

Tuesday 9 August 2005  
at 4.30pm



## Planning Committee

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

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### 13 Minutes.

The minutes of the meeting held on 19 July 2005 were submitted and approved and the Chairman was authorised to sign them as a correct record.

### 14 Declaration of Interests.

(i) Councillor Taylor declared a prejudicial interest in item 15 (2) (9A Grassington Road) and left the room during consideration thereof.

(ii) Councillor Marsh declared a personal non-prejudicial interest in item 16 (Options Appraisal, Sovereign Harbour, Site 3 – Fisherman's Wharf) as a resident of Daytona Quay, Sovereign Harbour and remained in the room during consideration thereof, but did not vote on this matter.

### 15 Report of Development Control Manager on Applications.

**(1) EB/2005/0433(DET) - Public Highway outside 51-55 Brampton Road - installation of telecommunications apparatus comprising a 15m high monopole mast together with ancillary equipment cabinets - HAMPDEN PARK.** One comment was reported relating to the need to widen Brampton Road to allow heavy lorries to pass safely and asking that any consent should be conditional on moving the equipment when the road is widened.

**RESOLVED: (By 7 Votes to 1)** That the siting and appearance of the proposed equipment **be approved** subject to condition that the monopole shall be finished in grey (RAL 7032) and the equipment/meter cabinets in green (RAL 6005) before the equipment becomes operational, and permanently maintained as such thereafter.

**(2) EB/2005/0400 - 9A Grassington Road - demolition of existing building and erection of seven two-bedroomed flats with three garages and two car parking spaces - MEADS.** 43 letters of objection, including one from Mr N Waterson MP, were reported. Concerns related to the preservation of the Victorian Coach House, the intrusiveness of the balconies, the site being too small for the project, the proposed building

being out of place and scale in this location, an increase in the amount of traffic, unacceptable noise and disturbance from the garage use, overlooking and over-shadowing, the worsening of parking problems, removal of trees, and being out-of-keeping with the area.

The Consultant Historic Buildings Advisor had advised that if redevelopment were to be allowed then, as a minimum, the replacement scheme should at least preserve the existing character, but the proposal failed to achieve this. The Senior Highway Engineer had advised that the garage and parking area were not in accordance with the ESCC manual for estate roads. The Council's Arboricultural Officer had advised that the provision of a new vehicular entrance would have a significant impact on the adjacent street tree, leading to the tree's removal. The mature Wheatley Elm street tree, planted in approximately 1880, was considered to provide significant visual amenity value and was unique heritage in an Area of High Townscape Value.

Mr McKenna addressed the Committee and circulated copies of the floor plan, sketch of the property and photographs. He explained how the proposed new four storey block would overshadow his property and adversely affect his privacy. He was concerned about the road at the side of the proposed new building and the proposed 30 foot high wall which would create an echo chamber. The new wall would remove the natural light from his windows. A large part of his garden would be overlooked by the proposed new development, which would adversely affect his privacy. He considered that his human rights would be infringed by the proposed development. He contended that many of the residents of Grassington Road were opposed to the development, and were also opposed to the loss of the Elm tree and six feet of the Sussex flint wall and the stable block.

Mr Green addressed the Committee, supporting Mr McKenna's objections. He said that the proposed development was too intensive on a narrow site and would have an adverse effect on Meads as a whole, by setting a precedent and destroying the Victorian Townscape.

Mr Scott addressed the Committee on behalf of the applicant. He pointed out that the property was not in a Conservation Area and could be developed as flats. He considered that the existing building was not worthy of retention and the proposed building would be the same height as both adjoining properties. The materials would match and additional landscaping would be provided. The proposal met planning policy and government guidance set out in PPG3. A precedent had been set by the development at 24 Grassington Road, which had been approved during the current Plan period. The officers had asked for five flats over three storeys and the developer wanted seven flats over four storeys. However, he considered that the officers' views could not be substantiated by the Development Plan and government guidance.

**RESOLVED: (By 6 votes to 1) Permission refused** on the grounds that the proposal constitutes an undesirable form of residential development which, by reason of its scale and design, would result in over-development, loss of privacy and increased general disturbance, to the detriment of surrounding residential properties together with the loss of established features which do not preserve an Area of High Townscape Value. As such,

the proposed development is considered to be contrary to Policies UHT1, UHT5, UHT16 and HO20 of the Eastbourne Borough Plan 2001-2011.

