

Tuesday 21 June 2005
at 4.30pm



Planning Committee

MEMBERS: Councillor TAYLOR (Deputy Chairman), Councillors HERBERT, LACEY OBE (as substitute for Bowker), MARSH, Mrs MURRAY, Mrs POOLEY, SKILTON and STEVENS.

(An apology for absence were reported from Councillor Bowker)

5 Minutes

The minutes of the meeting held on 24 May 2005 were submitted and approved and the Chairman was authorised to sign them as a correct record.

6 Options Appraisal of Five Development Sites at Sovereign Harbour

The Committee considered the report of the Head of Planning which sought approval of the Options Appraisal of the five development sites at Sovereign Harbour as the basis for consultation with the local community and interested organizations.

In August 2004, the Council had commissioned HLL Humberts Leisure Ltd to look at the five remaining sites at Sovereign Harbour and to advise on the development opportunities available. A summary of the content of the Options Appraisal had been circulated to Members and a copy of the full report placed in the Members Room. It was suggested that the document should be made available for public inspection and comment through the following: local and adjoining residents being notified that the Options Appraisal had been prepared and that interested parties could view a copy of the document at the Council Offices; copies being made available in the Central Library; and it being available on the Council's website. It was proposed to have a 28 day consultation period with representations received and any proposed modifications being reported back to Members of the Planning Committee and Cabinet at their respective meetings in August and September, at which time authority would be sought to formally adopt the document.

RESOLVED: That Members approve the Options Appraisal of the five development sites at Sovereign Harbour as the basis for consultation with the local community and interested organisations.

7 Report of Development Control Manager on Applications.

(1)/(2) EB/2005/0204 and EB/2005/0208(CA) (CONS AREA) – (a) Former bus garage, 32 Cavendish Place - alteration to existing access

to site from Cavendish Place, involving demolition of 32 Cavendish Place (b) 32 Cavendish Place - demolition of existing building and walling in connection with proposed alterations to existing access - DEVONSHIRE. Four letters of objection were reported objecting to the loss of the Art Deco building. English Heritage had advised that they had not recommended the building for Listed Building status and the Secretary of State had confirmed that the building would not be listed.

The applications had been considered by the Conservation Area Advisory Group at its meeting on 31 May 2005 who were advised that the building was in a serious state of disrepair and beyond its usefulness. The Group felt that if possible the building should be retained until all options were exhausted and therefore requested that the Council consults with English Heritage before making a decision. The Highway Manager considered that the proposal was feasible subject to a number of conditions.

RESOLVED: (1) Permission granted in respect of EB/2005/0204 subject to conditions (1) D1.1 Commencement of development within five years; (2) That within three months of the demolition of No. 32, the flank wall of No. 34 shall be rendered and painted, including the provision of decorative plinth and mouldings, as indicated on Drawing No. 03/18/TP6; (3) Details of the location and design of the proposed security gates shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced; (4) C5.3 Hours of operation.

(2) Conservation Area Consent granted in respect of EB/2005/0208(CA) subject to conditions (1) D1.2 Commencement of development within five years; (2) That within three months of the demolition of No. 32, the flank wall of No. 34 shall be rendered and painted, including the provision of decorative plinth and mouldings, as indicated on Drawing No. 03/18/TP6; (3) C5.3 Hours of operation.

(3)/(4) EB/2005/0271 and EB/2005/0272(ADV) Fort Fun, Royal Parade (a) alterations including widening of vehicular access from Royal Parade, installation of lighting columns, boundary fencing and re-surfacing of existing hardstanding (b) display of illuminated banner flag signs attached to lighting columns and one externally illuminated fascia sign on playground building together with provision of external lighting to two existing signs on playground building – DEVONSHIRE. Two letters of objection were reported relating in particular to the illuminated banner flag signs. In response to concerns raised by the Highway Manager the applicant had agreed to reduce the number of illuminated banner flag signs from five to a maximum of three and to modify the lamp heads to avoid light spilling onto the highway. The Planning Officer reported a number of changes to item 4 and suggested it be deferred to allow residents to comment.

