# PLANNING & LICENSING COMMITTEE

**Tuesday 6 April 2004**

**PRESENT:**

Councillor BERRY (Chairman); Councillor SKILTON (Deputy Chairman); Councillors BOWKER, ELKIN, MARSH, Mrs POOLEY, STEVENS and TESO.

**60. MINUTES.** The minutes of the meeting held on 9 March 2004 were submitted and approved and the Chairman was authorised to sign them as a correct record.

**61. REPORT OF HEAD OF PLANNING ON APPLICATIONS.**

**(1) EB/2004/0123(OL) - Land adjacent to 122 Brodrick Road - formation of vehicular access and erection of two, two-storey houses (outline application) - HAMPDEN PARK.** The Highways Manager raised objections, as the proposal would increase potential hazards for both vehicles and pedestrians and had insufficient depth to support both an adequate turning space and the dwellings. The observations of the Downland, Trees and Woodland Manager were set out in the report. The Head of Environmental Health raised no objections to the proposal.

**RESOLVED: Permission refused** on the grounds that the site is of insufficient depth to satisfactorily accommodate the two houses and adequate car parking and access without adversely affecting highway safety and the residential amenity of the neighbouring dwellings. The proposal would therefore be contrary to Policies UHT1, HO20 and TR11 of the Eastbourne Borough Plan (2001 – 2011).

**(2) EB/2004/0147 - 41 South Street - change of use from Class A1 (shops) to Class A2 (financial and professional services) use – MEADS.** The Local Plan Officer raised no objections to the proposal, as there was scope for additional non-A1 uses in the area. The observations of the Eastbourne Access Group were set out in the report. Letters of objection were reported from the Little Chelsea Traders Association and the Federation of Small Businesses.

Mr Stevens, on behalf of the Federation of Small Businesses, addressed the Committee against the proposal. Concerns were raised regarding the potential impact on the viability of the Little Chelsea area for existing retail operations and the lack of footfall generated by the proposed use in comparison with a retail outlet. Members expressed concerns regarding the acceptable minimum limit for premises in A1 use of 50% contained in Policy TC6 of the Borough Plan, and that this should be reconsidered. A further concern was that funeral directors were categorised as an A1 use. The current percentage of units in A1 use, calculated from the percentage of shop frontage, was 60.9%. It was requested that the matter be investigated further and the application be submitted to the next meeting.

**RESOLVED: (By 4 votes to1) Consideration deferred.**

**(3) EB/2004/0152 - Bushy Ruff, The College,14 Carlisle Road - removal of shed, erection of 4.1m high galvanised chain link fence and replacement of grassed play area with multi-use hard surface play area – MEADS.** Five letters of objection were reported from local residents. The applicant submitted a letter of support. The Arboricultural Officer had confirmed that two mature Pine trees at the rear of the site were the subject of a Tree Preservation Order and provided significant visual amenity to the surrounding area. There was the potential for the hard surface to reduce the moisture available to the trees leading to stress of the specimens and the possibility of future conflict with direct root damage to the new surface. It was noted that the College proposed the use of astra turf to overcome residents' concerns regarding noise.

**RESOLVED: (By 6 votes to 1) Permission refused** on the grounds (1) That by reason of the increased extent

and intensity of activity associated with the creation of a hard surface play area at this location, and the noise and disturbance associated with this increased activity, it is considered that the development will have a detrimental effect on the amenities of occupiers of the surrounding residential properties; (2) That the development is likely to result in damage and/or requests for removal of the preserved trees, which would have a detrimental impact on the visual amenities of the area; in addition insufficient details have been submitted to demonstrate that the proposed development would not have a detrimental impact on the long term health and retention of the adjacent preserved trees.