**(3) EB/2005/0414 - 66 Grove Road - change of use of ground and first floors from offices to health Club (D2 use class) - MEADS.** Four letters were reported, three of which were objections to the application. Comments related to traffic and parking which was already a problem in the area. The Highway Authority did not wish to restrict grant of consent to this application. Economic Development had commented that the quality and unique facilities offered would prove popular and should add to the economy of Little Chelsea.

A further 14 letters of objection were reported, some commenting that wider consultation should have been carried out, and opposing the development with reference to parking problems in connection with the change of use. Environmental Health had suggested a condition relating to amplified music.

**RESOLVED: (By 6 votes to 1) Permission granted** subject to conditions (1) M1.1 Commencement of development within five years; (2) U4.1 Hours of operation 8.00 – 21.00; (3) Any amplified music or amplified sound from within the building shall not be audible outside the premises or at the nearest residential dwellings; (4) Details of a means of ventilation shall be submitted to and approved in writing by the Local Planning Authority before the use hereby approved is commenced.

**(4) EB/2005/0454 - Flat 4, 11 Paradise Drive - replacement of first floors window with french doors and the provision of a balcony at the side - MEADS.** This application was withdrawn.

**NOTED.**

**(5) EB/2005/0406 - 2 Poplar Walk - erection of a single storey extension to the side - RATTON.** Two letters of objection were reported commenting that the development would not be in keeping with the surrounding area.

Three further letters of objection were reported, concerned that the proposal would impede the vision of cars and buses and that it would be out of keeping with the area.

**RESOLVED: Permission refused** on the grounds that the proposed side extension would be an incongruous feature in the street scene, and would not therefore harmonise with the character and appearance of the local environment. It would thereby be contrary to Policies UHT1 and UHT4 of the Eastbourne Borough Plan (2001 – 2011).

**(6) EB/2005/0424(DET) - SEEBOARD Substation, Rodmill Drive - installation of telecommunications apparatus comprising a 12m high monopole mast (Flexicell 2) and ancillary equipment cabinets - RATTON.** Eleven letters of objection were reported commenting that the proposal was too close to residential properties, health considerations, reduction in property values, the proposed site was near the top of the hill

and a mast of this height would dominate the surroundings area, the mast would be ugly and at 250mm in diameter, too bulky, the size of the cabinet was obtrusive, and there would be interference with house and car alarms, and therefore an increase in burglaries.

Councillor Mrs Howlett addressed the Committee as ward councillor for Ratton Ward, speaking on behalf of residents in the area. The site was on a steep hill, many houses would be in direct sight line of the mast, and some properties were only some 100 feet from the proposed mast. There were unknown health risks from the mast and a precautionary approach had been recommended by recent research studies.

Councillor Belsey addressed the Committee re-iterating these concerns, and requesting that the application should be refused.

36 further letters of representation were reported, and one letter from Nigel Waterstone M.P, objecting to the proposal on the grounds of harm, health and safety issues.

**RESOLVED: (1) Permission refused** on the grounds that (1) That the proposed installation would be seriously detrimental to the residential amenities of the adjacent occupiers, by reason of its size and location; (2) That the proposed installation would be seriously detrimental to the visual amenities of the area by reason of its size and location; (3) That further to reasons 1 and 2 above, the proposal would conflict with Policy US9 of the Eastbourne Borough Plan 2001-2011.

**INFORMATIVE:** The Council is of the opinion that the perceived fears over public health risks associated with the proposal are a legitimate concern in the determination of the application.

**(7) EB/2005/0244 - Land at rear of Eastbourne Buses Depot, Birch Road - Provision of new 30 space coach park at rear of depot - ST. ANTHONY'S.** One letter of objection was reported on behalf of Rossetts Commercial who had commented that the formation of another road access in the proposed position, on a curve, in what is a busy estate road, would create hazards to traffic flows and pedestrians, and there would be a loss of on-road parking.

