

Tuesday 22 May 2007
at 6.00pm



Planning Committee

MEMBERS: Councillor Mrs MADELL (Chairman); Councillor HARRIS (Deputy Chairman); Councillors BLOOM, Mrs GOODALL, GOODWIN, Mrs SALSBURY, SZANTO and TAYLOR.

1 Minutes.

The minutes of the meeting held on 24 April 2007 were submitted and approved and the Chairman was authorised to sign them as a correct record.

2 Declaration of Interests.

Item 3 (2) Flat 7, 32 St Johns Road - Councillor Mrs Madell declared a personal interest as she resided in the vicinity of the application site and remained in the room and took part in the discussions relating to this item.

3 Report of Head of Planning on Applications.

(1) EB/2007/0233(FP) - FLAT 1, 38 SOUTH STREET - Conversion of first floor flat to one one-bedroom flat and one studio flat – MEADS.
The Committee was advised that application had been withdrawn.

NOTED.

(2) EB/2007/0250(FP) - FLAT 7, 32 ST JOHNS ROAD - Installation of six UPVC replacement windows to all elevations of top floor flat – MEADS.

The Council's Historic Buildings Consultant raised objections as the replacement of traditional windows within an Area of High Townscape Value was against Council policy.

RESOLVED: Permission refused on the grounds that by reason of their material, the proposed replacement windows would be detrimental to the character and appearance of the building and the surrounding area of high townscape Value. As such, the proposed development would be contrary to Policy UHT16 of the Eastbourne Borough Plan 2001-2011.

(3) EB/2007/0202(FP) - 28 SEASIDE ROAD - Change of use from retail shop (Class A1) to form café bar/restaurant (Class A4) with kitchen facilities – DEVONSHIRE.

The Planning Policy Team raised objections on the grounds that the change of use would increase the potential for noise and disturbance to the occupiers of residential premises in the vicinity.

Sussex Police opposed the change of use to a drinking establishment on the grounds that there was already a high concentration of licensed premises within the immediate vicinity of 28 Seaside Road. There had been a significant increase in violent crime in the road and the level of public place violent crime associated with the alcohol fuelled violence in the "hotspot" town centre was a major concern.

RESOLVED: (By 5 votes to 2) Permission refused on the grounds that the proposed use would be likely to result in an unacceptable increase in both public disorder and noise and disturbance to adjacent and nearby residents, and would therefore conflict with Policies HO20 and TC6 of the Eastbourne Borough Plan 2001-2011.

(4) EB/2007/0224(FP) - 4 KIRK WAY - Construction of dormer window on side of chalet bungalow (retrospective application) - OLD TOWN.

Two letters of objection were reported from the occupiers of the neighbouring property and Mr S Lloyd, Liberal Democrat Parliamentary spokesman. Mr Hills addressed the Committee against the proposal on the grounds that the size of the development had resulted in loss of outlook and privacy, particularly as his property was sited lower than the application property.

Mr Lloyd addressed the Committee in support of Mr Hills. The dormer, which would overlook the kitchen and bedroom, would have a detrimental impact on the living conditions of Mr Hills. It was acknowledged that the windows would be obscured glazed, but this was not sufficient to prevent the development from being intrusive.

The applicant responded and advised the Committee that the windows would provide light to the hallway and would be non-opening. The development was 23 metres away from the neighbour's property and was designed to be sympathetic to the character of the area.

The Development Control Manager confirmed that in accordance with usual procedure, all neighbouring residents had been individually notified of the application. The Committee was also advised that following a site inspection, Mr Hills property was in fact higher than the application property.

RESOLVED: Permission granted subject to conditions (1) That all materials used in the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, texture and colour; (2) That the proposed windows in the west elevation shall only be glazed in semi-obscure glass and incapable of being opened and shall be permanently maintained as such thereafter; (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no windows, doors or openings of any kind (other than those expressly authorised by this permission) shall be constructed in the west elevation of the development.

