

Tuesday, 29 August 2017
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Murray (Chairman) Councillor Coles (Deputy-Chairman)
Councillors Choudhury, Jenkins, Miah, Murdoch, Robinson and
Taylor

27 Minutes of the meeting held on 25 July 2017.

The minutes of the meeting held on 25 July 2017 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

28 Apologies for absence.

There were none.

29 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 Coles advised the Chairman that she would withdraw from the room whilst minute 35 St Andrews United Reform Church, Cornfield Lane, was considered. In her previous role of Mayor of Eastbourne, Councillor Coles openly supported the proposal and therefore stated that she had predetermined her decision on this scheme.

30 Urgent item of Business.

The Senior Specialist Advisor for Planning advised the committee that under Section 100B (4) of the LGA Act 1972, and by reason of special circumstance – namely that planning permission in this case would expire prior to the next planning committee – Langney Shopping Centre Application ID:171070 needed to be considered at this meeting and was in the interests of the economic development of Eastbourne.

The Members agreed to consider the application following the conclusion of the stated applications listed on the agenda.

RESOLVED: That for the reasons detailed above, Langney Shopping Centre Application ID: 171070 be considered at this evening's meeting.

31 2a-2b Pevensey Road. Application ID: 170827.

Create new suite on second floor to include cabaret and lounge and provision for restaurant and exotic dancing.

Across other floors, sui generis nightclub use to be retained with ancillary offices and store.

Nightclub use hours of operation to be extended to be 8:00am-4:00am Monday-Saturday and 8:00am-3:00am on Sundays and Bank Holidays. Lap dancing to occur concurrently between 10:00pm-4:00am on Monday-Saturday and 10:00pm-3:00pm on Sundays and Bank Holidays (revised description) – **DEVONSHIRE**.

The committee was advised that for the purposes of clarification and in response to concerns raised by the applicant, the 'nightclub' use referred to in the description of the development and the body of the report referred to the nightclub use of the second floor – the self-contained unit.

RESOLVED: (By 7 votes with 1 abstention - Councillor Taylor abstained from voting on this item) That subject to no further representations being made (raising new issues) from 2nd round of public consultation the granting of permission be delegated to the Senior Specialist Advisor for Planning, in consultation with the Chair, and subject to the following conditions: 1) Time (implement within 3 years) 2) Drawings (in accordance with the approved drawings) 3) Hours of operation (to limit the hours of use to those applied for)

Informative:

Licencing requirements

32 5 Meads Street. Application ID: 170022.

Proposed change of use from Class A2 (Financial and professional services) to Class C3 (residential Dwelling), and two floor rear extension – **MEADS**.

This item was withdrawn.

33 21 Susans Road and 10 Pevensey Road. Application ID: 170725.

Full height extension to side of Susans Road elevation (north west elevation) with false pitch roof and front facing windows and door to street, infilled shop window on Susans Road elevation to be replaced with door to street and window, two roof lights to rear, installation of light wells (to street) with associated lower ground floor door and window configurations and decorative railings to be installed along road-facing frontages. Conversion of shop unit to residential with all associated internal alterations and removal of shopfront on Pevensey Road elevation to provide bay window. Development will result in net increase of three dwellings, 6 to 9 (revised description) – **DEVONSHIRE**.

Conservation Area Advisory Group considered the application on 22 August 2017 and commented as follows:

The Group agreed that the proposal would enhance the surrounding Conservation Area.

This was supported by the Specialist Advisor for Conservation who had no objections and further commented:

This application sought consent for adaptations to a prominent corner building located in the Town Centre and Seafront Conservation Area. The surrounding area was busy and vibrant, with a diversity of retail and residential uses, and with considerable current development interest, including the Central Methodist Church immediately opposite the side elevation on to Susan s Road.