**RESOLVED: Permission granted** subject to the prior conclusion of a unilateral undertaking to secure a financial contribution towards compensatory flood storage and to conditions (1) M1.1 Commencement of development within five years; (2) The development hereby approved shall not commence until the financial contribution towards flood storage compensation has been paid to the satisfaction of the Local Planning Authority; (3) That prior to the commencement of any development on site, a comprehensive drainage strategy for the new coach park shall be submitted to and be approved by the Local Planning Authority; (4) That prior to any works commencing on the public highway, a traffic management scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highways Manager, together with details of the nominated contractor and appropriate Public Liability Insurance.

**(8) EB/2005/0422 - 68 Hammonds Drive - change of use from light industry to MOT testing station for cars and light vans - ST.**

**ANTHONY'S.** Four letters of objection were reported commenting that noise levels would increase, the proposal would create an unacceptable level of traffic congestion, and HGVs delivering to the estate already found access and turning a problem and adding a large number of cars/vans to this estate would place road traffic risks on all pedestrians and drivers working in the area. Economic Development supported the proposal.

**RESOLVED: Permission granted** subject to condition M1.1  
Commencement of development within five years.

**(9) EB/2005/0323 - Vale View, 19 Mill Road - demolition of existing building and erection of five-floored building, with seven one-bedroom and three two-bedroom flats together with 11 parking spaces - UPPERTON.**

18 letters of objection and one letter of support were reported, the comments of which related to increase in noise and traffic congestion, the proposal would be too high and not in keeping with the area, out of character with the area, there was no spare capacity for on-street parking, over-development, over-shadowing and over-looking, and that the existing property was ideal for conversion into flats.

The Senior Highway Engineer, on behalf of the Highway Authority had advised that the design of the underground car park would make it very difficult to use due to its gradient and layout which would make the underground car park very unlikely to be used, and, on the basis of the number of spaces available, did not meet the required provision. The Highway Authority therefore sought refusal of this application.

Mr Carson addressed the Committee and stated that the property use had changed several times but that the previous residents had minimal car parking requirements. Inadequate parking arrangements had been proposed for the development of the site for flats, and this would have an adverse impact on the local community. The property was situated at a crossroads, where there was a double bend and a bus route. Whilst he considered that the property required re-development, he opposed the proposals.

**RESOLVED: Permission refused** on the grounds that the proposed development constitutes an undesirable form of residential development that, by reason of its scale, massing and design, would result in over-development, loss of privacy and increased general disturbance, to the detriment of surrounding residential properties. In addition, the proposal does not make adequate provision for the on-site parking of vehicles. As such, the proposed development is considered to be contrary to Policies UHT1, TR11 and HO20 of the Eastbourne Borough Plan 2001-2011.

**16 Options Appraisal of Five Development Sites at Sovereign Harbour (February 2005).**

The Committee considered the report of the Assistant Director of Economy, Tourism and Planning which set out the representations received following the public consultation on the Options Appraisal of the five remaining

development sites at Sovereign Harbour, which was agreed by this Committee on 21 June 2005. Five letters and nine e-mails were received from Sovereign Harbour residents. In addition, comments were received from the Sovereign Harbour Residents Association, the Eastbourne Downs NHS Primary Care Trust, the Eastbourne Green Party, residents of Kings Park and the Sovereign Harbour Berth-Holders Association. The Officer comments and recommendations for the proposed revisions were set out in the report.

Further representations were reported at the meeting, and it was noted that the officers had no further recommendations to make arising from the consideration of these representations.

The members of the public in attendance asked to address the Committee. The Chairman, having received legal advice, ruled that as the requests had not been made within the required timescale this would not be permitted. The public present wished their disappointment to be recorded.

**RESOLVED:** That the Options Appraisal of the five remaining development sites at Sovereign Harbour be approved, subject to the following recommended minor revisions: -

(1) Amend Paragraph 6.2.2 of the Options Appraisal to read "The site is a berth-holders car park." In addition, seek clarification from Carillion regarding the number of berth holders in Sovereign Harbour and the number and distribution of associated car parking. This will enable the Council to assess the impact of any future development proposals for Site 2 (the Atlantic Drive car park) on the level of berth holder parking; and

(2) Amend Paragraph 6.5.8 of the Options Appraisal and delete reference to "approximately 3000 residents" and replace with "Sovereign Harbour residents".

