

Tuesday 19 July 2005
at 4.30pm



Planning Committee

MEMBERS: Councillor BOWKER (Chairman); Councillor TAYLOR (Deputy Chairman); Councillors HERBERT, MARSH, Mrs MURRAY, Mrs POOLEY, SKILTON and STEVENS.

9 Minutes.

The minutes of the meeting held on 21 June 2005 were submitted and approved and the Chairman was authorised to sign them as a correct record.

10 Draft Eastbourne Park Management Plan (Incorporating Water Level Management Plan).

The Committee considered the report of the Planning Manager which sought approval to go out to public consultation on the draft Eastbourne Management Plan (incorporating the Water Level Management Plan).

The management objectives for the Park were to secure a sustainable green open space for Eastbourne and to accommodate a balance of the natural, cultural and social assets and needs of the Town. This included maximising the nature conservation and the recreational opportunities throughout the Park, maintaining the flood water storage capacity of the Park and continuing to facilitate economic and transport development. The Management Plan provided a schedule of management actions. It was proposed that a Management Park Forum be established with representatives from the main landowners and stakeholders in the Park to ensure that future Park management was integrated. The Forum would be responsible for the implementation and review of the Management Plan.

A six week consultation period was proposed and it was anticipated that representations received and any proposed modifications to the Plan would be reported back to Planning Committee and Cabinet at their respective meetings in September and October, at which time authority would be sought to formally adopt the document.

RESOLVED: That the draft Eastbourne Park Management Plan (incorporating the Water Level Management Plan) be approved as the basis for consultation with landowners, public and private stakeholders and interested organisations.

11 Report of Development Control Manager on Applications.

(1) EB/2005/0272 (ADV) - Fort Fun, Royal Parade - 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. The Monarch House Management Company Limited was opposed to the proposals, particularly the illuminated banner flag signs. The Tourism Manager had raised no objections. The drawings had been amended to comply with the requirements of the Highway Manager. No further comments from residents had been received.

RESOLVED: Express Consent granted.

(2) EB/2005/0375 - Land adjacent to 12 Beltring Terrace - erection of detached two bedroom dwelling – DEVONSHIRE. Six letters of objection and a petition of 10 names had been received regarding loss of light, instability of the terrace and subsidence, insufficient infrastructure, parking problems, over-development, overshadowing and overlooking and objecting to building on the right of way into the rear of 64 Firle Road. The comments of the Highway Authority were summarised in the report. The Environment Agency raised no objections to the proposal.

Mr Nolan addressed the Committee objecting to the proposal on the grounds that his privacy would be adversely affected, the proposal would result in a reduction in sunlight and the risk of subsidence to his property from foundation works.

The applicant, Mr Dowding, addressed the Committee. He indicated that he would be prepared to put in place a new right of way to provide a new access for occupiers of 64 Firle Road. He did not believe that the foundation work would adversely affect the foundations of existing properties. There was already parking for 64 Firle Road and he would be providing a parking space for 13 Beltring Terrace. He would make up the road that was in his ownership to the required standard. He believed that these proposals would contribute to the appearance of the area.

RESOLVED: (By 7 votes to 1) Permission refused on the grounds that the proposed dwelling would by reason of its design and form result in a discordant and incongruous building in the established street scene, which would be out of character with the properties in Beltring Terrace and would adversely affect the visual amenity of the local area. As such the proposal is in conflict with Policy UHT1 and UHT4 of the Eastbourne Borough Plan (2001-2011).

(3) EB/2005/0351 - Unit 31, Langney District Shopping Centre, Kingfisher Drive - change of use from nursery (D1) to Karate School (D2) – LANGNEY. One letter had been received from the Sunbury Farm Residents Association, not objecting in principle to the change of use, but objecting to opening hours outside the times of 8.00am to 9.00pm Monday to Friday and Saturday mornings, and any opening on a Sunday. The Highway Authority had no objection. The Principal Planning Policy Officer had raised an objection, as the proposal was contrary to Policy LCF21 of the

Eastbourne Borough Plan 2001-2011 as it had not been demonstrated there was no need for the nursery and no alternative provision would be provided in the immediate vicinity.