RESOLVED: (1) Permission granted in respect of EB/2005/0271 subject to conditions (1) D1.1 Commencement of development within five years; and (2) That the widened access from Royal Parade shall only be used as a service access to the site and shall not be used as a general public access to the site.

(2) Consideration of EB/2005/0272(ADV) deferred to allow further consultation.

(5) EB/2005/0326 - 104 Firlie Road - demolition of existing link building and erection of two-storey extension for additional storage space to warehouse – DEVONSHIRE. Two letters of objection were reported and the Highway Manager had stated that, due to the position of the site, vehicles leaving in a reverse gear would be undesirable and therefore permission should be refused due to the insufficient space for a turning circle on site. He also advised that there was inadequate parking provision and a lack of loading area. Since publication of the report the application had been revised to amend the size and distance from residential properties. The new consultation period would expire on 1 July and the Planning Officer was recommending delegated approval subject to no objections being received.

RESOLVED: Permission granted subject to no objections being received before the deadline for consultation on 1 July and to conditions (1) D1.1 Commencement of development within five years; (2) A2 Submission of samples of facing materials; (3) C5.3 Hours of operation.

(6) EB/2005/0329 - 21A Langney Road - variation of condition 5 of planning permission ref. EB/2000/0683, to allow opening hours of 0800am until 0200am; and 12 all night events per year – DEVONSHIRE. One letter of objection was reported from the Eastbourne Ratepayers Association, relating to the premises remaining open for 12 all night events. Letters of objection were also reported from a local resident and an agent acting on behalf of Kings Nightclub. The Crime Prevention Officer had no objection to the proposal as it was within an area identified as suitable for late night opening.

RESOLVED: Permission granted subject to conditions (1) D1.1 commencement of Development within Five Years; (2) That the use hereby authorised by permission EB/2000/0683 shall only take place between the hours of 08:00 and 02:00 (3) Only one 24-hour private function/corporate event shall take place every calendar month with prior written consent of the Local Planning Authority. Admittance to all-night events shall be by tickets bought in advance of the start of the event.

(7) EB/2005/0346 - 20 Elms Avenue - conversion of guest house to house in multiple occupation (with 8 studio rooms) – DEVONSHIRE. One representation was reported from the Eastbourne Ratepayers Association objecting to the loss of beds and the impact on tourism and the Tourism Manager opposed the application from a tourism perspective. The Highway Manager had advised that no on-site parking was required.

There were concerns that letters delivered to the Planning Department that afternoon had not been received and shown to Committee Members but the Development Control Manager advised that the supporting information had not been received in time to consider the evidence and that in any event, it had no bearing on the recommended reason for refusal.

RESOLVED: Permission refused on the grounds that (1) Insufficient information has been submitted to demonstrate to the satisfaction of the Local Planning Authority that the property cannot be run as viable tourist accommodation and therefore, as there are no exceptional circumstances, to allow the proposed change of use would be contrary to Policy TO2 of the Eastbourne Borough Plan 2001-2011; (2) Houses in Multiple Occupation will not be permitted in the resort's designated tourist accommodation area. Therefore the proposal would be contrary to Policy HO14 of the Eastbourne Borough Plan 2001-2011.

(8) EB/2005/0319 - 2 Denton Road - erection of a single storey extension at side and conversion of property from six flats to eight self-contained flats – MEADS. Three letters of objection were reported relating to the lack of any provision for off street parking and overdevelopment of the site.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) A2 Submission of samples of facing materials; (3) D6.1 Submission of details of storage and collection of refuse; (4) C5.3 Hours of operation; (5) A10.3 Retention of trees.

(9) EB/2005/0328 - 9 Victoria Drive - first floor extension at side and rear and change of use of retail shop to incorporate into single private dwelling - OLD TOWN. Three letters of objection were reported from the occupiers of 7 and 11 Victoria Drive relating to overdevelopment, the loss of light and the rear section of the extension being out of keeping with the rear projection of their property. However, residents of no. 11 had stated that they would have no objection to a first floor extension to the side of the property. The Environment Agency had advised that any visible contaminated or odorous material should be reported to the Local Planning Authority for investigation.

