

PLANNING & LICENSING COMMITTEE

Tuesday 13 January 2004

PRESENT:

Councillor BERRY (Chairman); Councillor SKILTON (Deputy Chairman); Councillors BOWKER, MARSH, Mrs POOLEY, STEVENS, TESO and WILLIAMS (as substitute for Elkin).

45. MINUTES. The minutes of the meeting held on 9 December 2003 were submitted and approved and the Chairman was authorised to sign them as a correct record.

46. REPORT OF HEAD OF PLANNING ON APPLICATIONS.

(1) EB/2003/0720 - 94-96 Pevensey Road - change of use from hostel to children's nursery school including demolition to rear – DEVONSHIRE. The Consultant Historic Buildings Advisor raised no objections to the proposal. The East Sussex Early Years Development and Childcare Partnership had confirmed an identified need for this facility in the area and supported the proposal. The Highway Authority advised that there was no guarantee that a restricted parking zone along the frontage of the building would be provided. Environmental Health had requested a condition relating to the use of the rear garden.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) That details of the proposed access ramp shall be submitted to and approved in writing by the Head of Planning prior to the commencement of the development; (3) That before the nursery is first brought into use, the rear boundary treatment shall be raised to 1.9 metres in height above ground level, in accordance with details to be submitted to and approved in writing by the Head of Planning; (4) That details of sound insulation shall be submitted to and approved in writing by the Head of Planning prior to the commencement of the development. The approved scheme shall be implemented before the nursery is first brought into use; (5) The use of the nursery shall be limited to the hours of 7.30am – 6.00pm Monday to Saturday with no such activity on Sundays or Bank Holidays; (6) The nursery shall not accommodate more than 45 children in total; (7) Not more than 6 children shall be permitted in the rear garden area at any one time; (8) That before the nursery is first brought into use, the rear garden play area shall be provided with a surface of grass, safety rubber or similar, in accordance with details to be submitted to and approved in writing by the Head of Planning. The approved surface shall thereafter be maintained unless otherwise agreed in writing by the Head of Planning.

(2) EB/2003/0741 - 2 Elm Grove - change of use from retail (Class A1) to a hot food takeaway (Class A3) - HAMPDEN PARK. Two letters and an e-mail of objection were reported from the offices above the application site and local residents. The applicant had requested amended hours of operation to allow opening until midnight on Fridays and Saturdays.

RESOLVED: (By 6 votes to 1) Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) C5.1 Hours of operation 8.00am to 11.00pm and 8.00am to midnight on Fridays and Saturdays; (3) C10.1 Provision of ventilation system.

(3) EB/2003/0772 - West Rise Community Infant School, Chaffinch Road - retention of existing portable classroom – LANGNEY. Six letters of objection were reported from local residents. Mrs B Smith addressed the Committee against the proposal on behalf of the Sunbury Farm Residents Association and made reference to the noise and disturbance to residents caused by the out of school activities. Mrs G Body, Chair of Governors and Mrs L Morris, Head Teacher responded and stressed the importance of the portable classroom for the provision of before and after care for pupils.

RESOLVED: Permission granted subject to condition that the single mobile classroom unit shall be removed from the site and the land reinstated to its former condition by 31 January 2009.

(NOTES: (1) An amendment that the temporary permission be for a period of two years was negated by 4

votes to 2).

(2) Councillor Marsh declared a personal, non-prejudicial interest in this item as the Council's representative on the West Rise Community Infant School Governing Body and spoke and voted thereon).

(4)/(5) EB/2003/0678(CA) AND EB/2003/0690 – Inwood and land adjacent, Lismore Road (a) demolition of "Inwood" and part of boundary wall facing Lismore Road (b) demolition of Inwood and part of boundary wall, erection of a block of nine flats and a terrace of six dwellings, together with associated garages, parking spaces and vehicular access – MEADS. One letter of comment was reported from a local resident. The observations of Southern Water, the Arboricultural Officer, the Amenities section, Consultant Historic Buildings Advisor and the Environment Agency were set out in the report. The Conservation Area Advisory Group at its meeting on 2 December 2003 raised no objections to the proposal, subject to the amendments recommended by the Historic Buildings Advisor. English Heritage raised no objections and the Highways Manager requested additional conditions regarding the closure of the existing vehicular access.

