Tuesday 25 April 2006
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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60 Minutes.

The minutes of the meeting held on 4 April 2006 were submitted and approved and the Chairman was authorised to sign them as a correct record.

61 Declaration of Interests.

Item 63 (9) Beachy Head Pub, Beachy Head Road - Councillor Stevens declared a personal interest as a Member of the Sussex Downs Joint Committee and remained in the room but did not speak or vote thereon.

62 Breach of Planning Control – 17 Selwyn Road.

The Committee considered the report of the Planning Manager regarding a breach of planning control in respect of the erection of a fence at 17 Selwyn Road. The owners had requested advice regarding the need for planning permission and were advised by officers that as the fence would not exceed the height of the adjacent boundary wall, it was considered to be permitted development.

The case was re-examined following a complaint from the owner of the neighbouring property who had objected to the height of the fence on the grounds of loss of outlook. It was concluded that the fence did not fall within the relevant class of permitted development as originally believed and that permission was required. The Committee was advised that as a retrospective application had not been received for the fence, a decision was required on the planning merits of the case and whether enforcement action should be taken. It was noted that if an application had been submitted it would be recommended for approval.

Government guidance on enforcement action stated that it is usually inappropriate to take formal enforcement action against a technical breach which causes no harm to amenity. Members of the Committee had visited the site on 12 April 2006 to view the fence from both properties and assess its impact on the amenities of the neighbour.

Mr Edie addressed the Committee against the retention of the fence on the grounds of loss of outlook and light and the obscured view from the dining area. Councillor Lacey addressed the Committee in support of enforcement

action to secure a reduction in the height of the fence. The Senior Planning Officer reported that the owner of 17 Selwyn Road was unable to attend the meeting but had submitted a letter of support on grounds of privacy and that they had acted in good faith on officer advice.

Members expressed regret that negotiations had failed to provide a satisfactory solution and it was noted that the Council had offered to pay for the fence to be reduced in height. Some Members agreed that having regard to the location and height of the fence in relation to 15 Selwyn Road there was a demonstrable harm through loss of light and outlook and that enforcement action should be taken.

RESOLVED: (By 4 votes to 2) That enforcement action be authorised in respect of the breach of planning control referred to in the report on the grounds of the loss of residential amenity, by reason of loss of light and outlook, for the occupants of 15 Selwyn Road. As such, the unauthorised development is contrary to Policy HO20 of the Eastbourne Borough Plan".

63 Report of Planning Manager on Applications.

(1) EB/2006/0086 (CONS AREA) - 27 - 39 Jevington Gardens - redevelopment of existing site (16 flats, 1 manager's flat and hotel) to provide for 65 self-contained flats, 61 underground car parking and 35 secure cycle parking spaces – MEADS. One letter of objection was reported from a local resident.

The scheme had been revised in response to the comments of the Historic Buildings Consultant and the Conservation Area Advisory Group at its meeting on 11 April 2006, that the essential character of the building should be maintained. The Environment Agency and Southern Water raised no objections but recommended a number of conditions.

The County Council's Development Contributions Co-ordinator advised that contributions were required to the household waste infrastructure and sustainable accessibility. The Highway Authority raised no objections to the proposal. The detailed comments of the Council's Arboriculturist in respect of the loss of the large mature Wheatley Elm were set out in the report. The Council's Housing Strategy and Development Manager supported the provision of on-site affordable units within the development.

RESOLVED: (1) Permission granted subject to the prior conclusion of appropriate legal agreements (with the Borough and County Councils) in respect of on-site affordable housing units, open space funding, and other development related contributions, as referred to in the report, together with conditions (1) M1.1 Commencement of development within 3 years; (2) A1 Submission of samples of facing materials; (3) T10 Landscape design proposals; (4) The method of demolition and construction for the development shall be carried out in accordance with a scheme to be approved in writing with the Local Planning prior to any development commencing; (5) The method of controlling groundwater, if encountered, at the site during construction shall be carried out in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to any development commencing on site; (6) The method pf

piling foundations for the development shall be carried out in accordance with a scheme to be approved in writing by the Local Planning Authority prior to any development commencing; (7) Prior to being discharged into any watercourse, surface water sewer or soakaway system, 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; (8) No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble only; (9) U4.4 Hours of demolition and building operations; (10) The development, hereby approved, shall not commence until details of the proposed means of foul and surface water disposal have been submitted to and approved by the Local Planning Authority in consultation with Southern Water Services. The drainage works shall be completed in accordance with the details and timetable agreed; (11) B8.2 Proper construction of car park spaces; (12) Details of the secure cycle parking facilities to serve the development, hereby approved, shall be submitted to and approved by the Local Planning Authority and no flat shall be occupied until the secure cycle parking is available for use in accordance with the approved details. The secure cycle parking shall be retained thereafter; (13) That, before the development hereby approved is commenced, details of measures for bird deterrent shall be submitted to and approved by the Local Planning Authority. The approved measures shall be implemented before any of the flats are first occupied; (14) The secondary living room and bedroom windows, in the north-west elevation (facing Meridian Court) of the building, hereby approved, shall be fitted with non-opening, semi-obscure glazed window frames and thereafter maintained as such.

