application related to the retention of a biomass boiler, flue and associated

housing being used to provide heating to an existing business on a long standing industrial estate. The Council instructed a consultant AECOM to confirm the findings of the Air Quality Assessment submitted with the application. AECOM had concluded that the modelling demonstrated that even if the boiler ran at full load throughout the year with background concentrations based on the kerbside monitor, the effect of the boiler emissions would still be negligible. Members were advised that to refuse the application on matters relating to pollution given the Council's consultant response would create a scenario that exposed the Council to a costs claim if challenged at appeal.

The committee was advised that page 16 of the report, paragraphs 2 and 3 from the top should be deleted as they had been inserted in error.

An additional objection from Mrs Geering had been received following the consultants response to the Air Quality Assessment and was summarised as follows:

'The documents were estimated based on assessments of the potential air quality impact. The smell and dust had not been addressed. The document did not give an accurate indication of the impact of the boiler on the lives of residents. This large industrial unit should not be placed alongside residential housing and finally how would the site be monitored if planning permission was approved'.

Mrs Geering addressed the committee in objection stating that the structure was unsightly and its position was detrimental to the surrounding properties. The air quality had been impacted.

Councillor Mattock, Ward Councillor, addressed the committee in objection stating that whilst she was not against biomass boilers, their placement should be given consideration. The boiler could be re-sited in a more suitable location so as to avoid any detrimental impact on neighbouring properties.

Councillor Tutt, Ward Councillor, addressed the committee in objection stating that he endorsed the comments made by the previous speakers, particularly with regard to the location and proximity to neighbouring residential properties.

Mr Brewer, applicant, addressed the committee in response stating that the boiler was an effective and environmentally friendly method of heating his premises. He also stated that the impact of 15k to 30k daily vehicle trips around the site should be taken into account when considering pollutants and dust particles in and around the site. There had been an estimated 2g of fly ash produced in an 18 month period. The boiler had been positioned to aid parking and operational requirements at the site.

The committee expressed concern regarding the location and proximity to neighbouring residential properties.

Councillor Jenkins advised the committee that he had attended a site visit at the request of a resident opposed to the scheme. He stated that he did not discuss the application and was only in attendance to observe and better understand the objectors concerns. He was accompanied by Councillor di Cara.

RESOLVED: (Unanimous) That permission be refused on the grounds that the proposal by reason of its height/mass/bulk and siting close to the boundaries of the site would result in an unneighbourly and overly dominant structure that would materially affect the amenities and enjoyment of the adjacent residential dwellings/plots.

133 20-23 Albert Parade. Application ID: 151262.

Installation of new shopfront incorporating an ATM to no.20, and alterations to the ground floor windows on the south east and south west elevations of the restaurant – **OLD TOWN**.

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) Approved Drawings:

- Site Location & Block Plan received 25 November 2015
- Drawing number 223000-16 Revision b received 26 November 2015

3) Materials as per email dated 13/01/2016

134 23 Walnut Tree Walk. Application ID: 151140.

Two storey extension at rear to provide open kitchen/living area and two additional bedrooms – **RATTON**. One objection had been received.

The observations of the County Archaeologist and Specialist Advisor for Conservation were summarised within the report.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) commencement within three years from the date of permission 2) Development to be carried out in accordance with approved plans 3) Samples of bricks, roof tiles and hanging tiles 4) Details of the roof windows, doors and windows 5) Restriction of permitted development rights (windows in flank elevations) 6) Hours of building operations.

135 35 Compton Drive. Application ID: 151315.

Loft conversion with dormer and three roof lights to front elevation, and dormer to rear elevation – **OLD TOWN**. Three objections had been received.

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

The committee was advised that photographs of the relationship between the neighbouring properties had been supplied by the neighbours outlining the relative impact of the development and had been included within the presentation; in addition the neighbour had commissioned a light impact

assessment and requested that the Council should undertake the same given the proposals proximity to their property.

Officer's comments in response were summarised as follows:

In assessing all 'householder' applications officers had to assess the fall-back position - what could be built as or under permitted development - in this regard the element of the roof extension causing the greatest impact upon the neighbour could be erected without the need for formal planning permission.

Councillor Coles, Ward Councillor, addressed the committee in objection stating that there would be a loss of daylight to a room which was used a considerable amount of the day.

Mr Solomons addressed the committee in objection stating that there would be a loss of light. He stated that he would prefer if the size of the proposed dormer were reduced in size.

Mr Alford addressed the committee in objection stating that there would be a loss of light and suggested that a reduction in size could mitigate some of the issues.

Members agreed that the application should be deferred for a site visit to allow for a view from the rear of the property – the view which would potentially have the most impact on neighbouring properties.

RESOLVED: (By 7 votes to 1) That the application be deferred pending a site visit to assess the impact of the proposals.