It was considered that although the current applicant was not providing any alternative provision within the immediate vicinity to compensate for the loss of the nursery, there had been a significant number of nursery spaces created since the permission for the nursery at the application site was granted.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) Any amplified music, sound or other noise from activity carried out in association with the property shall be inaudible at the boundary of the nearest residential property; (3) That the use hereby authorised shall only take place between the hours of 8.00 a.m. and 9.00 p.m. Mondays to Saturdays inclusive and 10.00 and 6.00 p.m. on Sundays and at no other time whatsoever.

(4) EB/2005/0315 - 32-34 Terminus Road - further variation of condition 2 of planning permission ref EB/2003/0489 to allow opening from 8.30 am to 2 am on Fridays and Saturdays – MEADS.

Nine letters had been received from occupiers in Terminus Road, West Terrace, Southfields Road, Grove Road and Old Orchard Road objecting that the application was totally inappropriate for the location. Concerns were raised regarding general disturbance and anti-social behaviour, noise and aggravation to the residential end of town and that the proposal would be detrimental to the area and increase traffic until 2am. Environmental Health had no adverse comments to make and Sussex Police raised no objections to the proposal.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) That the use hereby authorised by permission EB/2003/0489 shall only take place between the hours of 8.30 am and 11.00pm on Mondays to Thursdays, 8.30am and 2.00am on Fridays and Saturdays and 8.30am and 12.00am on Sundays.

(5) EB/2005/0356 - 30 Lushington Road - erection of a flat roof extension to the rear and conversion of upper floors to create two 1-bedroom flats and two studio flats – MEADS. The Local Highway's Authority did not wish to restrict grant of consent. In response to concerns raised by Officers the applicant had agreed to remove the side extension and the windows in the side of the rear extension.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of Development within Five Years; (2) A3 Use of Matching Materials; and (3) The proposed development hereby approved shall be carried out in strict accordance with the details shown on amended drawings received by the Local Planning Authority on 14 July 2005.

(6) EB/2005/0368 (CONS AREA) - 6 Baslow Road - reduction of ground levels to front and rear gardens in association with erection of garage to front with roof garden over, replacement of front boundary wall, together with extensions to ground and first floor

levels to provide breakfast room and enlarged bathroom and addition of single storey extension at rear to house swimming pool – MEADS. Three letters of objection had been received concerning loss of privacy, loss of mature trees, the glazed roof of the swimming pool may cause light reflections and that the appearance and size of the new building was out of keeping with its neighbours and the surrounding area. A further letter of objection was reported at the meeting. The Environment Agency had not objected to the scheme subject to conditions relating to infill material and discharge of water.

The Conservation Area Advisory Group at its meeting on 5 July 2005 had raised no objection to the proposal provided there was a sufficient schedule for semi-mature planting to the front of the property. The Conservation Consultant had raised no objection to the proposal.

RESOLVED: (1) Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) That prior to the commencement of development details of the proposed front boundary wall shall be submitted to and approved in writing by the Local Planning Authority and the wall shall be erected in accordance with these details and shall be retained as such thereafter; (3) A17 Restriction of use of flat roof as balcony; (4) A2 Submission of samples of facing materials; (5) C5.3 Hours of operation; (6) That before the development authorised by this permission is commenced a detailed landscaping scheme showing the treatment of the front boundary planting to screen the proposed garage shall be submitted to and agreed with the Local Planning Authority in writing and shall be thereafter implemented within the first planting season after construction begins and any shrubs and or trees planted as part of this scheme that die, become dangerous or damaged or are otherwise removed shall be replaced for the time being by the owners; (7) Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material; (8) Prior to being discharged into any watercourses, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BS 5911:1982, with an overall capacity compatible with the site being drained.

(2) That an Informative be attached to the Decision Notice advising the applicant that to retain the trees and Leylandii hedge in the rear garden there was a requirement to conform to the guidelines set out in BS 5837 'Trees in Relation to Construction'. The proposed landscaping of the rear garden does not conform with this and it is likely that the proposed reduction in level of the garden will lead to the loss of the trees and hedge in the rear garden. In addition the Highway Authority have stated that the proposed width of the garage doors will make entering and exiting the garage difficult and they would advise that these should be widened.

