

Tuesday 1 March 2011  
at 6.00pm

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# Planning Committee

**MEMBERS:** Councillor Mrs SALSBURY (Deputy Chairman) Councillors BLOOM, Mrs GOODALL, HARRIS, Mrs POOLEY (as substitute for Madell) SZANTO and TAYLOR.

An apology for absence was reported from Councillor Madell

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## 41 Minutes.

The minutes of the meeting held on 4 January 2011 were submitted and approved and the Chairman was authorised to sign them as a correct record.

## NOTED.

## 42 Declaration of Interests.

There were none.

## 43 Report of Head of Planning on Applications.

**1 & 2) EB/2010/0675 & EB/2010/0676(LB) - Elm Park Hotel, 20 Cavendish Place** - Change of use from a hotel to retail shop on the ground floor, with 14 self-contained flats on ground floors and first, second and third floors, together with external alterations including removal of second floor link building, new shop fronts and access ramp – **DEVONSHIRE**. Three letters of objection had been received.

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

The observations of the Retail Consultant, Tourism Manager, Economic Development, Planning Policy, Historic Buildings Advisor, Highways Authority and Sussex Police were detailed within the report.

At their meeting on 23 November 2010 the Conservation Area Advisory Group raised objection to the proposed shopfront design. They suggested that the design be revisited to address the visual breaks between shopfronts, private and public entrances. They agreed that the entrance needed to be more sympathetic to the character of the building and suggested that a clear division between shopfronts and private entrance would help.

**RESOLVED A: (Unanimous)** That, subject to the completion of the legal agreement securing a financial contribution for infrastructure, permission and listed building consent be granted subject to the following conditions: 1) Commencement of development 2) Approved plan refs 3) Restriction on sub-division of retail shop 4) Opening hours of retail shop (07:00 – 23:00

(2010/2011 Minutes)

Mon Sat, 10:00 – 18:00 Sun 5) Samples of materials 6) Detailed drawings of shop front, ramp, railings, canopies, windows and staircases 7) Details of internal alterations to building 8) Hours of construction 9) Provision of bicycle and refuse storage

**RESOLVED B:** That in the event that the legal agreement securing for financial contribution for infrastructure is not completed by 31 March 2011, permission be refused for the following reason: 1) A financial contribution has not been secured to off-set the additional demands on the highway network, and the development is therefore contrary to policy TR2 of the Eastbourne Borough Plan 2001- 2011.

**3) EB/2010/0659 (OL) - Land at the rear of 18-34 Rangemore Drive**  
- Re-development of garage block and rear gardens with the erection of 2 pairs of semi-detached two-storey houses with garages, a detached two-storey house with integral garage, and alterations to existing vehicular access to Rangemore Drive (outline application) – **RATTON**. 26 objections and two letters of support had been received.

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

The observations of Planning Policy, Highways Authority, and Downland Trees and Woodland Manager were detailed within the report.

Members noted that although there would be a reduction in garden space and slight increase in residential density to the surrounding properties, the Planning Inspector determining the previous appeal for this development proposal stated “the change would not be so adverse as to warrant withholding outline planning permission for the scheme sought”.

The Regulatory and Litigation Lawyer reminded Members that there had not been a material change in the planning issues relating to the property since the appeal had been determined in November 2010 for exactly the same development proposal. The only factor resulting in the dismissal of the appeal was that a legal undertaking to secure financial contributions to off-set impacts of the development on local infrastructure had not been executed. The applicant was in the process of completing a s106 legal agreement (which involved third parties/other land owners) to secure the necessary contributions for transport and flood storage. The contributions were in line with regulation 122 of the Community Infrastructure Levy Regulations 2010 and Circular 05/05 Planning Obligations. It was concluded that refusing permission for this outline planning application would be unreasonable and the Council would be liable for an application for an award of costs in the event of an appeal. Members were also advised that, at any new appeal, an Inspector would place maximum weight on a previous Inspector’s decision in relation to this application.

Mr Gates addressed the committee in objection stating that there was a small wooded area located within the site which afforded residents privacy and contained wildlife. Some of the trees were covered by Tree Preservation Orders. Mr Gates expressed concern regarding the reduction in parking and current issues relating to residents parking in Rangemore

Drive and surrounding roads. The development would result in a loss of light and view and would change the outlook. The design was not in keeping with the surrounding area.

Mrs Hicks addressed the committee in objection stating that this was an overdevelopment and detrimental to the amenities of residents. Mrs Hicks was also concerned about the potential additional traffic in the area.

Councillor Belsey, Ward Councillor, addressed the committee in objection stating expressing concern regarding the access for the fire service.

Mr Ashford, applicant, addressed the committee in response stating that the previous application had been refused at Appeal on a technicality and not on planning grounds. Much care, thought and consideration had gone into the application and access for the fire service had been discussed in detail with the Fire Brigade, who were happy with the proposed scheme.