RESOLVED: (1) Permission granted in respect of EB/2003/0690 subject to conditions (1) D1.1 Commencement of development within five years; (2) That the car parking spaces and garages shown on the approved plan shall be constructed as indicated and shall be available for use before the flats and dwellings hereby approved are first occupied and shall thereafter be retained for use by the occupiers of the flats/dwellings and their visitors and for no other purpose; (3) A2 Submission of samples of facing materials; (4) D6.1 Submission of details of storage and collection of refuse; (5) A9.1 Submission and approval of landscaping scheme; (6) A10.1 Retention of trees; (7) A10.3 Retention of trees (protection during demolition and construction); (8) A10.5 Retention of trees (no trenches, services, etc under tree canopies); (9) That none of the flats hereby approved shall be occupied until the existing access from Lismore Road to 'Inwood' has been closed and a kerb provided in accordance with the requirements of the Highway Authority; (10) That full details of windows, doors, cornices, quoins, mouldings and balcony railings to be used in the proposed building at a scale of 1:5 shall be submitted to and approved by the Head of Planning before the development is commenced; (11) C5.3 Hours of operation (during construction and demolition); (12) That, before the flats hereby approved are first occupied, the north-east flank wall of Hempstead Cottage shall be rendered and painted in a colour to match the remainder of the building; (13) That, before the flats hereby approved are first occupied, the proposed alterations to the boundary wall on the Lismore Road frontage shall be completed, as indicated on drawing no. 03/24/TP7; (14) That, before the development hereby approved is commenced, details of the proposed means of foul and surface water disposal shall be submitted to and approved by the Head of Planning in consultation with Southern Water; (15) B10.1 Provision for disabled people; (16) Before any development commences on site: (a) A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be submitted to and approved in writing by the Head of Planning; (b) A site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to and approved in writing by the Head of Planning prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable (i) A risk assessment to be undertaken relating to ground water and surface waters associated on and off the site that may be affected, and; (ii) Refinement of the Conceptual Model, and; (iii) The development of a Method Statement detailing the remediation requirements; (c) The site investigation shall be undertaken in accordance with details approved by the Head of Planning and the risk assessment shall be undertaken; (d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the site investigation, shall be submitted to and approved in writing by the Head of Planning prior to that remediation being carried out on site. The development hereby approved shall be carried out in accordance with approved Method Statement; (e) Clean, uncontaminated rock, subsoil, rubble, crushed concrete and ceramic only shall be permitted as infill material; (17) Only clean uncontaminated roof water shall discharge direct to soakaways via a sealed drainage system (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gulleys or interceptors. No soakaways shall be constructed in contaminated ground; (18) Clean, uncontaminated rock, subsoil, rubble, crushed concrete and ceramic only shall be permitted as infill material; (19) The method of site construction and operation for the development in order to prevent pollution of underlying groundwater shall be carried out in accordance with a scheme to be approved in writing by the Local Planning Authority prior to any development commencing.

(2) Conservation Area Consent granted in respect of EB/2003/0678(CA) subject to conditions (1) D1.2

Commencement of development within five years; (2) C5.3 Hours of operation (during demolition); (3) That, before the flats hereby approved are first occupied, the north-east flank wall of Hempstead Cottage shall be rendered and painted in a colour to match the remainder of the building.

(6) EB/2003/792 - Garages at Clovelly, 20 Blackwater Road - relaxation of condition 9a of EB2001/0375 to allow use of garages by non-Clovelly residents – MEADS. The Highways Manager raised no objections to the proposal. Three letters of objection were reported from local residents regarding the current use of the garages for storage.

RESOLVED: Permission granted subject to conditions that the garages shall be used solely for the parking of domestic vehicles and shall at no time be used for domestic storage or for purposes in connection with any trade or business including storage of goods, materials and commercial vehicles.

