

PLANNING & LICENSING COMMITTEE

Tuesday 25 May 2004

PRESENT:

Councillor BERRY (Chairman); Councillors BOWKER, ELKIN, MARSH, Mrs POOLEY, SLATER (as substitute for Skilton), STEVENS and TESO.

(An apology for absence was reported from Councillor Skilton).

68. MINUTES. The minutes of the meeting held on 27 April 2004 were submitted and approved and the Chairman was authorised to sign them as a correct record.

69. ENVIRONMENTAL HEALTH FOOD SAFETY SERVICE PLAN. The Committee considered the report of the Head of Environmental Health seeking approval of the Environmental Health Food Safety Service Plan for 2004/05. The Plan had been formally approved by the Council via the budget process but, under the terms of the Food Standards Agency Local authority Framework Agreement, the Food Safety element of the Plan had to be formally approved by this Committee, the Council's designated Regulatory Committee.

The Food Safety elements of the Environmental Health Service Plan had been detailed in an appendix to the report which had been circulated to the Committee. The key issues for the coming year were to:

- continue with the programme of planned inspection of food premises;
- assess the implications of the proposed revision to the Approved Code of Practice for the inspection of food premises;
- undertake an agreed programme of food sampling;
- assist the Food Standards Agency by piloting the Safer Food, Better Business approach to food hazard analysis and control in 16 premises; and
- ensure that staff received adequate training to maintain their competency.

The Environmental Health Service Plan had been developed with input from all members of the service and no additional resources were being sought; the staffing and other revenue expenditure had been approved via the budget process.

RESOLVED: That the Food Safety element of the Environmental Health Service Plan for 2004/05 be approved.

70. REPORT OF HEAD OF PLANNING ON APPLICATIONS.

(1) EB/2004/0282 - 76-78 Pevensey Road - change of use from 20 bedsits with ancillary accommodation into 8 self-contained flats – DEVONSHIRE.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within 5 years; and (2) D6.1 Submission of details of storage and collection of refuse.

(2) EB/2004/0211 - Land adjacent to 20 Midhurst Road - change of use from amenity land to private garden and enclosure by means of a brick wall - HAMPDEN PARK. One letter of objection with five

undersigned names was reported from a local resident. The Housing Manager, Highway Authority and Arboricultural Officer had no objections to the proposal.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) that the new position of the street nameplate shall be agreed with the Eastbourne Borough Council Parking Co-Ordinator and approved by the Head of Planning prior to the erection of the new boundary wall and shall be maintained as such thereafter; and (3) that the new boundary wall shall use the bricks from the existing wall and any additional bricks required shall be of the same type, size, colour and texture as the existing bricks.

(3) EB/2004/0306 - Garden House, 11 Milnthorpe Road - change of use from a dwelling house to a care home for 8 adults with learning disabilities - MEADS. One letter was reported from a local resident seeking additional information and expressing concern that a commercial venture was being proposed in a conservation and residential area. It was reported that a further six letters had been received expressing concern about disturbances and increased traffic. The Commission for Social Care Inspection had confirmed that the proposal would have to meet the Care Homes for Younger Adults National Minimum Standards, and reach an agreement with the Social Services Learning Disabilities Team for their input into the service.

Councillor Taylor addressed the Committee against the proposal and raised concerns regarding the siting of the care home next to an existing care home for older people and the speed with which the application had been dealt with. The Development Control Manager confirmed that neighbours had been given 21 days to respond to consultations and that consideration at the next meeting of the Planning and Licensing Committee would have gone over the recommended period for determination.

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

(4) EB/2004/0147 - 41 South Street - change of use from Class A1 (shops) to Class A2 (financial and professional services) use - MEADS. Two letters of objection were reported from local residents. The Local Plan Officer had no objections to the proposal and the Eastbourne Access Group advised that the premises should be accessible to disabled people to comply with the Disability Discrimination Act.

Mr Stevens, representing the Federation of Small Businesses, addressed the Committee and sought clarification of the permitted mix of shops, funeral directors and estate agents. Mr Hibbert, the applicant, thanked the Committee for allowing the application to be previously deferred to enable further investigations to be carried out.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within 5 years; and (2) A12 Provision of appropriate window display.