136 Former Meads Club. Application ID: 151175.

Use of building as 3x residential units. External alterations comprising roof extension to create additional habitable living space and associated works – **MEADS**. Three letters of objection, one letter of support and one with neutral comments had been received.

At its meeting on 17 November 2015 the Conservation Area Advisory Group raised no objections.

The observations of the Specialist Advisors for Conservation and Arboriculture were summarised with the report. The Eastbourne Society and Meads Community Association made no response.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Development in accordance with approved plans as amended 2) Materials to match existing unless otherwise approved 3) Provide the waste storage shown on the plans 4) Front boundary wall: details of alteration and repair or reinstatement 5) Details of doors and windows 6) Remove PD rights for extensions and alterations to units created (design and impact on conservation area): Class A, Class B, Class C, Class E GPDO 7) The unit shall not be occupied until full details of soft landscape proposals have been submitted to and approved by the Local

Planning Authority. The details as approved shall be implemented at the site in accordance with the proposed timetable and be retained as such thereafter. These details shall include, as appropriate:

- (a) Planting plans;
- b) Written specifications (including cultivation and other operations associated with plant and grass establishment);
- (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- (d) Trees to be removed
- (e) Implementation timetables.

8) Stipulate clay tiles are to be used as the roof covering 9) That the existing commemorative plaque sited within the front wall of the building shall be retained in situ at all times 10) Boundary treatments separating the plots to be installed prior to occupation 11) Refuse and cycling stores to be provided prior to occupation.

137 21 Glynde Avenue. Application: 151115.

(Amendments to size and design) - Erection of two storey side extension to northern elevation, creation of hard standing and vehicular access to front garden area – **HAMPDEN PARK**. One letter of objection (for both the initial and revised submissions) had been received.

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

Miss Anderson addressed the committee in objection stating that there would be a loss of space between properties preventing access for maintenance. The proposal was an overdevelopment of the site resulting in noise and loss of privacy. The building would significantly damage the local street scene and would be harmful to the character of the area.

Mr Kent, agent, addressed the committee in response stating that the street had a mix of styles of property with varied spacing between houses. Access for maintenance would still be possible and building regulations would deal with any subsidence issues. He stated that privacy was not affected and the size of the development had been reduced as advised by the planning department.

NB: Councillor Hearn 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 (DWG. NO.: 1308.01 Rev: E) 3) Submission of details of vehicle hardstanding 4) Tree protection to British standards (street tree) 5) No permitted development (New openings, new dormer) 6) Obscure glazing to the side facing windows at 1st floor.

Informative:

The applicant is reminded that they would need to apply to East Sussex County Council Highways for a licence to undertake works in relation to forming a dropped kerb outside of the property.

138 Upwick Road Drainage. Application ID: 151192.

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**.

The committee was reminded that this application was reported to Planning Committee in January 2016 and proposed a sewer connection from this development site into an existing sewer in Dillingburgh Road. Members had resolved to refuse this application.

The application had now been amended and now proposed the deletion of the connection to Dillingburgh Road and promoted the foul water disposal via a pumped system direct from the site into Upwick Road. The application also proposed a revised location for the pumping chamber (already in situ) than that previously agreed.

The committee was advised that the agent for the applicant had supplied additional information summarised as follows:

- The pumping chamber was located on the applicants land.
- The drawings submitted to accompany the application were accurate.
- Equipment within the venting / pumping control box would not be noisy as a fault alarm would be a flashing light on top of the control box.
- No noise from the operation of the pump within the chamber.
- All of the properties had SVP connected to their properties and as such all smells should be vented in the common approach and in accordance with Building Regulations.
- A twice year inspection and maintenance regime was to be adopted.
- The pumping chamber was connected to the existing drain serving 2 Upwick Road.
- The pumping chamber needed to have access to the air in order to assist in its operation.
- The brick wall to the rear of the pumping chamber matched those used in the main dwellings

A further representation had been received outlining that the developer had connected to the existing sewer that served 2 and 4 Upwick Road. In addition they recommended that the venting and switching box should be relocated further away from their gardens.

Councillor Coles, Ward Councillor, addressed the committee in objection stating that the control box had been positioned in close proximity to a neighbours property without permission, this was causing some concern particularly with regard to potential noise and smells.

Mr Cline addressed the committee in objection stating that the drain had been connected to the foul water pipe at 2 Upwick Road and not the main drain as suggested in the plans submitted.

Mr Goacher, applicant, addressed the committee in response stating that all planning concerns had been addressed, the pump installed was noise and odour free and would run for approximately 2mins per day. Shrubbery would be planted around the control box.

The committee agreed to defer the application and requested that officers explore with the developer an agreeable solution to all parties.