**(4)/(5) EB/2003/0780 AND EB/2003/0700(LB) (CONS AREA) - Belle Tout Lighthouse, Beachy Head (a) alterations to boundary wall to provide new access gates and layout of car parking spaces and new vehicular access road (b) alterations to boundary to provide new access and gates, and layout of car parking spaces (listed building consent) - MEADS.** The Historic Buildings Advisor and the Conservation Area Advisory Group at its meeting on 2 December 2003 raised no objections to the proposal. English Heritage and the Sussex Downs Conservation Board raised no objections, as the works would not have a significant detrimental impact on the visual amenity or setting of the monument. English Nature made a number of detailed comments in respect of turf preservation, scrub clearance and the planting of grass seed. The County Archaeologist requested a condition requiring a programme of archaeological works. The observations of the Downland, Trees and Woodland Manager and the Highways Manager were set out in the report. One representation was received regarding the siting of the roadside gates and use of the existing access road. An additional condition was required to ensure the removal of part of the existing access road.

**RESOLVED: (1) Listed Building Consent granted in respect of EB/03/0700(LB)**, subject to conditions (1) D1.2 Commencement of development within five years; (2) That details of the materials to be used in the boundary wall shall be submitted to and approved in writing by the Head of Planning, prior to the commencement of the development; (3) That details of the materials to be used in surface of the hardstanding for the car parking area, be submitted to and approved in writing by the Head of Planning prior to the commencement of the development; (4) That, before the development hereby approved is commenced, details of the alterations to the ground levels for the construction of parking area, shall be submitted to and approved in writing by the Head of Planning; (5) That, before the development hereby approved is commenced, a programme of archaeological works shall be implemented in accordance with details to be submitted to and approved by the Head of Planning, in consultation with the County Archaeologist.

**(2) Permission granted in respect of EB/03/0780**, subject to conditions (1) D1.1 Commencement of development within five years; (2) That the development be carried out in accordance with the submitted method statement; (3) That details of the materials to be used in the boundary wall shall be submitted to and approved in writing by the Head of Planning, prior to the commencement of the development; (4) That details and sample of the materials, including the base sand, to be used for the access road and surfacing of the entrance bellmouth at the foot of the access road, shall be submitted to and approved in writing by the Head of Planning prior to the commencement of development; (5) That, before the development hereby approved is commenced, details of the alterations to the ground levels for the construction of the parking area, shall be submitted to and approved in writing by the Head of Planning; (6) That details of the materials to be used for surfacing of the car parking area be submitted to and approved in writing by the Head of Planning prior to the commencement of the development; (7) Prior to the development commencing, details of a named, accountable person in charge of the construction works shall be supplied to the Head of Planning. The named, accountable person shall be present on site for the duration of the works hereby approved, and liaise daily with Eastbourne Borough Council's Downland, Trees and Woodland Manager and the Downland Ranger on the progress of the works; (8) That, before the development hereby approved is commenced, a programme of archaeological works shall be implemented in accordance with details to be submitted to and approved by the Head of Planning, in consultation with the County Archaeologist; (9) Details of drainage to prevent discharge of water from the site on to the public highway shall be submitted to and approved by the Head of Planning prior to the commencement of development; (10) Turfs cut from the Downland for the construction of the access road shall be stored on a base layer of sand or soil and shall be watered daily, before replanting. Turfs shall be watered daily for a minimum of one week after replanting; (11) Details of grass seed shall be submitted to and approved by the Head of Planning before any planting commences. The approved seed shall be planted before the access road hereby approved in first brought into use; (12) The access road shall be maintained to the satisfaction of the Head of Planning and any grass within the access road that dies shall be re-seeded, with approved grass seed, in the next available season; (13) The visibility splays, as shown on the approved plans, shall be kept clear of any obstructions; (14) Details, including a timetable of works, for as much practicable reinstatement of the existing access road into Downland shall be submitted to and approved in writing by the Head of Planning

before the commencement of development. The reinstatement approved shall be undertaken within 3 months of the new access road being brought into use.

**(6) EB/2004/0173(DET) - Public Highway in Cross Levels Way (adjacent to the Rodmill Roundabout) - installation of a 12.5m high slimline telecommunications monopole mast and ancillary equipment cabins – RATTON.** Some Members raised concerns regarding the siting of the equipment and the continued health issues associated with masts and reference was made to a recent EC statement.

