Eastbourne Borough Council

Planning Committee

29 September 2009

Report of the Head of Planning

List of Planning Applications for Consideration

- 1) CONGRESS THEATRE, CARLISLE ROAD, EASTBOURNE
 Display of LED sign to front of building, replacing existing lit Congress
 Theatre sign, to advertise shows. (Listed Building application)..
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- 2) CONGRESS THEATRE, CARLISLE ROAD, EASTBOURNE
 Display of LED sign to front of building, replacing existing lit Congress
 Theatre sign, to advertise shows. (Advertisement application)..
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- THE KIOSK, FOYLE WAY, UPPER DUKES DRIVE, EASTBOURNE
 Erection of a new structure to the front of the existing kiosk building, to provide shelter to existing seating area..

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J. F. Collard Head of Planning

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Report of the Planning Manager

Background Papers

- 1. Town and Country Planning Act 1990
- 2. Planning (Listed Buildings and Conservation Areas) Act 1990
- 3. The Planning and Compensation Act 1991
- 4. The Town and Country Planning General Regulations 1992
- 5. The Town and Country Planning (General Permitted Development) Order 1995
- 6. The Town and Country Planning (General Permitted Development) Order 1995 (Amendment) (No. 2) (England) Order 2008
- 7. The Town and Country Planning (General Development Procedure) Order 1995
- 8. The Town and Country Planning (Use Classes) Order 1987 (as amended)
- 9. The Town and Country Planning (Control of Advertisements) Regulations 2007
- 10. DoE/ODPM Circulars
- 11. DoE/ODPM Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)
- 12. East Sussex and Brighton & Hove Structure Plan 1991-2011
- 13. Eastbourne Borough Plan 2001-2011
- 14. Eastbourne Townscape Guide 2004
- 15. East Sussex County Council Manual for Estate Roads 1995 (as amended)
- 16. Statutory Instruments
- 17. Human Rights Act 1998
- 18. The Planning and Compulsory Purchase Act 2004

Note: The documents listed above and the papers referred to in each application report as "background papers" are available for inspection at the offices of the Economy, Tourism and Environment Department at 68 Grove Road on Mondays, Tuesdays, Thursdays and Fridays from 9.00 a.m. to 5.00 p.m. and on Wednesdays from 9.30 a.m. to 5.00 p.m.

Eastbourne Borough Council

Planning Committee

29 September 2009

Report of the Planning Manager

List of Planning Applications for Consideration

Planning Committee 29 September 2009

Item 1 & 2

App.Nos.:	Decision Due Date: 10.09.09	Ward: Meads
a) EB/2009/0491(LB)		
b) EB/2009/0492(ADV)		
Officer: Bethan Smith	Site visit date: 31 July 2009	Type: Minor

Site Notice Expiry date: 21 August 2009

Neigh. Con Expiry: N/A

Weekly list Expiry: 28 August 2009
Press Notice: 26 August 2009

Over 8/13 week reason: No committee date within time

Location: CONGRESS THEATRE, CARLISLE ROAD, EASTBOURNE

Proposals a) and b): Display of LED sign to front of building, replacing existing lit Congress Theatre sign, to advertise shows. (Listed Building & Advertisement applications).

Applicant: Eastbourne Borough Council

Recommendation:

- a) That the Secretary of State be informed that the Council has resolved that Listed Building consent be granted
- b) Express consent be granted

Reason for referral to Committee:

Application submitted by Eastbourne Borough Council

Executive Summary:

The proposed sign is considered to be a fitting rather than a permanent fixture. The existing sign is more contemporary and in keeping with the design of the building, however it is considered that the display of the proposed sign would not adversely affect the architectural or historic interest of the building itself.

Planning Status:

Grade II* listed building

Relevant Planning Policies:

The following policies from the Eastbourne Borough Plan 2001-2011 are considered relevant to the determination of this application:

UHT1 Design of New Development UHT18 Protection of Listed Buildings

Site Description:

The application site comprises a large theatre situated on the northern side of Carlisle Road. The building is a Grade II* listed building.

Relevant Planning History:

There have been a number of applications on the property in association with its use as a public theatre, however none are considered relevant to the determination of this application.

Proposed development:

The application seeks consent to display an LED sign to the front of the building. The sign will not be as large as the existing and will be 5.88 metres in width and 0.9 metres in depth.

Consultations:

The Council's Consultant Historic Buildings Advisor has stated that the proposed advertisement is considered to be a fitting rather than a fixture which does not adversely affect the architectural or historic interest of the building itself.

Neighbour Representations:

The application was advertised by way of a site notice displayed to the front of the application site and a notice in the press. No representations have been received.