RESOLVED: (By 7 votes with 1 abstention) That the application be deferred pending officers exploring with the developer an agreeable solution to all parties.

139 Customer Satisfaction Survey Results (Oct 2015 - Jan 2016).

Members considered the report of the Specialist Advisor for Planning which provided a summary of responses to the Customer Satisfaction Survey for the period October to December 2015. The purpose of the report was to update the committee on the subsequent responses giving a calendar year-end position and improvements which had been implemented to the planning service following survey responses.

The improvements, recommendations and new comments from the last quarter that been raised in a previous update were summarised in the report.

NOTED.

140 Planning Performance - Quarter 4 (Oct 2015 - Dec 2015).

The committee considered the report of the Senior Specialist Advisor for Planning which provided a summary of performance in relation to key areas of the Development Management Services for the fourth quarter (October – December) 2015. The report included information regarding recent appeal decisions.

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. 14 appeal decisions and the decision letters were appended to the report for information purposes. Officers considered that in granting planning permission for 90% 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.

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

NOTED.

141 Planning Enforcement Policy Statement 2016.

The committee considered the report of the Specialist Advisor for Planning providing Members with an updated position with regard to the council's Enforcement Policy Documents.

The committee was advised that the National Planning Policy Framework identified that local planning authorities should consider publishing a Local Enforcement Plan to manage enforcement effectively and proactively and where one did not exist it should be produced as a matter of expediency. This was endorsed by the Royal Town Planning Institute and the Planning Advisory Service where the benefits of an Enforcement Plan were echoed. It was recognised that Enforcement Plans should be seen as the direct link to planning policy and as such carry the same weight as other policy documents. Therefore a more customer / user friendly document had also been produced (Planning Enforcement Policy Guidance Note 2016).

It was considered that this streamlined document would assist in the delivery of an 'enforcement process and function' that remained faithful to the delivery of the developments that had been permitted, and also assisted in engendering a culture of compliance helping to maintain the integrity of the planning system.

The proposed changes to the previously adopted enforcement policy were modest and related to updating legislative references and also sought to clarify the type and nature of the various types of enforcement action that could be pursued. The Planning Enforcement Guide had been developed to set out to complainants, or those involved in an investigation, the process of an investigation and its timeframes in a simpler manner than that of the full policy document. The guide would be sent out to anyone contacting the Council in relation to a breach of planning control and contained a pro-forma for a complaint.

RESOLVED: (1) That the revised and updated Enforcement Policy and content of the Planning Enforcement Guidance Note be endorsed (2) that the Enforcement Policy and Planning Enforcement Guidance Note be referred to Cabinet and recommended for adoption.

142 Update on Housing Delivery.

The committee considered the report of the Senior Head of Regeneration, Planning and Assets providing Members with an update on housing delivery and the current position in relation to the Five Year Housing Land Supply.

Members noted that national planning policy placed considerable weight on the delivery of new housing. Housing delivery rates in Eastbourne had been

falling over recent years, and the annual delivery targets were not being achieved. This trend was expected to continue. The Council was required to identify sufficient land to accommodate the next five years' worth of annual housing target. At present this would equate to land for 1,271 units. The status of the Five Year Housing Land Supply was a material consideration in the determination of planning applications. Currently the Council could only identify a 3.8 year supply of housing (equating to 916 units), and the lack of a five year supply meant that decisions to refuse applications for residential development had the potential to be overturned on appeal.

In order to address the issues arising out of the Five Year Housing Land Supply Assessment, the following next steps would be taken:

- Produce an up to date Strategic Housing Market Assessment (SHMA) to identify the objectively assessed housing need (February – July 2016)
- Produce an up to date Strategic Housing Land Availability Assessment (SHLAA) to identify land that was available, suitable, viable and had potential for residential development (March – October 2016)
- Produce a Housing Implementation Strategy to set out the approach for managing housing delivery and identify and mitigate associated risks (March – June 2016)
- Start discussions with developers on stalled sites to understand what the deliverability issues were and how these sites could be delivered sooner (February – April 2016)
- Commence a review and preparation of a new Local Plan to replace the Core Strategy (April 2016 – TBC)

Members would be provided with an update on the latest position in relation to housing delivery and the Five Year Housing Land Supply on a quarterly basis.

NOTED.

143 Appeal Decision - 4 Enys Road.

The committee noted the dismissal of the appeal relating to 4 Enys Road.

NOTED.

144 South Downs National Park Authority Planning Applications.

Members noted the amended proposals for the automatic number plate recognition camera adjacent to the Black Robin Farm signage at Beachy Head.

RESOLVED: That the South Downs National Park Authority be advised that Eastbourne Borough Council did not wish to raise any objection to the proposal.

The meeting closed at 8.55 pm

**Councillor Sabri
(Deputy Chairman in the Chair)**