(7) EB/2005/0383 (OL) - 290 Seaside - demolition of existing building and erection of two storey building comprising two, one-bedroom flats and two studio flats, together with three parking spaces - ST. ANTHONY'S. Six letters of objection had been received relating to over development, harm to neighbouring residential amenity through loss of light, privacy and on-street parking, general noise and

disturbance and the loss of a shop. Environmental Health and the Highway Authority raised no objections to the proposal.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) A2 Submission of samples of facing materials; (3) A9.3 Submission and approval of landscaping scheme; (4) D6.1 Submission of details of storage and collection of refuse; (5) D4.3 Submission of details of fenestration; (6) The parking space shall be completed and made available for use before the building is first occupied and thereafter retained for such use; (7) Pedestrian visibility splays of 2 metres x 2 metres shall be provided adjacent to the public pavement. The maximum height of any walls, fences or shrubs adjacent to the parking spaces shall be 600mm.

(**NOTE:** Councillor Herbert declared a personal and prejudicial interest in this matter as he had had business dealings with the applicant, and left the room during consideration of thereof).

(8) EB/2005/0408 - 59 Moy Avenue - Erection of single storey extension and raised decking to the rear - ST. ANTHONY'S. The Committee was advised that the application had been withdrawn.

NOTED.

(9) 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. The application had been deferred at the meeting held on 21 June for a site visit. 30 letters of objection has been received, which included issues relating to potential congestion, large increase in car park places, the gateway to the harbour would be spoilt and that the Dotto Train would create noise and disturbance and a loss of privacy and was a safety concern as there was not enough room to accommodate it.

Mr O'Hara addressed the Committee opposing the application on the grounds that the proposed car parking should not be restricted only to berth holders; the walkway proposed for the use of the Dotto Train was unsuitable and would be a safety hazard, noisy and would result in the loss of privacy to adjoining residents. The existing triangular space was the only open space currently available for residents and the proposal would have an impact on Article 6 of the Human Rights Act in as much as it would adversely affect the privacy and enjoyment of residents' homes. Mr O'Hara circulated photographs of the site.

Miss E Williams addressed the Committee objecting to the proposal on the grounds that the space should be retained as an open space for residents and visitors to enjoy adjacent to the lock. She supported Mr O'Hara's objections to the use of the walkway by the Dotto Train and re-iterated the concerns about noise and pollution that this use was likely to create.

Mr Martin addressed the Committee objecting to the proposals on the grounds that they lacked detail and the health and safety risks associated with the Dotto Train. The space had been an eyesore for the last five years

despite promises of a landscape scheme being implemented, and there was insufficient parking for visitors and tourists. On-street parking was haphazard and there should be a review of road safety in that area. Development had taken place on a piecemeal basis and there was an inconsistency in the style of railings, lighting and parking area surfaces. There was no seating around the locks for visitors. In summary he said that there should be more visitor parking provided, no barrier, a better landscaping scheme, block paving and not tarmac, consistency of style for street furniture, dog waste bins provided, access to the promenade and a traffic survey to review the safety of the area.

Mr Hughes addressed the Committee objecting to the application on the grounds of noise and pollution for residents from the Dotto Train contrary to Article 6 of the Human Rights Act in that it affected residents' rights to peaceful enjoyment of possessions. Mrs Golder addressed the Committee objecting to the proposals. She said that the car park barrier was likely to cause an obstruction and a turning area was needed at the end of the road. No details had been provided of the landscaping scheme.

RESOLVED: Permission refused on the grounds that the proposed development would, given the over provision of car parking and associated access arrangements, reduce the opportunity for appropriate landscaping as well as increasing general disturbance and inconvenience for neighbours. Therefore the proposal would be detrimental to the amenities of the area and as such contrary to Policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.

(**NOTE:** Councillor Taylor declared a personal non-prejudicial interest in this matter as a berth holder in the North Harbour, and remained in the room and took part in the consideration and voting thereon).

(10) EB/2005/0349 - 9 Wellington Quay - two-storey extensions to front and side of house (revised front elevation) and lean-to extension and dormer to front of garage - SOVEREIGN. Eleven letters had been received from local residents objecting to the proposals on grounds of over-development, overshadowing, would detract from the overall development and was out of character with the attractive appearance of Wellington Quay. Four further letters of objection were reported concerning the size of the extensions, the closing of the gap between the properties and the aesthetic appearance of the scheme. A further letter had been received from the occupier of 6 West Quay amending a previous statement.

Mr Elliston addressed the Committee opposing the application on the grounds that the extensions would take away light from his living room, bedrooms and study and detract from his view of the garden and that approval of this scheme would set a precedent. He referred to a meeting he had had with a Planning Officer and thanked him for the advice he had been given. He requested that his letter to the Chairman be withdrawn.