(5) EB/2007/0232(FP) - 1 FREEMAN AVENUE - Addition of dormer to front roof slope and single storey extension to front and side with roof space over in association with the demolition of the existing garage - HAMPDEN PARK.

RESOLVED: Permission refused on the grounds that the proposed front dormer by reason of its siting and design would create an incongruous feature within the streetscene that would harm the visual amenity of the area and would therefore be contrary to Policies UHT1 and UHT4 of the Eastbourne Borough Plan 2001-2011.

(6) EB/2007/0241(FP) - TJ's NIGHTCLUB, 146 TERMINUS ROAD - Construction of a first floor smoking deck and raised parapet wall at rear of nightclub – MEADS.

It was reported that an objection submitted by a neighbouring resident had been withdrawn. A letter of support from a resident of Lismore Road was reported at the meeting.

Environmental Health had recommended a number of conditions to minimise the impact on local residents.

The Development Control Manager reported that the applicant had agreed to increase the height of the proposed wall to allow acoustic panelling to be fitted and to provide acoustic external and internal doors. Subject to a number of conditions it was recommended that permission be granted.

RESOLVED: (By 7 votes to 1) Permission granted subject to conditions (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission; (2) That before the deck hereby approved is brought into use, the wall shown on drawing E4589/02 Rev B shall be constructed to a height of 3m above the floor level of the deck, and shall be permanently maintained as such thereafter; (3) That details of the acoustic treatment/cladding of the wall and two sets of doors at both ends of the lobby shall be submitted to and approved by the local planning authority. The approved treatment/cladding shall be installed before the deck is first brought into use and permanently maintained as such thereafter.

(7) EB/2007/0175(FP) - TWEED, 8 - 10 SILVERDALE ROAD - Creation of three parking spaces to the front – MEADS. The Committee was advised that application had been withdrawn.

NOTED.

(8)/(9) EB/2007/0242(FP) and EB/2007/0243(LB) - MOTCOMBE FARMHOUSE, 2 MOTCOMBE ROAD (a) Conversion of outbuilding to ancillary residential accommodation (b) Conversion of outbuilding to ancillary residential accommodation to include insertion of four velux rooflights, removal of existing staircase, internal walls and roof trusses and insertion of new staircase and partition wall - OLD TOWN. The Committee was advised that the applications had been withdrawn.

NOTED.**(10) EB/2007/0179(FP) - 20 SOUTHFIELDS ROAD - Use of one room on the ground floor for teaching students for a maximum of 45 days each year – UPPERTON.**

Three letters of objection were reported from neighbouring residents. Two local residents had stressed the need to ensure the students were adequately supervised and that the restrictions on the dates and times proposed should be strictly adhered to. In response to a number of queries from Members, the applicant advised that the property had received a satisfactory fire inspection. There was a small step to gain access to the front door, but this would not prevent disabled access.

RESOLVED: Permission granted subject to conditions (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission; (2) That no more than fifteen students shall be accommodated at any one time; (3) That the use hereby permitted shall only take place between the hours of 9.15am and 12.15pm on Mondays to Fridays, for no more than 45 days per year, and not at weekends or Public/Bank Holidays.

(11) EB/2007/0246(FP) - 35 HARDY DRIVE - Erection of wall and gate 1.75 metres high and 1 metre in from footpath in Vian Avenue replacing existing wall - SOVEREIGN.

Two letters of objection were reported from neighbouring residents. A further letter of objection from a resident of Vian Avenue was reported at the meeting.

RESOLVED: Permission refused on the grounds that the proposed wall would, by reason of its siting and height have a detrimental impact on the openness and character of the area to the detriment of the visual amenity of the street scene contravening Policy UHT1 and UHT4 of the Eastbourne Borough Plan 2001-2011.

(12) EB/2007/0214(OL) - LAND TO THE REAR OF, 2 DILLINGBURGH ROAD - Outline application for the erection of a one-bedroom bungalow - OLD TOWN.

Four letters of objection from neighbouring properties were reported. A letter in support of the application from a neighbouring resident was reported at the meeting. The Highways Authority raised no objections subject to conditions. The Environment Agency raised no objections as the development had been assessed as a low environmental risk.