**RESOLVED: (By 3 votes to 1) Permission refused** on the grounds (1) That the Council considers that the perception of risk to public health justifies refusal of the application. These fears rank as part of the human factor to be taken into account in determining the application; (2) That the proposed equipment, by reason of its height, appearance and siting, would be detrimental to the visual amenities of the area.

**(7) EB/2004/0142 - 11 Kings Drive - new vehicular access and parking space at front – RATTON.** The Highways Manager raised objections, as the minimum dimensions for a private turning space cannot be met, which would be detrimental to highway safety of Kings Drive.

**RESOLVED: (By 4 votes to 1) Permission refused** on the grounds (1) 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 Council Manual for Estate Roads; (2) That the proposal would therefore be detrimental to highway safety, as vehicles would be unable to enter and leave the site in a forward gear.

**(8) EB/2004/0162 - Land between 59 and 65 Astaire Avenue - erection of nine garages - ST. ANTHONY'S.** Four letters of objection were reported from local residents. A further letter of no objection, but commenting on the problems associated with the existing garages was also reported. The observations of Transco were set out in the report. Councillor Harris addressed the Committee against the proposal on behalf of local residents. Concerns were raised regarding the impact of the proposal on residents in an area that had existing problems relating to noise created by the use of the existing garages and anti-social behaviour. The applicant had advised that tenants of the garages were required to sign an agreement to control the use of the garages for private vehicles only. The concerns regarding the use of the garages for commercial purposes had been referred to the Planning Enforcement Officer and any approval would be subject to a condition restricting the use of the garages. The Committee acknowledged the concerns raised and requested additional conditions relating to the submission of a scheme to improve the site for the benefit of residents and to improve the condition of the access and road.

**RESOLVED: Permission granted** subject to conditions (1) D1.1 Commencement of development within five years; (2) That the garages hereby permitted shall be used for the parking of private vehicles and for domestic storage purposes only; (3) (a) That no development shall take place until there has been submitted to and approved by the Head of Planning, a scheme of landscaping to screen the garages hereby approved; (b) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation; (4) That prior to the first occupation of the garages hereby approved the existing access drive (for a distance of 25 metres from the boundary with the highway) shall be properly constructed with a hard wearing impervious surface to the satisfaction of the head of Planning.

**(9) EB/2004/0160 - Land adjacent to 10 Spring Lodge Close - erection of detached three bedroom dwelling together with provision of 7 no. car parking spaces in Spring Lodge Close - ST. ANTHONY'S.** The Committee was advised that the application had been withdrawn.

**NOTED.**

**(10) EB/2004/0161 - 13 Peyton Close - erection of a conservatory at rear - SOVEREIGN.**

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

**(11) EB/2004/0130 - 21 Queens Road - erection of porch at front - SOVEREIGN.**

**RESOLVED: Permission refused** on the grounds that the porch, by reason of its size and scale, would be out of character and detrimental to the visual amenity of the street scene, contrary to the Policies, UHT1, UHT4 and HO20 of the Eastbourne Borough Plan (2001 – 2011).

**(12) EB/2004/0047 - 2 Raleigh Close - single storey extension at side, conservatory at rear and new boundary wall and new vehicular access - SOVEREIGN.** The Highways Manager advised that the position of the new access would result in conflict between vehicles and pedestrians and would not meet the standards of the East Sussex County Council Manual for Estate Roads.

**RESOLVED: Permission refused** on the grounds (1) That the design of the side extension would be inharmonious with the existing dwelling. Together with its size and scale, the extension would be unduly prominent and out of character with the street scene, detrimental to the visual amenity of the area, contrary to Policies UHT1, UHT4 and HO20 of the Eastbourne Borough Plan (2001 – 2011); (2) That the vehicular access would give rise to conflict between vehicles and pedestrians, endangering pedestrian safety, and would be contrary to the provisions of Policies UHT1 and TR11 of the Eastbourne Borough Plan (2001 – 2011).

