

Tuesday, 19 April 2016
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Murray (Chairman) Councillors Miah, Murdoch, Robinson, Taylor, Hearn (as substitute for Ungar) and Smethers (as substitute for Jenkins)

165 Minutes of the meeting held on 22 March 2016.

The minutes of the meeting held on 22 March 2016 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

166 Apologies for absence.

Councillors Jenkins, Sabri and Ungar.

167 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.

168 Heatherleigh Hotel. Application ID: 141521.

Proposed change of use from redundant hotel into 12no. holiday flats and 16no. residential flats including demolition of 4no. garages at rear, alterations to remaining three garages to form secure cycle storage and refuse storage, together with the formation of parking spaces. Removal of front sun lounge – **DEVONSHIRE**.

This application was reported to planning committee in June 2015 and recommended that planning permission be granted subject to the necessary parties signing a legal agreement covering the Local Employment Initiatives and a restriction on occupancy of the proposed open market units until the holiday let refurbishment had been implemented.

The S106 legal agreement was nearing completion however, additional representations had been received and the case was being reported back to planning committee so that Members were aware of the additional representations prior to a formal decision being issued.

The additional representations included one letter of objection relating to parking issues and a petition signed by 36 local residents objecting to the proposal on the lack of available on-street parking and how the lack of parking would impact on local residents.

It was considered that the new information and representations received did not materially alter the conclusions drawn from the earlier reporting of this case and as such the same recommendation was offered to members to endorse and support.

The East Sussex County Highways Officer commented on the proposals stating that the existing use would require 56 spaces and the proposed change of use would require 32 spaces. The Highways Officers also stated that if the residential units were rented rather than privately owned the likely level of parking demand would be lower as occupants of rented flats had considerably lower levels of car ownership. Further the level proposed was lower than the guidance suggested but the difference was smaller for the proposed use compared to what the current consented use could be. The Highways Officer appreciated that the hotel hadn't been used for a while, however there would be some use in the future and it was unlikely that any development would be able to provide significant off street parking. Parking spaces should be allocated to the residential units and on an unallocated basis. For the holiday lets it would be useful to submit a transport statement setting out how they advise future residents about the lack of parking on site and that a public car park was close by.

Mr Trigg addressed the committee in objection stating that there were too many flats in the proposed development and that this would cause additional pressure for residents wishing to park in the area.

Mr Aggwaral, applicant, addressed the committee in response stating that development would be an annex to the neighbouring business he currently ran and at present the site was attracting antisocial behaviour.

RESOLVED: (Unanimous) That permission be granted subject to a S106 legal agreement regarding local employment initiatives and the following condition: 1) transport statement

Informative:

The S106 should cover local employment initiatives, and controls over the timing of the delivery of the refurbishment of the hotel and guest house, the S106 should express that no more than five of the residential units hereby approved shall not be sold or occupied until such time as the retained hotel and guest house had been fully refurbished in accordance with conditions.

169 22-24 Langney Road. Application ID: 141439.

Change of use of ground floor to gymnasium, change of use of first floor to provide 1no. 1 bedroom apartment and 1 x 2 bed and 2 studios together with private amenity space – **DEVONSHIRE**. One letter of objection had been received.

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

A further representation from Cameo's planning consultant stated that 'the concerns raised were in relation to the proposed residential units and the impact that the nightclub could have on these in terms of noise levels and general disturbance that could give rise to noise complaints against the established nightclub use. It was stated that neither the applicant nor the Council's noise reports provided sufficient evidence that the site was suitable for residential use. There was no assessment of L_{Amax} (instantaneous noises like shouting and or singing etc.) of noise people whilst Cameo was operating. There had been no assessment of the potential for structure-borne re-radiated music noise in the residential building as a result of vibration transfer from the adjacent Cameo building. By its own admission, the Acoustic Associates report did not provide a full assessment of the predicted noise levels in the apartments, and whether they met the NR15 criterion. Concerns were also raised in relation to the loss of retail in the town centre and the impact on the adjacent heritage asset'.