(2) In the event that the appropriate legal agreements (Section 106, with the Borough and County Councils) are not concluded to the satisfaction of the Local Planning Authority by Thursday 11 May 2006 (ie. within the Government's 13-week deadline for the determination of major planning applications), planning permission be refused on the grounds that:

The proposed residential development would not make provision for affordable housing, public open space or appropriate infrastructure and facilities in the community. As such, the development is contrary to Policies HO13 and LCF4 of the Eastbourne Plan 2001–2011 and Policy S3 of the East Sussex and Brighton and Hove Structure Plan 1991-2011.

(2) EB/2006/0109 - 10 Hartfield Road - erection of block of four garages - UPPERTON. The Highway Authority had advised that the garage block must be repositioned and the garage closest to Hartfield Road removed to provide adequate visibility.

RESOLVED: (By 5 votes to 2) Permission refused on the grounds that (1) The garage block, by reason of its size and setting would be an intrusive feature adversely affecting the street scene and detrimental to the visual amenity of the area, contrary to Policies UHT1 and UHT4 of the Eastbourne Borough Plan 2001 – 2011; (2) The position of the garage block would not provide sufficient driver visibility splays, detrimental to highway safety, contrary to Policy TR11 of the Eastbourne Borough Plan 2001 – 2011.

(3) EB/2006/0132 - 90A Tideswell Road - first floor extension above existing garage with storage space in roof space in association with single storey extension to front and change of use to offices (B1) DEVONSHIRE. Three local residents submitted objections to the proposal. The Economic Development Unit supported the application from an economic development perspective.

RESOLVED: Permission refused on the grounds that the proposed first floor extension by reason of its height and proximity to residential properties would constitute an un-neighbourly form of development that would create an unacceptable level of overlooking to the residential properties and gardens in Tideswell Road and the single storey element would have an overbearing impact on the property at 96 and 98 Tideswell Road to the detriment of their amenities and would therefore contravene Policies BI6 and HO20 of the Eastbourne Borough Plan 2001-2011.

(4) EB/2006/0141 - 19 The Avenue - conversion of second floor from offices to self contained flat - UPPERTON. The Highway Authority commented that although no off-street parking was provided, the site was very close to Zone 1 where a zero provision was acceptable. The Economic Development section advised that the application had not demonstrated genuine redundancy of the space for business use, and therefore failed to meet the requirements of Policy BI1.

RESOLVED: Permission refused on the grounds that the change of use would result in the loss of business space which has not been demonstrated to be genuinely redundant, contrary to Policy BI1 of the Eastbourne Borough Plan 2001 – 2011.

(5) EB/2006/0143 - Flat 1, 22 Granville Road - erection of conservatory at side and installation of replacement upvc windows - MEADS. The Committee was advised that the application had been withdrawn.

NOTED.

(6) EB/2006/0150 - Eastbourne Islamic Cultural Centre, Ashford Square - demolition of existing buildings and provision of a replacement with a new two storey cultural centre – DEVONSHIRE. The Committee was advised that the application had been withdrawn.

NOTED.

(7) EB/2006/0151 - 122 Seaside - change of use from retail shop (A1 use class) to hot-food takeaway (A5 use class), erection of ventilation extract ducting at rear and alterations to shopfront - DEVONSHIRE. Four letters of objection were reported from residents and local businesses. Environmental Health requested a number of conditions to lessen the impact on residential amenity. The Highway Authority raised no objections to the proposal.

Mr Andrews addressed the Committee against the proposal and raised concerns that the ingress of smells from cooking would be detrimental to his clothes ironing service and that the rear access would become unusable due to the grease and waste generated by the premises. Mr A Mills spoke on behalf of the snooker club which had installed air conditioning due to the smells from existing takeaway premises and that a further outlet would exacerbate the problem. Concerns were also raised by both parties regarding parking and increased traffic.

The Committee supported the concerns raised that the odours and smells would have an adverse impact on local businesses.

RESOLVED: Permission refused on the grounds that the proposed hot-food takeaway would result in fumes from the extract system detrimentally affecting neighbouring businesses, increased vehicle movements and car parking detrimental to the free flow of traffic on the highway, and the late night use would be detrimental to the amenity of the nearby dwellings and the area in general, contrary to Policies UHT1, TR11 and HO20 of the Eastbourne Borough Plan 2001-2011.

(8) EB/2006/0162(ADV) - Treasure Island, Royal Parade - display of five non-illuminated signs facing Royal Parade – DEVONSHIRE. Five letters of objection were reported from local residents. The Highway Authority raised no objections to the proposal. Councillor Mrs Healy addressed the Committee on behalf of local residents in support of the recommendation to reduce the number of signs which were visually intrusive. Mr R Cussons responded for the applicant and advised that the signs, which were not illuminated, were necessary to promote this major tourist attraction for the town.

RESOLVED: (By 7 votes to 1) (1) In respect of sign 1, 2 and 5, advertisement consent **be approved** subject to the standard advertisement conditions.
(2) In respect of signs 3 and 4, advertisement consent **be refused** for the following reason and enforcement action be authorised to secure their removal:-

The signs create excessive street clutter and the proliferation of adverts along Royal Parade is detrimental to the visual amenity of the area, contrary to Policies UHT4 and UHT12 of the Eastbourne Borough Plan 2001 – 2011.