The committee considered the application querying the reasons for an outline application and whether the Council would still retain control over the reserved matters should the application be approved, Members were advised that the reserved matters would be controlled.

Members also queried the potential for an increase in the number of dwellings should outline permission be granted. Members were advised that an increase in dwellings would be seen as a new application and would need consideration as such. Members expressed concern regarding use of gardens as an overdevelopment and were advised that the scheme should be considered as presented, as ownership of land was not a planning consideration.

The committee sought clarification on the reasons for the dismissal of the appeal and were advised that the Inspector had not considered there to be any planning grounds to refuse the application, however; due to a Section 106 undertaking not being completed at the time of the application, the Inspector dismissed the appeal on that technical issue. The Regulatory and Litigation Lawyer advised members that this application was exceptional due to the clear indication from the appeal decision that there were no planning grounds to justify refusing consent for the development.

Members were minded to refuse the application for the same reasons as previously given.

**RESOLVED A: (By 2 votes to 1 with 4 abstentions)** That permission be refused in principle, subject to the submission, consideration and approval of sustainable planning reasons for refusal at the next Planning meeting on 29<sup>th</sup> March 2011.

**Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.**

**4) EB/2010/0771 - Trevethan, 52 Carlisle Road -** Demolition of the existing building and erection of a block of seven flats with associated car

port and cycle store vehicular access – **MEADS**. A petition containing 268 signatures had been received, in addition, 189 proforma objection letters and 31 individual emails and letters had also be received. Four further letters of objection were reported at the meeting.

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

The observations of the Council's Arboricultural Officer, Conservation Officer, Means of Escape and Access Officer, Highway Authority and Environment Agency were detailed within the report.

At their meeting on 11 January 2011, the Conservation Area Advisory Group raised no objections to the proposal, provided that quality materials were used. It was noted that parking and privacy issues would be addressed by the Planning Committee.

Mr Peasgood addressed the committee in objection stating that the development would affect neighbouring properties, resulting in overlooking. The height and bulk of the building would also be detrimental. Car access would also be an issue.

Mr Riseley addressed the committee in objection stating that no residents had been consulted and that the scheme would have an impact due to the size, bulk and number of windows.

Mr Dade, applicant's agent, addressed the committee in response stating that the principle of demolition had been agreed by an Appeal Inspector as had the redevelopment of the site. The massing of the building had been reduced, and neighbour amenities had been considered and concerns had been addressed.

**RESOLVED: (By 6 votes with 1 abstention)** That permission be refused on the grounds that the proposed development, by reason of its orientation and elevated position, would have an adverse impact on the amenities of the adjoining residents as a result of overlooking, and noise and disturbance from vehicles. As such it would conflict with Policy HO20 of the Eastbourne Borough Plan 2001-2011.

**Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.**

**5) EB/2011/0012 - 2-4 Mill Road** - Erection of three and two storey extensions to the sides and a first floor extension to the link block, erection of a single storey detached cottage, and provision of a driveway utilising the existing access in Ashburnham Road – **UPPERTON**. Four representations had been received. Two further letters of objection were reported mainly concerned with the location of the cottage and the traffic disruption during construction.

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

The observations of the Council's Arboriculturalist, Means of Escape and Access Officer and Southern Water were detailed within the report.

The responses from the Highways Department and the Environment Agency were reported at Committee.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions: 1) Commencement of development 2) Hours of construction works 3) Submission of samples of material 4) Submission of details of dormer on side elevation 5) Submission of details of retaining wall 6) Submission of archaeological works 7) Submission of details of drainage 8) Tree protection during construction 9) Tree protection as per Arboricultural report 10) Tree protection (excavations) 11) Retention of trees 12) Provision of visibility splays before occupation 13) Approved plan references 14 Construction method statement, 15 Landscaping

**6) EB/2011/0036 - Public Highway in Victoria Drive adjacent to St Elisabeth's Church - Installation of a replacement 12.5m high telecommunications mast and equipment cabinet – OLD TOWN.**

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

The observations of the Highway Authority and Conservation Officer were detailed within the report.

**RESOLVED: (Unanimous)** That permission be refused on the grounds that the proposed telecommunications mast and equipment cabinet would be intrusive and incongruous features in the streetscene, and seriously detrimental to the setting of the listed building and the visual amenities of the area by reason of their size, design and prominent siting. As such the proposal conflicts with policies UHT17 and US9 of the Eastbourne Borough Plan 2001-2011.

**Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.**

**7) EB/2010/0596 - 136, 138 and 140 Terminus Road - New means of escape steel staircase serving 136 Terminus Road – Installed to rise from the path at the rear of 136 Terminus Road and then across the flat roof of 138/140 Terminus Road and then fall into the garden at the rear of 138/140 – MEADS.**

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions: 1) Commencement of development 2) Approved plans

The meeting closed at 7.51p.m.

**Councillor Mrs Salsbury  
(Deputy Chairman in the Chair)**