Since publication of the report the applicants had amended the proposal and the new consultation period would expire on 1 July. The Planning Officer was recommending delegated approval subject to no objections being received.

RESOLVED: Permission granted subject to no objections being received before the deadline for consultation on 1 July and to conditions (1) D1.1 Commencement of development within five years; (2) A2 Submission of samples of facing materials; (3) A5 No openings in southern elevation; (4) The proposed development shall be carried out in strict accordance with the amended drawings received by the Local Planning Authority on 17 June 2005.

(10) EB/2005/0338 - 4 Kirk Way - two-storey extension at rear together with flat roof dormer extension to roof at side - OLD TOWN. Three letters of objection were reported from local residents.

RESOLVED: Permission refused on the grounds that by reason of the design and materials the proposed dormer and extension would be inharmonious with the host building creating a incongruent feature on the street scene to the detriment of the amenities of the area and would

contravene Policies UHT1 and UHT4 of the Eastbourne Borough Plan 2001-2011.

(11) EB/2005/0220(LB) - Willingdon Post Office, 116 Wish Hill - replacement of ground floor windows and door – RATTON. Four letters of objection were reported from local residents. The Consultant Historic Buildings Adviser had raised no objections to the windows, but suggested that it would be more appropriate to use a vertical boarded door and that swan neck lights were unacceptable. After inspecting the finished works, he confirmed that both the windows and door were acceptable.

RESOLVED: Listed Building Consent granted subject to condition D1.2 Commencement of development within five years.

(12) EB/2005/0301 - former Llewellyn joinery works, 29 Waterworks Road - erection of eight light industrial units (B1), together with access and parking, involving demolition of ancillary buildings - ST. ANTHONY'S. One letter of objection was reported relating to overdevelopment and the use of access roads. The Senior Highways Engineer raised no objections to the proposal.

Mrs Clark addressed the Committee objecting to the proposal on the grounds of serious over-development of a small, light industrial area and the problems relating to the local roads, which were not strong enough to support the weight of vehicles using the area, and the subsequent damage being caused to neighbouring properties.

RESOLVED: Permission granted subject to conditions (1) That the development hereby authorised shall be commenced within five years from the date of this permission; (2) No development approved by this planning permission shall be commenced until: (a) A desktop study has been carried out which shall include the identification of previous site 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 has been produced, (b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable: (i) A risk assessment to be undertaken relating to groundwater, surface waters humans, ecology, animals, crops and buildings associated on and off the site that may be affected (ii) Refinement of the Conceptual Model, and (iii) The development of a Method Statement detailing the remediation requirements; (c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken; (d) The Risk Assessment and a refined Conceptual Model has been submitted, along with the site investigation report, to the Local Planning Authority. If the Risk Assessment and refined Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority; (e) 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, has been submitted to and approved in writing by the Local Planning Authority prior to that remediation being carried out on the site; (3) The development of the site shall be carried out in accordance with the approved Method Statement; (4) That prior to commencement of development on site, the method of piling foundations for the development shall be carried out in accordance with a scheme to be approved in writing by the Local Planning Authority; (5) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. All surface water drainage from parking areas and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained. The drainage works shall be completed in accordance with the details and timetable agreed; (6) Upon completion of the remediation detailed in the Method Statement, a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report; (7) If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval for, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with; (8) That samples of the facing materials to be used in the external elevations of the proposed development shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development; (9) That no demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or public holidays; (10) That any car parking and loading and unloading area and access thereto shown on the approved plan shall be properly constructed with a surface material to be agreed by the Local Planning Authority and marked out to its satisfaction and shall be available for use before the building hereby authorised is brought into use and shall be retained permanently for the accommodation of vehicles of the occupiers and users of and visitors to the premises and shall not be used for any other purpose; (11) That prior to the commencement of the development, details of the construction of the roads, footpaths, and the layout of the new/altered junction (including sections of levels through the site) and the locations of street lights, shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details; (12) That prior to the commencement of the development, details of the boundary treatment to Waterworks Road shall be submitted to and approved by the Local Planning Authority. Such details shall include the provision of pedestrian visibility splays at both proposed entrances and the blocking up of the existing entrance. The development shall be carried out in accordance with the approved details before the buildings are first occupied and permanently maintained as such thereafter. Nothing over 600mm in

height shall be placed or grown within any visibility splays; (13) That prior to the commencement of the development, details of the design and materials of the cycle stores shall be submitted to and approved by the Local Planning Authority, and shall be provided before the buildings are first occupied and permanently maintained as such thereafter.