(7) EB/2003/0790 - 43 Victoria Drive - creation of new access with off street parking - OLD TOWN. The Highways Manager raised objections due to the inadequacy of the turning space, which would be seriously detrimental to highway safety.

RESOLVED: Permission refused on the grounds that the proposal fails to comply with the Highway Authority's standards in respect of turning areas for accesses onto classified roads, as set out in the East Sussex County Manual for Estate Roads. The proposal would thereby be seriously detrimental to highway safety, as vehicles would be unable to enter and leave the site in a forward gear.

(8) EB/2003/0187 - Land adjacent to 6 Walnut Tree Walk - erection of 2-storey detached dwellinghouse with 4 bedrooms and attached garage (amended scheme) – RATTON. Amended plans had been received. The observations of the Council's Arboricultural Officer and the Cleansing Contracts Manager were set out in the report. The Highways Manager raised no objections to the proposal. Five letters of objection from local residents in respect of the original scheme and one letter of objection from the Old Ratton Residents Association in respect of the amended scheme were reported.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within 5 years; (2) A2 Submission of samples of facing materials; (3) A5 No windows or other openings in the west elevation of the house; (4) The curtilage of the residential unit, hereby approved, shall be restricted to within the area as shown outlined in green on drawing no. 2001.02.1G, received by the Local Planning Authority on 18 December 2003; (5) A9.3 Submission and approval of landscaping scheme, indicating final surface levels and surface runs, with planting taking place before the house is commenced; (6) A10.1 Retention and maintenance of trees; (7) A10.3 Retention of identified trees; (8) C5.3 Hours of operation (during construction).

(9) EB/2003/0739 - 26 Park Lane - construction of rear dormer – RATTON. One letter of objection was reported from a local resident.

RESOLVED: Permission granted subject to condition D1.1 Commencement of development within 5 years.

(10) EB/2003/0282 - 25 Rotunda Road - erection of two storey extension at side and rear, replacement conservatory at rear and porch at front - ST. ANTHONY'S. Two letters of objection were reported from

local residents. The Environment Agency raised no objections to the proposal. Amended plans were received to change the roof to a hipped end to reduce the impact. Mrs Parsons addressed the Committee against the proposal and raised concerns regarding loss of privacy, sunlight and overshadowing and the applicant responded.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) A2 Submission of samples of facing materials; (3) A5 No windows or other openings in any flank elevation.

(11) EB/2003/0781 - 3 Courtlands Road - change of use of part of premises from Class B8 (storage) to Class A1 (retail) use (retrospective application) - ST. ANTHONY'S. The Local Plan Officer advised that the application was contrary to Policies SH4 and BI1 of the adopted Borough Plan. The Regeneration Officer raised objections to the proposed change of use.

RESOLVED: Permission refused on the grounds that the proposed change of use would introduce a non-conforming retail use within a designated industrial area, which is outside the town's designated shopping hierarchy. As such, the proposal is considered to be contrary to Policies BI1, BI2 and SH4 of the adopted Eastbourne Borough Plan 2001-2011.

(12) EB/2003/0738 - 19 Mill Road - change of use of single private dwelling to a house in multiple occupation (retrospective application) – UPPERTON. The observations of the Council's Residential Services Manager and the Highways Manager were set out in the report. Eleven letters of objection were reported from local residents. Mr A Stedman addressed the Committee against the proposal and raised concerns regarding the noise and disturbance caused by the previous occupants. The applicant, Mr K Smith responded and advised that a temporary and personal related consent was proposed to provide the opportunity of proving that the accommodation could be properly operated and managed without affecting the amenities of adjoining residents. The Committee was advised that a condition was proposed to prevent students using the roof area for recreational purposes. Members agreed that condition 5 be amended to allow flexibility for the use of the car park.