The Applicant, Mr Perkins, addressed the Committee stating that he had consulted his neighbour and had amended the scheme to reflect his neighbour's concerns. No response had been received on the amended

proposals. He considered the design to be sympathetic to the style of the house and that it had been designed to not adversely affect his neighbour's view or light. The space at the side of 9 Wellington Quay was considered sufficient to accommodate an extension. As this was unique to this property it was not considered that a precedent would be set.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) A3 Use of matching materials; (3) A5 no additional windows or openings in eastern elevation; (4) A4.1 Semi-obscure glazing in eastern elevation.

(11) EB/2005/0366 - 27 Prideaux Road - two-storey extension at side in association with extension to main roof including addition of three dormers and balcony together with single-storey extension at rear to enclose swimming pool - UPPERTON. Six letters of objection had been received relating to the change in character of the front elevation, loss of privacy, over development, overshadowing, the building housing the indoor pool was too large, potential noise disturbance, out of character with the area and that the removal of trees and hedgerow would have a detrimental impact on the landscape. Councillor Lacey OBE had objected to the scheme on the grounds of loss of light to the property at 25 Prideaux Road and overlooking of the bedrooms. Three further letters of objection were reported on the amended plans, reiterating previous concerns.

Councillor Lacey OBE addressed the Committee expressing concern that, although the scheme had been amended, adjoining residents would be overlooked by the Juliet balcony, resulting in loss of privacy and the scheme would be contrary to Policy HO20 of the Eastbourne Borough Plan.

The Planning Officer reported that the proposal had been amended by the deletion of the extension at the rear to enclose the swimming pool, but that the balcony on the rear dormer would still result in the overlooking of adjoining properties.

RESOLVED: (By 7 votes to 1) Permission refused on the grounds that the proposed balcony on the rear roofslope will lead to an unacceptable level of overlooking to the private garden area of the occupiers of 29 Prideaux Road to the detriment of their amenities and would therefore contravene Policy HO20 of the Eastbourne Borough Plan 2001-2011.

(12) EB/2005/0371 - Eastbourne Telephone Exchange, Nevill House, 31 St. Anne's Road - provision of ten prefabricated lockers in car park - UPPERTON. A ward councillor had indicated an objection to the application. Councillor Lacey OBE addressed the Committee expressing concern at the loss of a parking space that could result in additional on-street parking.

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

(13) EB/2005/0418 - 20A Arlington Road - replacement UPVC windows - UPPERTON. No representations were reported.

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

12 Planning Appeals.

(1) 61 Channel View Road - EB/2004/0704. The appeal made against the refusal to grant planning permission for a loft conversion, replacement garage and alterations was dismissed by the Inspector for the following reasons:

The Inspector considered that the proposed dormer would be a bulky feature which would appear unduly prominent and incongruous against the simple and uniform roofline of adjoining properties when seen from Channel View Road. He concluded that the proposed development would significantly harm the character and appearance of the surrounding area, contrary to relevant planning policies, in particular Policy UHT1 of the Eastbourne Borough Plan 2001 - 2011 which required development proposals to harmonise with the appearance and character of the local environment and respect local distinctiveness.

(2) Granville Crest, 1 Bolsover Road - EB/2004/0904. The appeal made against the refusal to grant planning permission for the demolition of part, conversion to six units, new build apartment comprising six units and one penthouse, underground parking, detached house with garage, and additional garage was dismissed by the Inspector for the following reasons:

The Inspector considered that the main issue was the effect of the proposed new apartment block on the character and appearance of the Meads Conservation Area. He considered that the proposal did not accord with the planning brief which the Council had adopted for the site and that the footprint of the appeal proposal significantly exceeded the guideline in the brief. He also considered that the proposed development would not relate sympathetically to the wider context including both immediate and neighbouring buildings and the surrounding townscape and landscape. He therefore considered that the proposed apartment block would significantly harm the character and appearance of the conservation area, contrary to Local Plan Policies UHT1, UHT4, and UHT15. He also considered that the likely loss of the trees, (in constructing the access and crossover), which were a prominent and attractive feature in the street scene of Buxton Road, would contribute to the harm caused by the proposed apartment block to the character and appearance of the conservation area.

The meeting closed at 7.00 p.m.

**PJ Bowker
Chairman**