(13) EB/2005/0308(OL) - land adjoining 84 St Philips Avenue - erection of a two-storey dwelling (as a starter home) - ST.

ANTHONYS. Two letters of representation were reported stating that the building would be out of keeping with the area and that the site was too small. It was noted that Southern Gas Networks Ltd had advised about gas pipes in the vicinity of the application site.

Mrs Mockford addressed the Committee objecting to the height of the building, which would cause overshadowing, disturbance and inconvenience.

RESOLVED: Permission refused on the grounds that the proposed development would, by reason of its size and siting, not harmonise with the appearance and character of the established street scene. As such, the proposed dwelling would be contrary to Policies UHT1 and HO6 of the Eastbourne Borough Plan 2001-2011.

(14) EB/2005/0314 - 48 Northbourne Road - addition of conservatory to rear of existing rear extension - ST. ANTHONYS. Two letters of objection and one of support were reported from neighbours at 46 and 50 Northbourne Road. The plan had since been amended and the neighbours re-consulted. Transco had provided guidance notes to be passed on to the applicant.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) A4.1 Semi-obscure glazing in eastern elevation; (3) The proposed development shall be carried out in strict accordance with the amended drawing received by the Local Planning Authority on 9 June 2005.

(15) EB/2005/0327 - 3 Courtlands Road - change of use of part of premises from storage (Class B8 use) to public place of worship (Class D1 use) with ancillary offices, seminar room and crèche - ST. ANTHONY'S. The Principal Planning Policy Officer was concerned that the applicant had not provided clear evidence that the premises were genuinely redundant. The Economic Development Officer confirmed that the site had been actively marketed since 2002 and had continually failed to find suitable occupiers.

An e-mail from Councillor Belsey in support of the application was read out and further letters were reported from the applicants' agents, from ESK offering car parking on their site, and from the Senior Highway Engineer who was concerned that if all the rooms were fully let at one time an extra 35 parking spaces could be required.

RESOLVED: Permission granted subject to conditions (to be agreed in consultation with the Chairman) (1) D1.1 Commencement of development within five years; (2) The use hereby authorised shall only take place

between the hours of 8.00 am and 10.00 pm; (3) Before the use hereby authorised is commenced, a scheme of sound attenuation for the building shall be submitted to and approved in writing by the Local Planning Authority.

(16) EB/2005/0331 - Land adjacent The Piazza and The Locks Key West, Sovereign Harbour - provision of 43 parking spaces together with details of hard and soft landscaping - SOVEREIGN. One letter of objection was reported relating to the proposed development not being as the original plans; a large increase in the number of car park places and that Westbury should be made to deliver Prowtings original plans on the basis of which the properties were sold. It was noted that the period for making representations runs to 23 June and any letters received after the Committee meeting but before the end of the notification/consultation period will, if appropriate, be reported to the July meeting of the Planning Committee.

Ms Penny and Mr Prest addressed the Committee objecting to the proposal for a number of reasons but asking for a deferment due to confusion over the date of the Committee meeting and the deadline for submission of objections. Residents had originally been informed that they had until 23 June to comment, and some were unaware of the revised date of the meeting and were unable to make their views known.

RESOLVED: Consideration deferred to allow further consultation and a site visit.

(17) EB/2005/0175 - 12-14 Upper Avenue - conversion and change of use from offices/store to two one-bedroom dwellings - UPPERTON.

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

(18) EB/2005/0232 - Part of Princess Alice hospital site, Carew Road - demolition of training facility and former hospital buildings and the erection of part two-storey/part three-storey 60 bed space care home development together with associated car parking for 18 vehicles and landscaped gardens – UPPERTON. One letter of representation was reported relating to the piecemeal nature of the proposal and the enormous potential of the application site for mixed development with a substantial residential component and the opportunity to incorporate one or two local shops.