## **17 Tree Preservation Order - Land at All Saints Hospital, King Edwards Parade/ Darley Road - No 112 (2005).**

The report of the Head of Planning/ Planning Manager and Senior Lawyer sought confirmation of a tree preservation order that covered trees on land at All Saints Hospital, King Edwards Parade, namely 17 Yews, 15 Holm Oaks, 1 Beech, 1 Tree of Heaven, 1 Cedar, 3 Horse Chestnuts, 1 Sycamore and 2 Walnuts. Two representations were reported from Dolphin Court, King Edwards Parade supporting the confirmation of the Order and seeking the retention of other planting in the bank at the boundary between Dolphin Court and All Saints Hospital. It was reported that this area did not meet the criteria for inclusion in the Order, and could be dealt with at the planning application stage. Two representations were reported from residents in Darley Road, supporting the Order, and seeking inclusion of the area known as the orchard. It was reported that this area could not be classified as providing significant public visual amenity and the trees could only be classified as having a short future life expectancy. The continuation of a screen at the rear of the respondent's property could be achieved during the planning application process. It was concluded that the trees

the subject of the TPO made a significant contribution to the visual amenity of the area.

**RESOLVED:** That the Eastbourne Borough Council Tree Preservation Order (Land at All Saints Hospital, King Edwards Parade/ Darley Road, Eastbourne, East Sussex) No. 112 (2005) be confirmed without modification.

## 18 Planning Appeals.

**(1) Former Ocklynge Laundry Site, 82A Green Street, - EB/2004/0450. The appeal made against the refusal to grant planning permission for the erection of 15 houses and 18 apartments inclusive of parking and bin store/cycle store with central amenity space was dismissed by the Inspector for the following reasons:**

The Inspector considered that the three main issues were:

- the effect of the proposed development on the character and appearance of the surrounding locality;
- the effect on the living conditions of neighbouring occupiers, with particular reference to overshadowing and visual impact, overlooking and privacy, and noise and disturbance; and
- whether the proposed developer contributions were appropriate to meet the wider needs generated by the development.

The Inspector concluded that because of the height of the three-storey flats building, its proximity to the site boundary and the natural fall of the land outside the site, the development would have an unacceptable impact on the living conditions of certain neighbouring occupiers. He also determined that, whilst the contributions proposed by the appellant to alleviate the wider impacts of the development on the local community were acceptable in principle, it was not clear that the mechanism proposed for the delivery of affordable housing would provide homes for persons in genuine housing need. He acknowledged that the proposal was acceptable in many other respects, notably in terms of its impact on the character and appearance of the locality, but this and the other benefits of the development were insufficient to outweigh the harm he had identified and the conflict with the development plan.

The Inspector also concluded that an award of partial costs was justified and so ordered the appellant to pay the costs of the appeal proceedings, limited to those costs incurred in revising its case to the inquiry as a result of the late withdrawal of an appeal.

**(2) Pevensey Bay Road - EB/2005/0216(DET). The appeal made against the refusal to give prior approval for the installation of a 15m high monopole mast with 3 antennae and equipment cabinet was dismissed by the Inspector for the following reasons:**

The Inspector acknowledged that whilst a street works-style pole would be an appropriate design next to a dual carriageway, nonetheless he considered that the combination of its siting and height would make it stand out as an unattractive feature in a primarily flat landscape. Consequently he found that the pole would cause substantial harm to the character and appearance of the area.

The Inspector considered that the need for the apparatus to serve Sovereign Harbour would not outweigh the substantial harm to the character and appearance of the area from the height of the pole in its proposed location. The proposal would therefore conflict with Borough Plan Policy US9 and advice in PPG8 and the appeal was dismissed.

**(3) Willingdon Road - EB/2005/0087 (DET). The appeal made against the refusal to give prior approval for the installation of a 12.5m high telegraph pole mast with 3 antennae and equipment cabinet was dismissed by the Inspector for the following reasons:**

The Inspector noted that the appeal site was within a wide grass verge on an elevated section of Willingdon Road. The verge was bounded by the backs of houses in Farlane Road. The proposed pole would stand a little over half as tall again as the adjacent streetlights and almost twice the height of the trees. In the Inspector's opinion, the verge was in a conspicuous position when viewed from the road and from the footpath. While the pole would be disguised as a telegraph pole, it would be much higher than any other street furniture, which would be likely to give it away as an imitation. Given the heights of the existing trees and streetlights, the Inspector considered that the pole would be particularly prominent in this part of the street scene, and would be out of keeping in the street scene and cause substantial harm to the character and appearance of the area.