(5) EB/2004/0267 - 12-20 Station Street - alterations and change of use from Class B1/B8 and A1 to three self-contained A3 (restaurant and bar) units - MEADS. The Crime Prevention Advisor, the Highway Authority and the Pollution Services Manager had raised no objections to the proposals, while Eastbourne Access Group advised that the premises should be accessible to disabled people to comply with the Disability Discrimination Act. The Local Plan Officer was concerned that the applicant should have fully investigated the issue of demonstrating genuine redundancy of the business premises first. The Planning Officer had received a memo from the Town Centre Events Manager supporting the proposal. The Planning Officer could not support the proposal as it contravened Planning Policy B11 in the Adopted Borough Plan.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within 5 years; (2) Alcoholic drinks may only be served or supplied to persons sat at tables by waiter or waitress service; (3) Noise from ventilation, refrigeration, etc, plant and equipment shall have a noise rating level, determined in accordance with BS4142 (1997) of at least 10dB(A) below the background noise level (LA90) during any period of operation. Confirmation that this has been achieved shall be provided by a suitably qualified acoustic consultant; (4) Details of the extract ventilation systems, including odour control measures shall be submitted to and approved by the Local Planning Authority before development commences; (5) Before development commences it shall be demonstrated to the satisfaction of the Local Planning Authority that refuse storage facilities are of sufficient size to contain all refuse generated in covered containers. Such facilities shall have impervious, easily cleaned surfaces, a water supply and a connection to the foul sewerage system through a

trapped gully to which the floor shall freely drain.

(6) EB/2004/0203 - The Loft, Littlecote, 41a Blackwater Road - installation of two dormers on front of property and four dormers at rear of property – MEADS. One letter of objection was reported from a local resident.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) That the casements of the windows and doors to be inserted in the dormers shall be of a dark brown mahogany finish to match those existing in the building and; (3) That details of the guard rail to be installed across the double doors on the dormer at the eastern end of the rear roof slope shall be submitted to and approved by the Head of Planning prior to commencement of the development.

(7) EB/2004/0304 - Willow Cottage, 24 Spring Close - single storey detached garage – RATTON. The Development Control Manager reported that there had been further developments since preparing the report and the application was now supported, which included a lowered roof. It was noted that the neighbour had been consulted and had no objections.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within 5 years; (2) That all external materials shall be of the same type, texture and colour as that used on the existing building; (3) That the development hereby approved shall only be carried out in accordance with the revised drawing submitted on 21 May 2004; (4) That the finished floor level of the garage shall be a minimum of 1.8m below the top of the existing boundary fence adjacent to 78 Wish Hill.

(8) EB/2004/0248 - 145 Burton Road - first floor extension to side – RATTON. Two letters were reported from local residents, raising no objection to the extension but concerned about the possibility of builders' vehicles blocking neighbouring driveways during construction work. Councillor Belsey addressed the Committee on behalf of the applicant, showing photographs of similarly extended properties in Burton Road to support the application.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within 5 years; (2) That all external materials shall be of the same type, texture and colour as that used on the existing building.

(9) EB/2004/0199 - South Coast Catering, Spring Close - demolition of workshop and stores, erection of four terraced cottages and conversion of offices and store to two two-bedroom live/work units – RATTON. Two letters were reported from local residents, one objecting to the proposal and one stating that

they were pleased with the improvements but expressing some concern with regard to the proximity of the proposed dwellings to the rear of their property, overshadowing and insufficient car parking. The Environment Agency and the Highway Authority had no objections to the proposal and Southern Water did not wish to comment on the application. The Regeneration Officer and Local Plan Officer considered that the applicant had not explored measures to retain the established use of the premises in full.

Mr N Kruschandl addressed the Committee on behalf of the Spring Close Residents Association in support of the proposal, which, it was felt, would improve the area for neighbours with less noise and disturbance resulting. Councillor Belsey also supported the application, pointing out that there had been no interest in buying the site for its current use. The applicant confirmed that there would be no job losses, as employees would be transferred and the company could expand if it was allowed to move to a bigger site and dispose of this one.

The Development Control Manager confirmed that the applicant had overcome all previous concerns except, partially, the loss of B1 use, although no actual jobs would be lost.

RESOLVED: Permission granted (1) D1.1 Commencement of development within 5 years; (2) A1 Submission of details of facing materials; (3) A9.1 Submission and approval of landscaping scheme; (4) B8.1 Proper construction of car parking spaces; (4) The live/work units shall be limited to a person or persons solely or mainly employed in the business occupying the linked workspace within the unit, or a widow or widower of such a person, or any resident dependants; (5) That the floor area of the workspace, forming part of the live/work unit, shall at all times be no less than the area indicated as "office" on the approved drawings unless otherwise agreed in writing by the Local Planning Authority; (6) That the workspace area of the live/work unit shall be used for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose whatsoever; (8) 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 be expected and other relevant information. Using this information, a Conceptual Model for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to and approved in writing by the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority, (b) if the desktop study and Conceptual Model indicate any risk of harm, 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 Local Planning Authority prior to that investigation being carried out on site.