Cameo's noise consultant also stated 'The noise report failed to demonstrate that the noise from either amplified sound or other noise such as patron noise would be inaudible in the properties when the windows were open and that the predicted noise levels seemed unrealistically low in some cases. In addition the Council's report and conditions relied on the need for windows to be closed to achieve the required internal noise levels in the apartments. This was not the same as having a sealed façade, the conclusion being that occupiers of the residential units could still open windows to attain purge ventilation. The provision of mechanical ventilation would not necessarily over-ride the natural instinct to open windows for extra ventilation. In doing so, the residents may then be exposed to higher-than-acceptable levels of noise from Cameo and passing patrons. There was concern that if the local authority investigated for statutory nuisance and concluded it was reasonable for the occupant to open their windows for additional ventilation, they may then find against Cameo. The report also only dealt with airborne noise transmission and not structure borne re-radiated noise caused by vibrations created by the nightclub transferring into the adjacent building'.

The applicant had also provided a further statement 'the description of development on the application referred to 2x studios 1x 1bed and 1x2bed. The applicant's plans showed the 2 bed to be a one bed with study which had assessed the application on the basis that this was used as a 2 bed flat in terms of the floor space and standard of accommodation. Given the applicant would have little control over the resulting use of this second room. The report referred to treble glazing, this was an error as the noise assessment requires a thermal double glazing.

Ms Maccoughlan addressed the committee in objection stating that the proposal may damage the neighbouring nightclub business, with unreasonable restrictions being placed on the nightclub should future residents complain about noise. The site was not suitable for a residential development.

Mr Thomas, agent for the applicant, addressed the committee in response stating that the scheme was supported by planning policy and that the noise aspect had been considered. The noise survey complied with the

Council's requirements and any required mitigation requirements would be controlled by condition and would be tested prior to occupation.

RESOLVED: (By 6 votes with 1 abstention) The permission be granted subject to the following conditions: 1) Time for commencement 2) Approved drawings 3) Development shall be carried out in accordance with the Noise Impact Assessment 4) Submission of a mitigation and control scheme to address noise emitted from the mechanical plant 5) Submission of a building noise mitigation scheme 6) Submission of a scheme of mechanical ventilation requirements of the proposed dwellings that enables adequate airflow without the need to open windows or doors 7) Prior to occupation a written report of the results of acoustic tests undertaken to confirm the adequacy of attenuation achieved 8) Submission of a scheme for the installation and management of any electrically amplified music, public address and media reproduction within the ground floor gym 9) Submission of details in relation to refuse storage and how provision for the commercial unit and residential units shall remain separate 10) Submission of details in relation to the provision of cycle storage for the residential use shall be submitted.

170 Ridgelands - 2 Uplands Road. Application ID: 151314.

Erection of a two and a half storey building containing 10 two bedroom flats and 12 parking spaces with a new vehicular access from Upland Road. AMENDED SCHEME – **OLD TOWN**. 39 letters of objection were received and one letter of support.

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

Further representations had been received from the Specialist Advisor for Arboriculture who stated that there were no objections subject to the tree protection conditions being extended to prohibit excavations, including service trenches, within the tree protection zones and also no burning of materials or stockpiling of construction materials within the tree protection area.

East Sussex County Highways department stated that 'in line with East Sussex County Council (ESCC) policy a Transport Report had been submitted as part of this application. This had considered the application in terms of the existing situation, sustainability, access, parking and trip generation. The area around the site had been considered in terms of walking & cycling as well as access to public transport. The site was reasonably well served by bus with the routes that pass along East Dean Road linking to Eastbourne Town Centre as well as Brighton. There were also shops, etc. within walking distance. However, the topography in the area would put off some from walking and/or cycling. The report used the industry standard TRCIS database to assess the likely trip generation of the development. This had shown that approximately 30 additional trips would take place per day, with 2-3 in each peak hour. This had been checked

using a larger data set which had obtained the same result. This level of additional vehicle movement could be accommodated by the local highway network without significant issue.