The Inspector also accepted that fears over public health were a legitimate concern and he gave weight to these fears as a material consideration in this case. Also, the proposed equipment would stand close to the rear boundary to no. 26 Farlane Road, where the Inspector found it would be particularly conspicuous, and in his opinion this would provide a constant reminder to the occupants of their health fears, justified or otherwise. This added to the weight the Inspector gave to these concerns.

**(4) Willingdon Drove - EB/2005/0839 (DET). The appeal made against the refusal to give prior approval for the installation of a 12.5m Flexicell 2 with 3 antennae and associated equipment cabinet was dismissed by the Inspector for the following reasons:**

The Inspector noted that Willingdon Drove ran through a cutting close to the brow of a hill and there were residential properties beyond the sides of the cutting. The appeal site was on the south side of Willingdon Drove between the highway and the footpath. No landscaping or screening was proposed for the proposed installation. The Inspector considered that the appeal site was within an open part of the street scene and that the apparatus would stand in an exposed and prominent position and would be seen from significant distances. He considered that the pole would stand higher than surrounding street furniture while the cabinet, which would be above eye

level for most people, would be a further intrusion into an open area of grass. Taken together, he considered that the height and siting of the apparatus would harm the character and appearance of the area, and that the proposal conflicted with Borough Plan Policy US9 and advice in PPG8, and for these reasons he dismissed the appeal.

**(5) Highways grass verge at roundabout on Langney Rise (B2104) - EB/2005/0116 (DET). The appeal made against the refusal to give prior approval for the installation of a 15m Flexicell 2 Type E with 3 antennae and associated equipment cabinet was allowed by the Inspector for the following reasons:**

The application was amended, (reducing the base diameter, upper diameter and shroud diameter), prior to the Council's decision and the Inspector's decision was based on that. The Inspector considered that the main issue was the effect of the proposed development on the character and appearance of the area.

The roundabout had existing street furniture including street lights at a height of around 12m. A pedestrian footbridge crossed Langney Drive a short distance to the south and between the site and the footbridge was a bus shelter. The nearest house, to the north-east, was the end of a terrace with its gable facing towards the appeal site.

The Inspector considered that the proposed pole would not be significantly taller than the existing streetlights. Given the urban nature of the surroundings and the height of the existing streetlights he considered that the street works-style design of the pole would be appropriate to its setting and that the height of the pole would not be out of scale. Taken with the footbridge, bus shelter and other street furniture he found that the proposal would be reasonably in keeping with the pattern of the immediate area.

The Inspector accepted that the fears over public health were a legitimate concern and gave weight to them as a material consideration, but found that in the light of current policy, they were not sufficient justification for dismissing this appeal.

The Inspector allowed the appeal and gave formal approval to the proposal, subject to conditions.

**(6) Willingdon Road - EB/2005/0873 (DET). The appeal made against the refusal to give prior approval for the installation of a 12.5m street furniture designed as a telegraph pole (GRP) with 3 antennae and associated equipment cabinet was dismissed by the Inspector for the following reasons:**

The Inspector considered that the main issue was the effect of the proposed development on the character and appearance of the area. The proposed pole would stand a little over half as tall again as the adjacent streetlights and above the Elm trees, and the cabinet would be 400mm above the garden wall. In the Inspector's opinion, these heights would make the apparatus conspicuous in the street scene, and therefore out of keeping with the street scene. He also found that the apparatus would cause

substantial harm to the area's appearance, and that the pole and cabinet would be particularly conspicuous in views from nos. 172 and 174 Willingdon Road.

The Inspector accepted that fears over public health were a legitimate concern and gave weight to these fears as a material consideration in this case. Also, the proposed equipment would stand right outside no. 174 and would therefore provide a constant reminder to the occupants of their health fears, justified or otherwise.

The Inspector concluded that the proposal would cause substantial harm to the character and appearance of the area for the public in general and for immediate residents in particular and the proposal conflicted with Borough Plan Policy US9 and advice in PPG8, and he therefore dismissed the appeal.

The meeting closed at 5.52 p.m.

**PJ Bowker**  
**Chairman**