RESOLVED: Permission granted subject to conditions (1) C1.4 Restriction of use to that specified in application; (2) D5.2 Temporary permission until 31 July 2005; (3) C4 Personal permission to the applicant; (4) D6.1 Submission of details of storage and collection of refuse; (5) B8.1 Proper construction of car parking spaces and priority for their use be restricted to occupiers of or visitors to the property; (6) Within three months of the date of this permission, details of the on-site cycle parking provision shall be submitted to and approved in writing by the Head of Planning. Thereafter these works shall be implemented in accordance with the approved details; (7) The total number of rooms to be used as bedrooms in the building shall be twelve, in accordance with the details shown on the approved drawing no. 1033/01, received by the Local Planning Authority on 21 November 2003; (8) No roof area forming part of the property shall be used as a private amenity or sitting-out area.

47. LAND AT 7 WILLINGDON DROVE. The Committee considered the report of the Head of Planning regarding an application to fell two oak trees on land at 7 Willingdon Drove. Planning permission was granted on 15 August 2003 for the erection of two bungalows subject to conditions that required the retention and protection of the trees. The reasons given for the proposed felling were root damage from the excavation of the footings and damage to the retaining wall in respect of tree 1, and windblown damage and the likelihood of further root damage as a result of providing a footpath in the case of tree 2. The Council's Arboriculturist had been consulted and a copy of his detailed comments were attached as an appendix to the report. Members were advised that the trees were not worthy of a tree preservation order. It was proposed that T1 be retained as it had a reasonable life expectancy, but that in the case of T2, removal and replacement planting may be more beneficial. As a split decision could not be issued, it was proposed that the current application be refused and a further application be sought from the applicant to fell T2 only.

A letter from a local resident objecting to the application had been circulated. Mr Waterhouse addressed the Committee against the proposal and raised concerns regarding the damage caused to the trees during construction and that the development was not in accordance with the approved plans, particularly the construction of a new wall adjacent to T2. Members agreed that the plans should be examined. The Council's

Arboriculturist confirmed that replacement planting with two birch trees would replace the amenity lost with the removal of T2.

RESOLVED: That permission be refused and a reapplication be invited.

***48. NEW ARRANGEMENTS FOR THE TYPE OF PLANNING APPLICATIONS DEBATED AT CONSERVATION AREA ADVISORY GROUP.** The Committee considered the report of the Head of Planning regarding proposed minor changes to the terms of reference for the Conservation Area Advisory Group as a result of new working arrangements brought in due to the loss of a permanent Historic Buildings Advisor. A Conservation Consultant was now employed to give two days advice a month, which was insufficient time to advise on all applications that had an historic dimension. It was proposed that the workload be prioritised and that the consultant would advise on all significant applications, which would be referred to the Conservation Area Advisory Group for consideration. The remaining less significant applications would be dealt with at officer level, with no referral to Conservation.

The Conservation Area Advisory Group at its meeting on 6 January 2004 had expressed concern that the general guidance, over and above the statutory advice, previously given to applicants regarding materials and design would no longer be possible. In the long term the town could lose some of its attractiveness, which may have an adverse effect on tourism. The Committee supported the request that Members of the Group, including Advisors, may request that any application in a Conservation Area on the weekly list be submitted to the Conservation Area Advisory Group for consideration. It was noted that the Group already received details of applications determined by the Head of Planning.

RESOLVED: (1) That Members and Advisors of the Conservation Area Advisory Group can request in writing to the Head of Planning that an application in a Conservation Area on the weekly list of applications be submitted to the Group for consideration, provided that any such request is made within 21 days of circulation of the list.

(2) That the Council be recommended to approve that B6 of Part 3 of the Constitution is amended with immediate effect to reflect the new working practices of the Borough Council with the addition of the word "significant" and removal of a comma to read as follows:-

"To advise the Planning and Licensing Committee with regard to planning applications in Conservation Areas where there is a **significant** material effect on the Conservation Area and applications affecting Listed Buildings".