A total of 12 parking spaces were proposed to serve the site. Using the ESCC parking calculator a development of 10 no. 2 bedroom flats in the Old Town ward were likely to create a demand for 14 spaces based on census data and including for likely car ownership growth up to 2027. Whilst the development would not cater for all the likely demand within the site which was not ideal it was not always necessary to do so. The national guidance, *Manual for Streets*, stated that parking provision could be catered for on street where the local roads were easily able to accommodate the additional parking. It was noted that parking in Uplands Road was well used in between the site and East Dean Road but further along Uplands Road there was sufficient space to accommodate two extra vehicles without causing any significant problems. The submitted transport report included details of parking surveys carried out which accord with observations that had been made on site visits. It was noted that the junction of Uplands Road and East Dean Road had been mentioned in objections as a cause for concern. Normally when considering junctions, accidents for the last three years were taken into account. In this case, given the level of concern, accident records for the last 15 years had been considered. In this time there had been two recorded incidents at the junction, both of which were the result of driver error rather than road layout, etc. The transport report included details of speed and vehicle count surveys that were carried out over seven days which had shown that Uplands Road had low vehicles flows and average speeds below 30mph. This data had been used to determine the appropriate visibility splays in accordance with national design guidance. Although it would be preferable for 2.4m x 43m visibility splays to be provided (30mph standard) given the evidence the proposed splays were acceptable. The visibility to the east would also be greater than shown on the submitted plan. As noted in the transport report it was acknowledged that parking did currently take place in the visibility splays which although not ideal was acceptable and in accordance with the *Manual for Streets* guidance. A 'plateau' would be provided at 1in40 adjacent to the back edge of the footway to prevent vehicles potentially surging out into the highway and the remainder of the site would have a gradient of 1in10 which was acceptable. The access proposed was 4.1m wide, this should be widened to 4.5m to allow two vehicles to pass each other. It was noted that the access arrangements had also been subject to independent safety audit which identified a few issues all of which had been satisfactorily dealt with. Although not ideal in highway terms the proposal was acceptable as it was not considered that a severe impact would be created on the highway network and therefore it was in accordance with the NPPF.

Ms Adams addressed the committee in objection stating that the development would alter the character of the street and would be a dominant feature, which would result in overcrowding and overlooking.

Councillor Coles, Ward Councillor, addressed the committee in objection stating that the scheme would be an overdevelopment.

Mr Newton-Brown addressed the committee in objection stating that the proposals were out of keeping and an overdevelopment which would affect

the privacy of neighbouring properties. The scheme would also increase the potential for accidents at the access to Uplands Road.

Ms Biston addressed the committee in objection stating that the proposal would increase traffic and parking issues in and around the site.

Mr Cole addressed the committee in objection and referred to the number of objectors to the application.

Mr Begeman, agent for the applicant, addressed the committee in response stating that highway survey had been undertaken, that the principle for development had been established, that the site was a large site in a sustainable location, and the scale and mass of the proposed building was not out of keeping with the East Dean Road frontage.

RESOLVED: (By 4 votes to 2 with 1 abstention) That permission be refused on the grounds that 1) The proposed building, by reason of its design, bulk, mass, siting, orientation and would be out of character with the prevailing pattern of development in the area and would also have an overbearing and unneighbourly relationship to the occupiers of the nearby residential properties. It would therefore fail to comply with policies B2 and 10A of the Eastbourne Core Strategy Local Plan 2013, policies UHT1, UHT2 and HO20 of the Eastbourne Borough Plan (Saved Policies) 2007 and paragraphs 56 -66 of the National Planning Policy Framework 2) The proposal by reason of the size of some of the proposed residential flats being below the 'National Housing Space Standards' is considered to provide substandard accommodation for the future occupiers contrary to Policy B2 of the Core Strategy Local Plan.

171 Wish Tower Memorial. Application ID: 160128.

Installation of new war memorial at the wish tower, with associated hard landscaping – **MEADS**. One letter of objection had been received.

The planning history for the site was detailed within the report. The observations of the Specialist Advisor for Conservation, County Archaeologist and the Eastbourne Civilian Memorial Trust were also summarised. Historic England had not responded.

At their meeting on 29 March 2016 the Conservation Area Advisory Group raised no objections and was fully supportive of the scheme.