(9) EB/2006/0169(ADV) - Beachy Head Pub, Beachy Head Road - display of two externally illuminated free-standing panel signs fronting Beachy Head Road – MEADS. The Downland, Trees and Woodland Manager and the Sussex Downs Joint Committee considered the signs unattractive and out of keeping with the surrounding area.

RESOLVED: Advertisement consent refused on the grounds that the signs would be an obtrusive feature inappropriate in this location, being seriously harmful to the character and setting of this part of the Sussex Downs Area of Outstanding Natural Beauty, contrary to Policies D1 and UHT12 of the Eastbourne Borough Plan 2001 – 2011.

(10) EB/2006/0171 - 2 Barrier Reef Way - continued use of house as a doctors surgery until March 2008 – SOVEREIGN. Four letters of representation were reported from local residents, two of which raised objections. Mr M Harris addressed the Committee on the continued problem for nearby residents caused by increased noise and disturbance from visitors parking on the highway rather than using the surgery car park. Mr I Weeks spoke in support of the application and indicated how important the service was to the residents of Sovereign Harbour, pending the provision of the much needed health centre. The Committee was advised that plans for community facilities, including a purpose-built medical centre were expected.

RESOLVED: (By 7 votes to 1) Permission granted subject to condition U2 Temporary permission, until 31March 2008.

(11) EB/2006/0175 - 19 Ceylon Place - change of use from a guest house to a house in multiple occupation – DEVONSHIRE. One letter of objection was reported from a local resident. Environmental Health raised no objections to the proposal.

RESOLVED: Permission refused on the grounds that the proposed change of use, from a guest house to a house in multiple occupation, for up to nine persons, would be detrimental to the amenities of adjacent and nearby residents by reason of noise and general disturbance associated with such a use. Therefore the proposal is contrary to Policy HO20 of the Eastbourne Borough Plan 2001-2011.

(12) EB/2006/0204(OL) - 348 Brodrick Road - erection of two-storey three bedroom house (outline application) – RATTON. One letter of objection was reported from a local resident. The Highway Authority raised no objections to the proposal.

RESOLVED: Permission refused on the grounds that the proposed development represents an over development of the site, to the detriment of the amenities of the occupiers of adjacent residential properties and future occupiers of the proposed dwellings, contrary to Policy HO20 of the Eastbourne Borough Plan 2001 – 2011.

(13) EB/2006/0214 - 25 The Goffs, erection of triple garage in front garden in association with demolition of existing garage – UPPERTON. The Highway Authority raised no objections and Environmental Health recommended a number of conditions. Members considered that the given the size of the property, the proposed garage would not have an excessive effect on the visual amenity of the area.

RESOLVED: (By 5 votes to 1) Permission granted subject to conditions (1) M1.1 Commencement of development within 3 years; (2) 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 Bank/Public Holidays; (3) No development shall take place until details of the materials to be used in the external surfaces of the development hereby permitted have been

submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

(14) EB/2006/0216 - 107 Latimer Road - removal of condition 12 attached to EB/2001/0170(OL) in respect of the maximum 600mm height of boundary walls – DEVONSHIRE. The Committee was advised that the application had been withdrawn.

NOTED.

(15) EB/2006/0224(RM) - 51 Park Avenue - re-development of site with the erection of four 2-storey houses with garages and access from Chalvington Road (reserved matters) - RATTON. Six letters of representation were reported from local residents, five of which raised objections to the proposal. A petition containing 11 signatures was also submitted. Mr D Wild addressed the Committee against the proposal on behalf of local residents on the grounds of increased parking and that the houses were out of keeping with the surrounding bungalows. Councillor Belsey commented that the revised scheme was an improvement but some concerns remained regarding increased traffic and parking. The Highway Authority raised no objections to the proposal subject to a number of conditions. Mr Hookham responded on behalf of the applicant.

RESOLVED: Permission granted subject to conditions (1) Restrictions and submission of details required by conditions attached to outline planning permission EB/2004/0422(OL) apply; (2) A3.2 Semi-obscure glazing (in the side elevation of Plot 4).

64 Tree Preservation Order - Land at 22 Wartling Road, Eastbourne No. 115 (2005).

The Committee considered the report of the Planning Manager and Legal Services Manager which sought confirmation of a tree preservation order in respect of a tree on the above land. Objections to the order had been received from 2 residents adjoining the property and the response of the Council's Arboricultural Officer was set out in the report.

RESOLVED: That The Eastbourne Borough Council Tree Preservation Order (Land at 22 Wartling Road, Eastbourne, East Sussex) No. 115 (2005) be confirmed without modification.

65 Vote of Thanks.

As this was the last meeting of the Committee for the current municipal year, Councillor Mrs Murray thanked Councillor Bowker on behalf of the Committee for his chairmanship throughout the year. The Chairman expressed his thanks for the support given by Members of the Committee.

The meeting closed at 6.40 p.m.

PJ Bowker
Chairman