The Economic Development Officer reported that if the developers had pursued with the NHS an overall, comprehensive proposal for the site then the case could progress in a far smoother manner. The Environment Agency had no objections in principle to the proposed development but recommended conditions to prevent pollution of the water environment. Southern Water advised that any grant of planning permission should include conditions in respect of the proposed means of foul and surface water disposal. The Principal Planning Policy Officer was disappointed to learn that the piecemeal development of this important site was still being pursued despite advice that had previously been given and the recommendation for refusal on the previous planning application (EB/2004/0064(OL)). He noted in

particular that the future of the remainder of the site remained uncertain and therefore considered that planning permission should be refused.

The Development Control Manager reported a letter from the applicant's agent confirming that their clients had purchased the site and had no control over the remaining hospital site.

RESOLVED: Permission refused on the grounds that the proposed re-development of the application site, in isolation from the adjoining land also in the control of the same land owner, constitutes an undesirable form of piece meal development which would prevent the comprehensive mixed-use re-development of the area to the detriment of proper planning and the creation of sustainable communities. As such the proposed development is not in accordance with the advice contained in Planning Policy Statement 1: 'Delivering Sustainable Development'.

(**NOTES:** Councillor Lacey declared a non-prejudicial interest in this matter as Chairman of the County Council Health Overview & Scrutiny Committee and Councillor Taylor declared a non-prejudicial interest as owner of a rest home. Councillor Taylor took the advice of the Council's legal representative who confirmed that he could remain in the room and take part in the debate. Councillor Pooley also took advice from the legal representative who confirmed that she did not have a declarable interest in this matter).

(19) EB/2005/0258 - 93 Enys Road - variation of condition 2 of EB/2000/0182 to increase number of children accommodated on site from 36 to 56 – UPPERTON. One letter of objection and three of support were reported from the occupiers of neighbouring properties.

The Early Years Development & Childcare Partnership had confirmed that there was an identified need for early years and childcare places in the Upperton and surrounding ward areas. A Development Worker for the Pre School Learning Alliance (South East Region) confirmed that the nursery provided a much needed facility, but more nursery places were required. She stated that the nursery was one of the few locally that can accommodate younger children and it had received a good Ofsted inspection report. The Council's Senior Highway Engineer confirmed that the Highway Authority did not wish to restrict the grant of consent and Environmental Health raised no objections to the proposal provided the restriction of no more than six children in the garden at any one time remained in place.

RESOLVED: Condition 3 of planning permission reference EB/1996/0455 be amended as follows:

That no more than 56 children shall be accommodated on the application site at any one time.

8 Planning Appeals.

(1) 4 RATTON ROAD - EB/2005/0002(OL). The appeal made against the refusal for outline planning permission for the erection 14 flats with access and parking was allowed by the Inspector for the following reasons:

The Inspector considered that the main issues in this case were the effect of the proposed development on the character and appearance of the surrounding area and the living conditions of adjacent occupiers. The Inspector concluded that the proposal would not have an unacceptably detrimental effect on visual amenity or cause harm to the character and appearance of the surrounding area. The Inspector also concluded that in principle the proposed development would not have an unacceptable adverse effect on the living conditions of adjacent occupiers and the proposal consequently accorded with Policy H020 of the Eastbourne Borough Plan.

(2) 5 WESSEX PLACE - EB/2004/0463. The appeal made against the refusal to grant planning permission for a single storey building for use as a store in conjunction with building contractor's yard was allowed by the Inspector for the following reasons:

The Inspector considered that the site of the proposed building was hidden from most public viewpoints and that its distance from dwellings would make it unlikely that nearby residents would be disturbed by any noise emanating from vehicular comings and goings and that any such sounds would not harm the living conditions of residents. The Inspector concluded that the development would not result in unacceptable harm to the living conditions of nearby residents or associated conflict with the development plan.

The meeting closed at 7.07 p.m.

B TAYLOR
(Deputy Chairman in the Chair)