**(13) EB/2004/0115 - 15 Watts Lane - retrospective application to erect 90cm high close board fence – UPPERTON.** Permission was refused in July 2003 and October 2003 for the retention of a 1.55m metre fence and a 1m fence respectively. The applicant had agreed a planting scheme within the garden to include trees and shrubs. Two letters of objection and a telephone objection were reported from local residents. One letter stating no objections, provided that the alterations were carried out was reported. Two letters of support were also received from residents.

**RESOLVED: Permission granted** subject to conditions (1) D1.1 Commencement of development within five years; (2) That within six months of the date of this permission, the following shall take place: (i) the fence shall be lowered to a height of 90cm as indicated on the approved plan; (ii) the fence shall be stained dark brown on the outward facing elevations; (iii) trellis panels shall be erected on the outward facing elevations of the fence and permanently maintained as such thereafter; the number and position of the trellises shall be submitted to and approved by the Head of Planning before they are erected; (iv) that a planting scheme shall be submitted to and approved by the Head of Planning and thereafter implemented within the prescribed time period, and any plants that die or are removed shall be replaced in the next planting season.

**(14) EB/2004/0119 - 5 Old Orchard Road - provision of a car park at rear – UPPERTON.** The Council's Arboriculturist raised no objection to the removal of the trees as none provided any significant public amenity. The Highways Engineer raised objections, as the proposal did not comply with highway authority requirements for on site turning facilities and the required width for a vehicular access. A letter from the applicant was reported at the meeting regarding the use of the car park for staff.

**RESOLVED: (By 7 votes to 1) Permission refused** on the grounds (1) That the intensification of the use of the access would have an adverse impact on the amenities of nearby residential occupiers by reason of noise, disturbance and fumes; (2) That the proposal does not comply with highway authority requirements for on site turning facilities and minimum width of the access thereto, and therefore would result in conflict with other vehicles and pedestrians, to the detriment of highway safety; (3) That the proposal would set an undesirable precedent and would make similar proposals difficult to resist, to the detriment of visual and residential amenity and highway safety; (4) That further to Reasons 1 and 3 above, the proposal would not comply with Policies UHT4 and HO20 of the Eastbourne Borough Plan 2001-2011.

**62. TREE PRESERVATION ORDER – LAND AT RATTON DRIVE, EASTBOURNE.** The Committee considered the report of the Head of Planning and Legal Services Manager seeking confirmation of a Tree Preservation Order on land at Ratton Drive. A representation had been received from a resident in Ratton Drive via their Solicitors together with a report from HTP Consulting Civil and Structural Engineers regarding the saplings (particularly trees 4 and 5) designated as a woodland area, which were vulnerable during high winds. It was considered that if protected, the freedom to manage the trees and shrubs would be restricted and damage may be caused to their garage. The use of their property would also be restricted due particularly to the shadows caused by the large trees.

The Planning Department had indicated that the report from HTP did not contain a report or statement from a person qualified in arboriculture, therefore little weight could be attached to the report. The saplings, which have remained on the area designated as a woodland area, were chosen for their potential to develop into mature specimens at a suitable distance from existing structures. The Council would not refuse permission to carry out necessary or appropriate works and the owner had been advised of ways of reducing light problems without felling trees.

**RESOLVED:** That The Eastbourne Borough Council Tree Preservation Order (Land at Ratton Drive, Eastbourne, East Sussex) No. 94a (2003) be confirmed without modification.

**63. PLANNING APPEALS.**

**(a) 141 GREEN STREET – EB/2003/0520. The appeal against refusal to grant permission for the erection of a balcony at rear and roof over the side was dismissed by the Inspector for the following reasons:**

The main issue relating to the appeal was the effect of the proposed balcony on the living conditions of adjoining occupiers, with particular reference to privacy.

The premises comprised residential development over an existing shop. The Inspector concluded that the occupiers of the appeal premises, when using the proposed balcony, would be able to look directly down from first floor level into the rear gardens of the adjoining residential properties in Victoria Drive. This would result in a serious loss of privacy to the adjoining occupiers. Because of the limited distance between the proposed balcony and the considerable number of windows in the rear elevations of the nearby dwellings in Victoria Drive, this would also be likely to result in significance overlooking and loss of privacy to the adjoining occupiers.