Members discussed the application and agreed that where possible the architects for the development of the Wish Tower and Wish Tower memorial should work together to ensure the two designs should compliment each other.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Development in accordance with the approved plans 2) Development within 3 years 3) Submission of a programme of Archaeological works prior to with details of any findings submitted within 3 months of completion 4) Details of foundations, piling configurations,

drainage and service to include detailed design and method statement showing preservation of surviving archaeological remains prior to commencement of development 5) Provision of a methodology statement detailing any necessary works of repair and reinstatement to the moat wall 6) Samples of materials to be used in construction of the monument 7) No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, appropriate:

- (i) proposed finished levels or contours;
- (ii) hard surfacing materials;
- (iii) minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting) including proposed seating;
- (iv) retained historic landscape features and proposals for restoration, where relevant;
- (v) any proposed planting plans

Informative:

This approval did not specifically permit the illumination of the memorial in question. The method of illumination would require careful consideration as it had the potential to have a significant impact on views of this building of historic importance.

172 Woods Cottages. Application ID: 160150.

Outline planning application with all matters reserved for the demolition of two derelict cottages and construction of fifteen residential houses on 0.39 Ha land at Woods Cottages, Swanley Close, Langney Rise – **LANGNEY**. Six letters of objection and one of support had been received.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisor for Arboriculture, East Sussex County Council Highways and Ecology departments, Southern Water, the Environment Agency, Lead Local Flood Authority (East Sussex County Council SUDS) and County Archaeologist were also summarised.

Members noted that some of the application details suggested that the site could accommodate 15 3-4 bedroom dwelling houses; given the site constraints such as Tree Preservation Orders (TPO's), access requirements for refuse and emergency vehicles and the parking requirements, officers did not agree with this capacity assessment. The layout submitted did not accommodate sufficient parking spaces and East Sussex County Council Highways department had stated that the site should not cause overspill in terms of parking onto the surrounding streets. Therefore sufficient parking had to be provided within the site for the number and type of units proposed. This was constrained by the location of TPO trees which would restrict the developable area.

For the sake of clarity all matters were reserved on this application and officers had assessed the development potential of the site to accommodate 15 dwellings at 1 – 2 bedrooms size. The applicant should note that if at the reserved matter stage they promote larger dwellings then they would

need to demonstrate that the site could be developed without adversely impacting on the TPO trees as well as complying with the requirements of East Sussex County Council Highways in terms of the number of parking spaces.

Ms St Clare addressed the committee in objection stating that the site had a very narrow access road and that any future development of the site would be detrimental to the residents if used as the main access route and would be dangerous to the school children who walked through the site twice a day. Ms St Clare also expressed concern regarding future access for emergency and construction vehicles.

Mr Jenden, agent for the applicant, addressed the committee in response stating that the site was in disrepair and the development would enable the site to be brought back to its original state.

RESOLVED: (By 6 votes to 1) That permission be refused on the grounds that the applicant had failed to demonstrate that the proposed 15 dwellings could be accommodated on the site with the required level of parking provision and suitable access and the development would likely lead to the loss of five trees which were protected by a Tree Preservation Order (86) contrary to saved policy T11, UHT4 and UHT5 of the Borough Plan 2007 and Policy B2 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.

173 Update on Housing Delivery for 2015/2016.

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.

The committee noted that the 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 1,264 units.

The committee was advised that 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 3.5 year supply of housing (equating to 846 units), and the lack of a five year supply would mean that decisions to refuse applications for residential development had the potential to be overturned on appeal.

Members would continue to 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.

174 Customer Satisfaction Survey - January - March 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 January to March 2016. The purpose of the report was to update the committee on the subsequent responses 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.

175 Planning Performance - Quarter 1 - January - March 2016

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 period January – March 2016. The report included information regarding recent appeal decisions.

The majority of 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. Five appeal decisions and the decision letters were appended to the report. The Committee was advised that in granting planning permission for 90% of all application received, the Council's planning service 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.

With regard to enforcement, Members noted some of the data placed high volumes 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.

NOTED.

176 Appeal Decisions.

1 Samoa Way - The appeal is allowed and planning permission is granted for a new boundary fence at No 1 Samoa Way, Eastbourne, East Sussex

BN23 5BA, in accordance with the terms of the application, reference PC/150804.

19 the Coombe – The appeal was dismissed.

41 Pevensey Road – The appeal was dismissed.

145 Burton Road – The appeal was dismissed.

199 Seaside – The appeal was dismissed.

258 Sevenoaks Road - The appeal was dismissed.

NOTED.

177 South Downs National Park Authority Planning Applications.

There were none.

The meeting closed at 8.25 pm

Councillor Murray (Chairman)