(10) EB/2004/0223 - 7 Willingdon Close - single storey extension to side and rear involving demolition of existing garage, and extension to roof to provide accommodation in roof space – RATTON. Three letters of objection were reported from local residents.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) A5 No windows or other openings in west elevation; (3) A5 No windows or other openings in east elevation; (4) That details of the materials to be used on the tile hung sections of the roof extension shall be submitted to and approved by the head of planning prior to the commencement of the development; and (5) A3 Use of matching materials.

(11)/(12) EB/2004/0268 and EB/2004/0269(LB) - Chalk Farm Hotel, Coopers Hill - (a) renewal of temporary permission for opening hours and use of horticultural sales display area and change of use of part of glass house from horticultural use to a pet shop sales area (A1), erection of wooden building for use as point of sale for tea gardens in association with erection of 2m high lattice fence and reinstatement of existing paths (b) erection of wooden building for use as point of sale for tea gardens in association with erection of 2m high lattice fence and reinstatement of existing paths – RATTON. Seven letters of objection were reported from local residents. The Council's Historic Building Consultant and the Highway Authority did not wish to restrict the grant of consent but the Downland, Trees and Woodlands Manager objected to the proposals on a number of grounds.

Mr Garrad addressed the Committee against the proposal due to serious problems with parking and access for emergency vehicles. The applicant, Mr Dunlop, responded and offered to meet with residents to resolve the parking problems.

RESOLVED: (1) Permission granted in respect of EB/2004/0268 subject to conditions (1) Commencement of development within two years; (2) That the weekend and bank holiday opening hereby permitted for the horticultural sales area and pet retail area shall be limited to 9:00 to 17:00 and shall be discontinued on or before the 25 May 2006; (3) That the retail use hereby permitted shall be limited to 9:00 to 17:00 Monday – Friday and shall be discontinued on or before the 25 May 2006; (4) The retail use hereby authorised shall be restricted to 11.29 square metres as shown in the plan received by the Local Planning Authority on 26 March 2004; (5) That the proposed retail use shall at all times remain ancillary to the Chalk Farm Centre and shall not be let or operated as a separate business at any time; (6) That the animals sold on the site shall be limited to small pet animals and associated products and shall not be used for the sale of any other merchandise not associated with this; (7) Details of the authorised parking areas available at the site shall be submitted to and approved by the Head of Planning before the use hereby authorised is commenced; and (8) That the fence and point of sale building hereby authorised shall be removed on or before the 25 May 2006 and the land reinstated to its former condition.

(2) Listed Building Consent granted in respect of EB/2004/0269(LB) subject to conditions (1) D1.1 Commencement of development within two years; and (2) That the building and fence hereby permitted shall be removed on or before 25 May 2006 and the land reinstated to its former condition.

(3) That an Informative be attached to the Decision Notice advising the applicant that it is considered that the current problems associated with centre users, visitors, staff and hotel guests within the shared farm yard and private access to Chalk Farm Cottages is an issue that the Chalk Farm Centre needs to address. Once the details of the authorised parking areas have been submitted and approved by the Head of Planning the centre will be expected to ensure that on site parking is restricted to these zones. Should the Chalk Farm Centre fail to maintain a satisfactory record over the period of this permission with regard to unauthorised parking within the site then the use hereby granted and any existing temporary permissions may not be renewed. It is considered that parking off the site will not be considered as the responsibility of the Chalk Farm Centre as the success of the hotel and the associated parking problems are associated with a long established use.

(13) EB/2004/0177 - Wenhams site, rear of 63-75 Rotunda Road - erection of eight three-storey houses and a six-storey building comprised of six one-bedroom flats and two two-bedroom flats, with car parking and access from Leeds Avenue - ST. ANTHONYS. One letter of representation and 30 letters of objection, including from the Eastbourne Society and the Member of Parliament, were reported. Environmental Health had no adverse comments to make but concerns were expressed by the Council's Strategy and Development Manager, Transco, the Health and Safety Executive, Southern Water, the Local Plan Officer, the Crime Prevention Design Adviser, the Council's Arboricultural Officer and the Principal Highway Engineer (Planning). The Environment Agency requested that the application be deferred. Councillor Harris addressed the Committee on behalf of local residents against the proposal.