***49. MEASURES TO IMPROVE HEALTH AND SAFETY FOR RESIDENTS BY REDUCTION OF BIRD INFESTATION.** The Committee considered the report of the Head of Planning regarding problems associated with birds nesting and settling on rooftops. At its meeting on 17 September 2003 Council had considered and referred to this Committee a motion from Councillor Marsden requesting the adoption of a local planning condition which would require developers of new or refurbished properties for multiple occupation to carry out work that would prevent bird infestation of roof areas. This was considered at the meeting held on 4 November 2003 and deferred for further research regarding the range of options or measures available to deter bird infestation. Numerous coastal planning authorities had been contacted but none of the many respondents had tackled this issue through the planning process. The Head of Environmental Health supported the use of the planning process as a means of preventing an increase in suitable nesting sites. This would compliment the work already being undertaken to control nests and advice given to building owners. The Head of Amenities advised that since the introduction of wheeled bins there had been a noticeable reduction in the seagull population in many areas of the Borough, although gulls were still very noticeable, particularly where fast food waste was discarded. Tackling the litter problems associated with hot food takeaways would contribute significantly to controlling the food source for herring gulls and the Department for Food, Environment and Rural Affairs was currently consulting on the introduction of additional controls.

Councillor Marsden addressed the Committee in support of the proposals and thanked officers for the work undertaken on the issue. He reported on a local firm, which had established a company to provide deterrent measures on buildings and would shortly be starting work at a major hotel on the seafront.

RESOLVED: (1) That, where appropriate, planning conditions be used, including a new standard condition, to

minimise the likelihood of gulls settling and nesting on rooftops.

(2) That planning conditions continue to be used rigorously to ensure that new developments and conversions contain secure refuse storage facilities.

(3) That advice be given to developers on ways in which the design of new buildings/extensions to existing buildings could be improved to minimise potential nesting areas.

(4) That the important role of other Council services in tackling the problem be acknowledged.

50. PLANNING APPEALS.

(a) 18-19 HYDE GARDENS – EB/2003/0095(LDC). The appeal against refusal to grant a lawful development certificate for replacement windows was dismissed by the Inspector for the following reasons:

The issue to be determined was whether the proposed replacement windows constituted development as defined in s55 of the 1990 Act, which states that building works for the maintenance, improvement or other alteration which do not materially affect the external appearance of the building is not taken to involve development.

The Inspector concluded that taking together the relatively minor differences in the details and dimensions of the replacement windows, the much more significant differences in the nature of the materials and the substantial changes to the ground floor front windows, the onus of proof had not been discharged and that, taken overall, the external appearance of the building as a whole would be materially affected. Account was taken of the high visibility of the building, which occupied a prominent position in the town centre and of the fact that it was both within a conservation area and locally listed. It was considered that these circumstances increased the materiality of the alterations to the external appearance of the building.

(b) 18-19 THE VILLAGE – EB/2003/0176(CA) AND EB/2003/0129. The appeals against refusal to grant permission for the demolition of existing garages and the erection of a detached house with an attached garage were dismissed by the Inspector for the following reasons:

The main issues relating to the appeals were the effect of the proposed development on the character and appearance of the Meads Conservation Area and on the amenities of neighbouring occupiers, with particular reference to parking provision.

The Inspector concluded that the proposed new house had detailed design elements that would complement the surrounding properties if they did not, in total, form such an unspoilt, cohesive group. As a result of this cohesion, it was doubted that the introduction of the proposed modern detached house and garage on this plot, however carefully detailed to replicate its neighbours, would maintain the special quality of the surroundings. The house would stand out as an alien element amongst the older properties, and would appear cramped and awkwardly positioned on the site and would be visible from many viewpoints around The Village.

The demolition of the garages would not harm the character and appearance of the conservation area, however without any agreed suitable proposals for redevelopment, their demolition would leave an unsightly gap that would fail to preserve the appearance of the area.

With regard to parking, the site was private and there appeared to be no requirement for the owners to keep the plot available for parking. There was no indication that the site would be used for parking if the appeals failed and therefore the loss of the parking provision would not be a valid reason for refusing the applications.

The meeting closed at 6.25 p.m.

CJ BERRY

Chairman