Mr Goodwin addressed the Committee against the proposal on the grounds that the size and appearance of the building was out of keeping and would erode the distinctiveness of the area. Concerns were also raised regarding loss of privacy and an increase in noise and disturbance from use of the garden.

The applicant, Mr Prentiss responded and advised the Committee that neighbours would not be detrimentally affected and the development accorded with planning policy that such developments should take place within existing urban areas.

RESOLVED: Permission refused on the grounds that the development of a bungalow in this backland position be incongruous in the established Upwick Road street scene, and out of character with general pattern of development in the area, and therefore contrary to Policies UHT1, UHT4 and HO6 of the Eastbourne Borough Plan 2001 - 2011.

(13) EB/2006/0841(FP) - TUTTS BARN NURSERY, TUTTS BARN LANE - Erection of single storey dwelling to provide owners accommodation for existing nursery – UPPERTON.

The Eastbourne Allotment Gardens Society raised objections on the grounds that the land is not suitable for building owing to regular flooding of the site. Following the submission of a Flood Risk Assessment, the Environment Agency had confirmed its objections on the grounds of flood risk. The Economic Development Officer recommended refusal as no financial justification had been submitted and the proposal was therefore contrary to Borough Plan Policy.

RESOLVED: (By 6 votes to 1) Permission refused on the grounds (1) That the provision of a permanent residential dwelling on the site would be out of character with the open nature of the site and the surrounding land, to the detriment of the visual amenities of the area; (2) That further to Reason 1 above, the proposal would conflict with Policies HO1, NE1 and NE24 of the Eastbourne Borough Plan 2001-2011; (3) That the submitted Flood Risk Assessment does not adequately consider the flood risk, and fails to demonstrate that such risk resulting from the proposed development can be safely managed.

4 Tree Preservation Order – Land at 51 Upper Kings Drive, Eastbourne East Sussex 123 (2007).

The Committee considered the report of the Planning Manager and Solicitor to the Council 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 the occupiers of the adjoining property and the response of the Development Control Section was set out in the report. The Committee was advised that approval had been granted recently for reduction works to the tree and that appropriate works would be permitted in the future.

RESOLVED: That The Eastbourne Borough Council Tree Preservation Order (Land at 51 Upper Kings Drive, Eastbourne, East Sussex) No. 123 (2007) be confirmed without modification.

5 Planning Appeals Performance 2006/07.

The Committee considered the report of the Planning Manager on the Council's appeals performance for the last financial year. A report submitted to Committee on 7 March 2006 had made recommendations to

improve performance in this area following a report commissioned by the ODPM on the Authority's progress towards meeting specific performance standards.

The Planning service had achieved a significant Planning Delivery Grant each year for its performance in a number of areas. In 2006/07 the award was reduced as a consequence of having a higher than average number of refused applications overturned on appeal.

Details of all appeal decisions between 1 April 2006 and 31 March 2007 were set out in the report. The overall performance for this period had been consistently good and below the previous national averages. This marked an improvement in performance and the quality of decision making.

An announcement of the PDG award for 2007/08 was expected in July and it was reported that as a result of the improvement in performance the Council would avoid any reduction of this year's award.

RESOLVED: That the Committee continues to have regard to the points set out in paragraph 3.4 of the report when considering future planning applications.

6 Appeal Decisions.

(1) EB/2006/0115 - Birling House, 30 Melvill Lane – The appeal was dismissed by the Inspector.

(2) HH/2006/0001 – Rustington Court, 8 St Johns Road (High Hedge Appeal) – An appeal had been lodged by neighbouring residents against the Council's decision not to issue a remedial notice requiring the size of a hedge at 8 St John's Road to be reduced. The appeal was dismissed by the Inspector.

Copies of appeal decisions can be found on the Council's website at:

<http://www.eastbourne.gov.uk/environment/planning/appeals>

The meeting closed at 7.38 p.m.

**R Madell
Chairman**