In essence, the application looked to redevelop the site for residential use after a period of mixed tenure, which involved modification to the front and side elevations as well as the construction of a new extension to the rear of the property, albeit in a recessed position with limited visual impact on the wider streetscape. The adaptations to the front and side would see the removal of an underwhelming commercial shopfront and signage, which it was suggested be replaced by bay windows that broadly mirror the design at upper levels and create an effect that was more sympathetic to the setting. It was unfortunate that new windows were not timber, reflecting the Council's preference in the guidance note currently out for consultation, but the use of a design that mirrors the sash form was helpful and appreciated in a location that evidenced significant loss of features. The intention to replace railings to the frontage, drawing on a historic local tradition, was welcome as an attempt to add character, personality and authenticity to the development.

The committee discussed the application and felt that they did not have enough information relating to the treatment of the lower level and the sizes of the proposed flats and their compliance with National space standards.

Mr Perkins, applicant, addressed the committee stating that he addressed previous concerns on the proposed extension and that bin storage had been provided within the site.

RESOLVED: (Unanimous) That the application be deferred to allow officers to seek further confirmation on room sizing and additional details to allow for a better understanding of the proposed pavement grates and light wells.

34 Heatherley Hotel. Application ID: 170820.

Application for removal of condition 13 following grant of planning permission (141521) to allow the creation of 28 residential flats – **DEVONSHIRE.**

Mr Aggrawaral, applicant, addressed the committee stating that the hotel had been empty for some time and that he had failed to secure funding for the holiday let part of the development.

The committee discussed the application and agreed that holiday let provision was an important part of this development and for the future of tourism in Eastbourne.

RESOLVED: (Unanimous) That permission be refused on the grounds that the proposed loss of this holiday accommodation provision in the Primary Sector of the Tourist Accommodation Area identified by the Tourist Accommodation Retention SPD is considered to be harmful to the character, form and function of this area which would be likely to affect the local tourist economy and as such is found to be discordant with Policy TO2 of the Eastbourne Borough Plan in conjunction with the Tourist Accommodation Retention SPD.

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.

35 Site 8, Sovereign Harbour. Application ID: 170685 and 170885.

Application for variation of condition 2 of reserved matters granted 9 June 2015 for the development of the site for 8 dwellings, open space and berth holder facilities following grant of outline planning permission (Ref: 141469); amendments are to paving to public open space, retaining tarmac drive on the north and south sides of the site, reconfiguration to planters in public open space, changes to proposed street furniture, new planting arrangement, re-arrangement of shared access and parking area, and amendments to planting edging in public open space.

170885 (DOC)

Application for approval of details reserved by condition 171 (Surface Water Drainage), 178 (Surface Water Drainage - Highways), 179 (Proposed Construction Details of Roads), 196 (Infiltration of Surface Water) and 198 (Foul Sewerage Disposal) of planning permission granted 2 December 2014 for the development of Site 8 for up to 8 dwellings, open space and berth holder facilities (Ref: 131002) (Previously approved 160092) -

SOVEREIGN.

The committee was advised that the discharge of condition application in relation to amendments to the drainage strategy for the site had been withdrawn. Instead the developer would commence the drainage strategy approved under discharge of condition application Ref: 160092. The approved drainage strategy used soakaways to discharge surface water from the site. East Sussex County Council Suds Team had confirmed that the changing of the surface from permeable to impermeable was acceptable in terms of the drainage scheme. The use of impermeable block paving would not impact on this drainage system as the open space was drained through gully's to the soakaway.

Mr Bannerman, on behalf of the Sovereign Harbour Residents Association, addressed the committee in objection stating that he had concerns about the non-permeable paving and the run off into the harbour.

Members discussed the application and felt that the developer had been aware of the issues relating to the paving, tarmac and levels and planting and that public consultation had been instrumental in forming the current application.

The Specialist Advisor Planning queried whether there were any amendments to the scheme that could be supported, Members felt that none of the amendments were acceptable.