RESOLVED: Permission refused on the grounds that the proposal constitutes an undesirable form of residential development that, by reason of its scale, massing, design, layout and access arrangement would result in an unacceptable impact upon the established residential amenity of the area. Further, as the proposed development is within the consultation distance of a major hazard installation any future residents of the development would be at significant risk. In addition, the proposal does not make adequate provision for affordable housing, flood storage or open space in the community. As such, the proposed development is considered to be contrary to Policies UHT1, UHT2, UHT7, TR7, HO13, LCF4, US1, US4 and HO20 of the adopted Eastbourne Borough Plan 2001-2011.

(14) EB/2003/0201 - Land between 150 and 152 Northbourne Road - erection of twelve flats with parking bays (amended description) - ST. ANTHONYS. Three letters of objection together with a petition signed by 36 local residents were reported. The Environment Agency and Crime Prevention Advisor had no objections to the proposal. The observations of Southern Water, Seeboard, the Health and Safety Executive (HSE), the Principal Highway Engineer and Environmental Health were set out in the report. Councillor Harris addressed the Committee on behalf of local residents against the proposal.

Members expressed concerns about overlooking, overshadowing, parking, excessive speeding, the proximity of high voltage power lines, Southern Water's comments regarding sewerage and surface water disposal and the comments of the HSE.

RESOLVED: Permission refused on the grounds that (1) The application site is within the consultation distance of a major hazard installation and therefore, on the advice of the Health and Safety Executive, the health and safety of future residents of the development would be at significant risk; (2) The proposal constitutes an undesirable and inappropriate over-development of the site, which would be out of character with the established development in the surrounding area; (3) The proposed development, by reason of its scale and rear projection, would have an unacceptable impact upon neighbouring residents in respect of loss of privacy and overlooking; (4) For the above reasons the proposed development is considered to be contrary to Policies UHT1, UHT4 and HO20 of the adopted Eastbourne Borough Plan 2001-2011.

(15) EB/2004/0185 (CONS AREA) - 27 Selwyn Road - demolition of existing building and erection of 12 flats in a single block – UPPERTON. Twenty-one letters of objection were reported from local residents. The Environment Agency, Southern Water and the Crime Prevention Advisor at Sussex Police had no adverse comments. The Principal Highway Engineer, the Council's Consultant Historic Buildings Advisor and the County Archaeologist all raised concerns. The Conservation Area Advisory Group had raised objections on the grounds that the height and bulk of the proposed development would be out of scale with the majority of nearby buildings.

Mrs S Boxer addressed the Committee against the proposal and raised concerns regarding the non-provision of low cost housing, problems for negotiating garages opposite the proposed access road, overlooking, inaccurate measurements for the required splay, the bulk of the building which would be opposite the Torfield Conservation Area, and car parking. A photograph, taken at midday on a Sunday, was circulated clearly showing the current parking problems.

RESOLVED: Permission refused on the grounds that (1) the proposed development, by virtue of its excessive depth, bulk and mass, together with the proposed realignment of the front boundary wall, would seriously detract from the appearance of the local area and would be detrimental to the setting and character of the adjacent Torfield Conservation Area. The proposal would thereby be in conflict with policies UHT1, UHT4 and UHT15 of the Eastbourne Borough Plan 2001-2011; (2) the proposed building, by reason of its depth and the number of windows proposed in the side elevations, would be seriously detrimental to the amenities of adjacent residents by virtue of loss of outlook, loss of privacy and overshadowing. For these reasons the proposal would be contrary to policy HO20 of the Eastbourne Borough Plan 2001-2011; and (3) that the proposed vehicular and pedestrian access arrangements fail to comply with the requirements of the Highway Authority and therefore the proposal would be detrimental to pedestrian and highway safety.

(16) EB/2004/0151 - The Mount, Selwyn Road. Change of use from dwelling to administrative offices for St Wilfrid's Hospice – UPPERTON. Seven letters of representation were reported expressing concerns about the proposal. The Highway Authority did not wish to restrict the grant of consent to the application and the Secretary of the Eastbourne Access Group advised that the premises should be accessible to disabled people to comply with the Disability Discrimination Act. Members were still concerned about the impact of parking on the surrounding area and suggested entering into discussions with the owners regarding a 'Green Transport Policy' to reduce the number of cars visiting the site. The owner of the Mount confirmed that eight cars could be parked in the driveway, with a further two in the garage.

RESOLVED: Consideration deferred.

71. SUPPLEMENTARY PLANNING GUIDANCE: DELIVERING AFFORDABLE HOUSING THROUGH THE PLANNING SYSTEM. The Committee considered the report of the Director of Economy, Tourism and Environment seeking formal agreement to recommend the draft Supplementary Planning Guidance on Delivering Affordable Housing through the Planning System for adoption.