Appraisal:

The application proposes to display an LED sign to the front of the building which will replace the existing sign that advertises shows. It is acknowledged that the existing sign is more contemporary and in keeping with the design of the building. However, the sign is often not updated due to health and safety implications which results in a poor impression of the theatre's offer being portrayed.

The proposed sign is considered to be a fitting rather than a permanent fixture of the building. It is considered that the sign will not adversely affect the architectural or historic interest of the building itself and therefore would comply with Borough Plan policies.

Human Rights Implications:

It is considered that there are no adverse Human Rights implications.

Conclusion:

It is considered that the proposed sign would not be detrimental to the appearance of the listed building or its architectural or historic interest.

Recommendations:

EB/2009/0491(LB): That the Secretary of State be informed that the Council has resolved that Listed Building consent be granted.

Conditions to include:

1) Commencement of development within three years

Informatives:

- The proposal is acceptable because it complies with the relevant policies of the Eastbourne Borough Plan 2001-2011.
- For the avoidance of doubt, the plans hereby approved are: Appendix 1 received on 22 June 2009
- **b) EB/2009/0492(ADV):** Advertisement consent be granted subject to the following standard conditions:

Conditions to include:

1) 5 standard advert conditions

Informatives:

Approved plan refs:- Appendix 1 received on 22 June 2009

Planning Committee 29 September 2009

Item 3

		1	
App.No.: EB/2009/0543(FP)	Decision Due Date: 7.10.09	Ward: Meads	
Officer: Andrew Battams	Site visit date: 4.09.09	Type: Minor	
Site Notice Expiry date: 3 September 2009			
Neigh. Con Expiry: 4 September 2009			
Weekly list Expiry:	11 September 2009		
Press Notice:	9 September 2009		
Over 8/13 wk date reason: N/A			
Location: THE KIOSK, FOYLE WAY, UPPER DUKES DRIVE, EASTBOURNE			
Proposal: Erection of a new structure to the front of the existing kiosk building, to provide shelter to existing seating area.			
Applicant: Mrs P. Jassim			
Recommendation: Approve subject to conditions			

Reason for referral to Committee:

Previous application determined by Committee at June 2009 meeting.

Executive Summary:

The proposed development would not be harmful to the character and appearance of the Area of Outstanding Natural Beauty or the setting of the Meads conservation area and is considered to fit more appropriately with its context in terms of design and appearance than the existing cover for the outdoor seating.

Planning Status:

- Area of Outstanding Natural Beauty
- Adjacent to Meads Conservation Area
- Within boundary of proposed South Downs National Park

Relevant Planning Policies:

Eastbourne Borough Plan:

NE1 Development Outside the Built-Up Area Boundary

NE20 Sites of Nature Conservation Importance

NE22 Wildlife Habitats

NE23 Nature Conservation of Other Sites D1 Area of Outstanding Natural Beauty

UHT3 Setting of the AONB UHT4 Visual Amenity

UHT15 Protection of Conservation Areas

The South East Plan:

C2 The South Downs

C3 Areas of Outstanding Natural Beauty
BE6 Management of the Historic Environment

TSR4 Tourism Attractions

Site Description:

The application site comprises a kiosk at the western end of Dukes Drive and is situated at the foot of the Downs. The kiosk is a single-storey brick building, with a barn-hipped roof. A timber structure has been built on to the front elevation and covers a patio area used for seating and tables. Nearby properties on Dukes Drive comprise St Bede's School, and substantial Victorian and Edwardian detached houses.

Relevant Planning History:

App Ref:	Description: Formation of enclosed paved area, to
EB/1981/0451	provide customer seating area for refreshment kiosk.
Decision: Granted	Date: 1981

App Ref:	Description: Erection of a new kiosk.
EB/1992/0425	
Decision: Granted	Date: 1992

App Ref:	Description: Retention of the extension to the timber
EB/2009/0329	structure for covered seating
Decision: Granted	Date: 16 June 2009
(temporary, until 31	
October 2009).	

Proposed development:

The proposed development is to replace the existing structures at the front of the kiosk with a single, purpose-built timber structure to provide cover for the outdoor seating area. The proposed structure would be 8.7 metres long and 4.8 metres wide. It would have a curved roof, with a maximum height of 2.6 metres (and 2.1 metres to the eaves). Polycarbonate sheeting is proposed as the roof covering, and drop-down canvas sheets to sides. Both the timber structure and the canvas sheets would be finished with a green colour.

Applicant's Points:

The simple design proposed is appropriate for the location and is unobtrusive whilst meeting the requirements of providing shelter for those enjoying refreshment at this beauty spot.

Summary Information:

Site Area: 108 square metres.

Building Techniques: Timber frame; canvas sides with pvc window panes; clear

polycarbonate sheets on roof.