RESOLVED: (Unanimous) That permission be refused on the grounds that 1) by virtue of the increased ground levels and therefore additional steps between the walk-ways the public open space would be less inclusive/accessible to all members of the public, the retention of the tarmac areas would be out of keeping with the wider Harbour area within which all public footpaths are paved in similar finishing material contrary to section 7 of the National Planning Policy Framework 2012 and Policies B2 and D10A of the Core Strategy Local Plan 2013. 2) The overall design of the public open space by virtue of the size and shape of the planters including the integral seating design is considered to be a downgrading from the original design concept and as such would be out of keeping with and detrimental to the character of the wider Harbour area contrary to section 7 of the National Planning Policy Framework 2012 and Policies B2 and D10A of the Core Strategy Local Plan 2013 and contrary to the original design concepts as outlined with the parameter plans of Outline Planning Permission for the development of the site for 8 dwelling houses (Ref: 131002)

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.

36 St Andrews Church, Blackwater Road. Application ID: 170156.

Demolition of St Andrews Church and Albury House behind retained facade to Blackwater Road. Construction of 3-4 Storey building comprising 35 (down from 36) residential units and 13 (up from 10) parking spaces accessed from Wish Road and Cornfield Lane (AMENDED APPLICATION) – **MEADS.**

Mr Mooney, on behalf of Park Lodge residents – addressed the committee in objection stating that the proposal was an over development which would result in congestion in the surrounding roads and increased pressure on parking.

Mr Jones addressed the committee in objection stating that the additional three parking spaces was still not enough for a development of this size.

Mr Hollobone addressed the committee in objection stating that the proposal was still an over development. He also raised concerns regarding the impact on residents during the construction of the development and the treatment of waste water.

Councillor Smart, Ward Councillor, addressed the committee in objection stating that the scheme was a gross over development. He also expressed concerns about the validity of the parking survey.

Mr Winch, on behalf of the applicant, addressed the committee in response stating that the development would provide much needed accommodation.

The spire, façade and roof would be retained. He also advised that a Construction Management Plan would be submitted.

The committee discussed the application and did not feel that parking was an issue in this town centre location.

A motion to refuse the application proposed by Councillor Taylor and seconded by Councillor Murdoch was lost 3 votes to 4.

NB: Councillor Coles withdrew from the room whilst this application was considered.

RESOLVED: (By 4 votes to 3) That permission be granted subject to S106 to cover local employment initiatives and affordable housing delivery and the following conditions: 1) Time Limit 2) Approved Drawings 3) External materials 4) Hard and soft landscaping 5) Demolition and construction method statement outlining:

- Building recording prior to demolition
 - how salvaged materials key features will be removed/stored and reused
 - façade retention safeguarded
 - Hours of operation
 - Site storage and welfare facilities
 - Routes for demolition and delivery vehicles
 - Parking regimes for construction workers vehicles
- 6) SUDS 7) Parking to be provided and made available before use commences 8) cycle parking provided and made available before use commences 9) Refuse/recycling before the uses commences 10) No occupation until access have been constructed 11) No surface water to discharge onto the highway 12) Details of dropped kerbs to be supplied 13) Travel Plan to be submitted

37 The Pilot Pub, 89 Meads Street. Application ID: 170822.

Two storey extension to the rear of existing building to include demolition of the existing disabled toilet and the construction of a new formal restaurant area with new disabled toilet and new managers studio flat at first floor level – **MEADS**.

The committee was advised that further survey work had been requested by East Sussex County Council Highways department in relation to the use of the car park, in order to justify the loss of parking by the extension to the building. This had been carried out by the applicant, however to give the East Sussex County Council Highways department time to comment on the survey results in full officers requested that the application be deferred until the next Planning Committee 26 September 2017.

RESOLVED: That this item be deferred to allow East Sussex County Council Highways to consider and comment on the additional survey information regarding the use of the car park in full.