At its meeting of 10 February 2004 this Committee had agreed that the draft Guidance should be approved for public consultation and it was made available for a six week period. Those bodies/organisations with a possible interest were contacted directly about its availability and it was placed on the Council's web-site. Responses to the consultation had been detailed in an appendix to the report, which had been circulated to the Committee

with an officer response and recommendation for each representation.

The representations received from the development industry were of a technical nature and sought to ensure that the level of contributions being sought did not undermine the viability of private residential development. The Council's planning and housing strategy teams had considered these comments in detail but considered that, as Policy HO13 of the adopted Borough Plan clearly indicated that the actual amount of affordable housing to be provided was the subject of negotiation, there was sufficient flexibility to negotiate with the industry.

It was also noted that East Sussex County Council did not support the Council prioritising the achievement of affordable housing as a key contribution to be sought after essential site pre-requisites had been achieved but, given the importance this Council and national government attach to the delivery of affordable housing, it was agreed not to recommend a change that could accommodate East Sussex's concern.

RESOLVED: (1) That the modifications to the draft guidance as set out in appendix A to the report be approved.

(2) That the Council be recommended to formally adopt the modified draft Supplementary Planning Guidance on delivering Affordable Housing through the Planning System.

72. SUPPLEMENTARY PLANNING GUIDANCE: DEMONSTRATING GENUINE REDUNDANCY OF BUSINESS LAND AND PREMISES. The Committee considered the report of the Director of Economy, Tourism and Environment seeking formal agreement to recommend the draft Supplementary Planning Guidance on Demonstrating Genuine Redundancy of Business Land and Premises for adoption.

At its meeting on 10 February 2004 this Committee had agreed that the draft Guidance should be approved for public consultation and it was made available for a six week period. Those bodies/organisations with a possible interest were contacted directly about its availability and it was placed on the Council's web-site. Responses to the consultation had been detailed in an appendix to the report, which had been circulated to the Committee with an officer response and recommendation for each representation.

It was noted that the comments received from both the County Council and Wealden District Council had highlighted some aspects which needed to be made more explicit including the proposed recommendation to specify a sequential test for the consideration of proposals which would mean that alternative uses of the site could only be considered once the potential for refurbishment/redevelopment had been fully explored. Recent negotiations with prospective developers suggested that explicitly setting out the sequential test along these lines would give much greater clarity.

RESOLVED: (1) That the modifications to the draft guidance as set out in appendix A to the report be approved.

(2) That the Council be recommended to formally adopt the modified draft Supplementary Planning Guidance on Demonstrating Genuine Redundancy of Business Land and Premises be adopted.

73. REVOCATION OF TREE PRESERVATION ORDER – LAND AT 2 FOREDOWN CLOSE. The Committee considered the report of the Head of Planning seeking authorisation to revoke Tree Preservation Order No. 40. This had been made in 1993 on a semi mature Cupressus Macrocarpa on land at 2 Foredown Close, Eastbourne and confirmed in February 1994. The tree had been located in a prominent location on the corner of Foredown Close and Compton Drive, and provided significant visual amenity to the surrounding area due to its size and excellent crown form but, after the crown split in high winds, permission was given in February 1999 for the felling of the tree, subject to a condition to secure a replacement tree, in this case a birch, which was planted.

The owners made a written request for the Council to revoke the order, so that it could be removed from the property title deed and Local Land Charges register. The replacement tree which had been planted was in a different location and of a different species and, therefore, was not automatically covered by the same order. It was also noted that the Council's Arboriculturist had confirmed that the new tree provided no visual amenity given its size and location (behind a boundary hedge), and that it did not warrant the protection of a new order.

RESOLVED: That Tree Preservation Order No. 40 be revoked.

74. PLANNING APPEAL.

1 UPWICK ROAD - EB/2003/0310. The appeal against refusal to grant permission for the conversion of a garage to a family room was dismissed by the Inspector for the following reasons:

The main issue relating to the appeal was that the proposed pitched-roof would be out of character with the area. The Inspector's opinion was that the existing flat-roofed garages facing St. Leonard's Road were alien and out of character in a townscape in which pitched-roof buildings were clearly a predominant feature and this proposal would comply better with the Council's policies than the present arrangement. The Inspector concluded that the proposed development would have a positive and beneficial effect on the character and appearance of the area.

75. VOTE OF THANKS. As this was the last meeting of the Committee for the current municipal year Councillor Pooley thanked Councillor Berry on behalf of the Committee for his Chairmanship throughout the year.

The meeting closed at 6.45 p.m.

CJ BERRY

Chairman