Although no objections had been received and letters had been received from four residents of the adjoining properties stating no objections, the Inspector's opinion was not altered.

**(b) 1 GREEN STREET – EB/2002/0697. The appeal against refusal to grant permission for the change of use of an industrial unit to a gymnasium was allowed by the Inspector for the following reasons:**

The main issue relating to the appeal was the effect of the development on the living conditions of neighbouring residents, with particular reference to noise.

The appellant had provided evidence from an acoustics consultant to the effect that, when music was played at the maximum volume permitted, it was unlikely to be audible at neighbouring residential properties. A noise assessment conducted by the Council's Environmental Health officers generally concurred with these findings. The Inspector considered that the noise generated inside the building need not have an unacceptable impact on neighbouring residents at later hours, provided that the volume was restricted, existing sound attenuation measures were retained and adequate ventilation was installed. With regard to general disturbance that may be caused as gym patrons arrive and leave the premises, the opening times would be subject to condition. It was concluded that the continued use of the premises as a gymnasium would not result in material harm to the living conditions of neighbouring residents, subject to the imposition of suitable restrictions.

Members were advised that the Inspector had made an incorrect reference in relation to the status of the now adopted Borough Plan and officers agreed to write to the Planning Inspectorate on this issue.

**(c) 2A BEACH ROAD – EB/2003/0390(OL). The appeal against refusal to grant permission for the replacement of an existing building with 6, 2 storey houses in 2 terraces was dismissed by the Inspector for the following reasons:**

The main issues relating to the appeal were the employment opportunities in the area and the local economy and the living conditions of the occupiers of neighbouring properties, with particular regard to privacy.

The appeal site comprised a commercial building located at the rear of properties in Beach Road, Eshton Road

and Seaside. It was currently occupied by the appellant's business. The site was not specifically allocated for business purposes in the Borough Plan, however it was noted that the retention of existing business premises would play an important role in employment provision in Eastbourne until employment land allocations in the Borough Plan became available for development. A net reduction in business premises had also been identified in the Borough in recent years. The Inspector considered the retention of existing business premises to be essential in the interests of the local economy unless special site-specific circumstances applied. It was concluded that the applicant had failed to demonstrate satisfactorily that the existing use and premises complied with any of the policy exceptions and concluded that the proposal would be harmful to employment opportunities in the area and the local economy.

**(d) (i) SUNNYMEAD, GAUDICK ROAD – EB/2003/0269: (ii) LAND AT REAR OF SUNNEYMEAD AND BISHOP CAREY, GAUDICK ROAD – EB/2003/0320: (iii) BISHOP CAREY, GAUDICK ROAD – EB/2003/0268.**

**The appeals in respect of applications (i) and (ii) above against the imposition of a condition following the granting of permission on 23 July 2003 were allowed by the Inspector. The appeal in respect of application (iii) against refusal to grant permission for the removal of tree, bank and formation of two garages was dismissed by the Inspector.**

**Appeals (i) and (ii)** – The condition in dispute relating to the requirement that the two existing accesses shall be infilled to match the adjoining walls exactly, including the reinstatement of the footpath and kerb, before any of the units were first occupied. The main issue related to whether the retention of the second access off Gaudick Road to Bishop Carey would serve to preserve or enhance the character or appearance of the Conservation Area. It was concluded that the retention of the existing access to Bishop Carey nearest the widened access to Sunnymead would serve to preserve the character and appearance of the area. A condition was imposed to require the infilling of the second access to Sunnymead.

**Appeal (iii) –** The Inspector concluded that the garages in the front garden would be out of character with the age of the property and the layout generally within the Meads Conservation Area. The screening of the proposed garages would rely on the retention of the hedge at sufficient height to obscure direct views from the road but, even if the hedge screened the garages from the adjoining pavement, they would be visible or at the least perceived through the existing accesses. The front gardens to the two properties created in Bishop Carey were not substantial and the development of garages in this limited space would unacceptably erode the setting of Bishop Carey to the detriment of the Conservation Area.

The meeting closed at 5.50 p.m.

**CJ BERRY**

**Chairman**