38 Langney Shopping Centre. Application ID: 171070. (Urgent Item)

The committee was advised that under planning application reference 130229, permission was granted for an extension to the Langney Shopping Centre to provide 33,000sqft of new retail floor space.

The above planning permission was granted subject to S106 agreement and the necessary planning conditions one of which stated that the development would need to commence within the three years from the date of the approval; thus the permission would expire on the 23rd September 2017.

The applicants had let a construction tender to build the extension however an element of the finance to support this tendering process was based on the increased marketability of the site. For the applicant this related to supporting all retail uses (Class A1 – A5) to take up the new floor space.

As Members were reminded that the original scheme was retail (shopping) led and that there were no conditions or floorplans attached to the original permission that controlled the nature of occupation. The current application therefore sought to clarify the full nature of the uses that could occupy the new extension.

Planning Application Reference: 171070 sought to clarify the likely tenant (uses) that could occupy the extension to the Langney Shopping Centre. The applicants were seeking to establish that a flexible permission be established that would allow any use (A1-A5) could occupy any of the units within the proposed extension. The supporting statement outlined why such a flexible permission would be in accordance with National advice within the NPPF and also accord with the spirit of the Councils Local Plan and Core Strategy.

Officers acknowledged that since the original consent there had been factors (Internet retail activity- retail and funding confidence pre Brexit) that had influenced the viability of town and district centres and as such the continued reliance on a purely shopping (A1) scheme would be unlikely to be sustainable and there was a high probability that the scheme would carry vacant units.

Officers therefore felt that a more flexible approach would mitigate the impact of a reliance solely on shopping. However as applied for there was the risk that all of the units could be lost to non-traditional retail uses and this would be equally regrettable.

Officers were therefore recommending a condition controlling the extent of the units that could be move away from retail. The drafted condition would allow the two units at the entrance to be occupied by A1-A5 and any other would be resisted as they would take the percentage of non-retail (shopping) floor space over 25%.

RESOLVED: (Unanimous) That permission be granted subject to the following condition: 1) Unit MSU 3 as shown in plan 1129.4/P (-) 102 REV N, shall not be used for any purpose other than within Class A1 shops. Unless otherwise approved in writing by the local planning authority, no more than 25% of the floor space of the other proposed retail units (SU1, 2,3&6, 7&8, 9,10,11,15A, 15,16, and 18) shall be used for any purpose other than within Class A1 shops)

39 Affordable Housing Supplementary Planning Document.

The committee considered the report of the Director of Strategy, Planning and Regeneration seeking Members views on the Affordable Housing Supplementary Planning Document (SPD) due to be considered by Cabinet on 13 September 2017.

The committee was advised that as a result of changes in national policy and updated information on development viability, the Council had prepared a new Affordable Housing Supplementary Planning Document to update the position relating to affordable housing contributions sought from development.

The Affordable Housing SPD would provide a detailed explanation in support of the implementation of Policy D5: Housing of the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013). It contained advice relating to the standards required of the range of residential sites in order to deliver the affordable housing necessary to meet local needs.

A draft Affordable Housing SPD was published for consultation with the local community and other stakeholders for an eight week period between 26 May and 21 July 2017. The results of the consultation were detailed within the report.

The SPD would need to be adopted by Full Council before it could be used to help secure affordable housing through development proposals and the Planning committee was asked to comment on the final version of the Affordable Housing SPD, which would be report to Cabinet on 13 September 2017 before going to Full Council on 15 November 2017.

RESOLVED: That Cabinet be advised that the Planning committee endorse the Affordable Housing Supplementary Planning Document as detailed within the report.

40 Update on Housing Delivery.

The committee considered the report of the Director of Regeneration and Planning providing Members with an update on recent housing delivery for the first quarter of the 2017/2018 financial year and the current position in relation to the Five Year Housing Land Supply.

Members noted that the report identified the number of units granted permission, the number of units with permission that had yet to start construction and the total number of units completed as follows:

- Housing delivery in Q1 2017/18 was 5 (five) net additional dwellings towards the annual target of 245 units
- A total of 113 units were given permission in Q1 2017/18 across 17 sites.
- There are 556 net additional dwellings with permission that have yet to commence across 74 sites
- There are 320 units under construction across 50 development sites

- The Housing Land Supply currently stands at 2.9 years.

Following the end of the first quarter 2017/18, there were 2,441 units to deliver over the remaining 9 and three quarter years of the plan period. This equated to 250.4 units per year. The delivery of only 80% of the housing target over the last five years, including just one year of exceeding the target, indicates a persistent under-delivery of housing in Eastbourne, and along with the results of the housing delivery test that would apply from November, this suggested that the 20% buffer should now be used. This equated to an additional years' worth of the target, making the Five Year Housing Land Supply requirement for Eastbourne 1,502 units. The Council was required to identify sufficient land to meet this requirement.

The committee was advised that the current assessment of the Five Year Housing Land Supply identified that as of the end of the first quarter 2017/18, Eastbourne had a supply of housing land equivalent to 876 units, comprising sites with permission, including those were construction had and had not started.

The Assessment showed that Eastbourne currently had a 2.9 year supply of housing land (or 58% of the Five Year Housing Land Supply requirement including 20% buffer). The Council was 626 units short of having a Five Year Housing Land Supply (including 20% buffer). Therefore a five year housing land supply cannot be demonstrated, which means local plan policies relevant to the supply of housing are out of date and cannot be relied upon to refuse development.

RESOLVED: That the report be noted.

41 Planning Performance Quarter 2 (April to June) 2017.

The committee considered the report of the Senior Specialist Advisor for Planning which provided a summary of performance for the second quarter of 2017 (April to June).

Given the many varied types of planning applications received, central Government required all Councils to report performance in a consistent and coherent manner. To this end the many varied applications were combined together into three broad categories Major, Minor and Other. Government had recently amended the criteria for the assessment of the Council's performance which was detailed in the section regarding special measures within the report.

The report detailed the following elements:

Special Measure Thresholds – Looking at new government targets
Planning Applications – Comparing volumes/delegated and approval rates

Pre Application Volumes – Comparison by type and volume over time

Refusals of Applications – Comparison of ward and decision level

Appeals – An assessment the Council's appeal record over time

Planning Enforcement – An assessment of volumes of enforcement related activity.

Members were aware that Government had recently introduced new National performance criteria against which all Council's would be judged. Failure to perform against those targets ran the risk of the Council be designated as 'Non- Performing' and special measures would be initiated by Government. The assessment of the draft against this new 'special measure' threshold had two sections - Speed of decision and Quality of decision - and would be reviewing the Council's performance on a backward rolling two year basis, the detail of which was highlighted in paragraph 2.2 of the report.

If the Council were identified as not complying with these standards/criteria they would be declared as 'non performing' and formal designation would follow.

Speed of Decision - It is considered that there was significant headroom against these targets and as such the risk of Special Measures for Non-Performance was low, however given the low volumes of major applications there was the potential for volatility in the performance.

Officers were encouraged to negotiate an extension of time with the applicant and / or developer to mitigate the risk level.

Quality of Decision – Members were advised that given the very low volumes of major applications progressed within the survey period, the implications of this were that a small number of appeal decisions could have a significant impact upon performance. Given the huge potential swing in performance given the very low volumes involved that there is a very high risk of the Council falling under special measures in this category. Officers would advise on this issue when major applications were discussed at future meetings and Members were requested to be mindful of the impact and consequences of refusing major applications.

RESOLVED: That the report be noted.

42 Appeal Decision.

- 1) 2 Moy Avenue. The appeal was dismissed by the Inspector.

43 South Downs National Park Authority Planning Applications.

There were none.

The meeting closed at 9.00 pm

Councillor Murray (Chairman)