Consultations:

<u>South Downs Joint Committee</u>: The Planning Liaison Officer writes: "As you will be aware, whilst recognising the valued role of the premises in providing refreshment to those enjoying the Downs, and having no objection to the provision of an extended shelter per se, I objected to the previous application as I considered the structure and colour to be inappropriate

I am therefore pleased to see that only a temporary permission was granted for the unauthorised shelter extension and that the applicant is now proposing an amended design. I consider that the proposed structure and dark green side panels are acceptable, particularly as both the existing poor structures would be removed and the covered seating area would be of a consistent design and appearance. I therefore raise no objection to this application." (Email dated 3 September 2009).

<u>Historic Buildings Advisor</u>: The site is adjacent to the Meads Conservation Area and affects its setting. There have been complaints about the current temporary structure and I consider that this proposal represents an improvement, whilst retaining the rather outdoor makeshift charm of the kiosk facility.

I have no objection but a further (longer) temporary permission may be appropriate to keep a check on the condition of the structure. (Memo dated 26 August 2009).

Neighbour Representations:

Occupiers of surrounding properties were notified in writing, notices displayed around the site, and a notice placed in the local newspaper. At the time of preparing this report (7 September 2009) one representation had been received, objecting to the application:

- The [2006] original extension, whilst not blending particularly well with the brick building appears to be constructed to a robust and reasonable standard; the 2008 extension made no attempt to match the original and appears temporary in nature.
- This application would marginally improve the appearance with the curved roof, but the timber, canvas and plastic and polycarbonate sheeting materials are still the same as the existing.
- The obtrusive advertisements and CCTV seem completely inappropriate in an AONB, let alone a national park.
- The Kiosk building is outside the Meads Conservation Area but it subject to the AONB, which could be considered an anomaly, and even greater when the National Park comes into effect. The building and extension would probably not be allowed to today if it was submitted. At the least, the extensions should be removed and revert to the open space that it was.
- The Kiosk has no toilet facilities, the nearest public convenience being in Helen Gardens.
- The timber frame and canvas/plastic roll blinds are materials which are not noted for being highly resistant to fire; should the Kiosk be subject to health and safety risk assessment in view of the flammable materials?
- Employees of the St Bede's and St Andrew's schools take all available parking spaces in Dukes Drive and surrounding streets; a customer would not normally be able to park close to the kiosk, and the extension to the kiosk, enable trading for more days a year, would exacerbate these problems.

(Letter dated 3 September 2009).

Appraisal:

The main issue to consider in the determination of this application is the impact of the visual amenity and character of the Area of Outstanding Natural Beauty (and the future South Downs National Park) and the adjoining Meads Conservation Area.

The application site is at the foot of the Downs and is within the Area of Outstanding Natural Beauty. The boundary of the Meads Conservation Area abuts the eastern side of the application site. The unmade path at the foot of the Downs is also a starting/finishing point of the South Downs Way. The kiosk building is therefore in a sensitive location with national and local importance.

The outside seating area has already had structures built to provide cover for customers using this facility. However, the most recent addition was only given temporary planning permission, as its form and appearance was not considered suitable for retention in the long-term. The current proposal is a more coherent approach for shelter to the outside seating area. A single structure is proposed which would provide a consistent appearance, rather than two separate timber structures attached to one another. The height of the proposed structure is also lower than the existing, and the curved roof blends more with the barn-hipped roof the Kiosk building. The length of the proposed structure, at 8.7 metres, would be 0.2m longer than the existing structures combined. Whilst a reduction to the length of the structure would make it more proportionate to the main building (which is 6.8 metres long) it is not considered that the scale of the proposal and its relationship to the original building is significantly harmful.

The materials proposed are similar to the existing. The application of green paint to the timber frame, and the canvas panels to the sides also being green, would help assimilate the structure into the surroundings. Polycarbonate sheeting is not a traditional roofing material in this location. However, the height and curve of the roof would make it less prominent than the existing. It is considered that the polycarbonate roofing material in itself would not be unduly obtrusive, and help maintain a lightweight appearance.

The South Downs Joint Committee have been consulted and have not raised objection to the proposal. In summary therefore it is considered that the proposed development is for a more consistent design and appearance than currently exists; the structure would not have a visual dominance in long distance views along Dukes Drive up to the Downs, as it is set back from the main highway; and when viewed from the Downs, it would not appear discordant as it is on the urban fringe where it has a background of more substantial buildings. Furthermore, it is considered that the lightweight appearance of the structure would not have a harmful impact on the setting of the adjoining Meads Conservation Area.

Human Rights Implications:

It is considered that there are no adverse Human Rights implications.

Conclusion:

The proposed structure is more consistent with its context in terms of design and appearance than the existing cover for the outdoor seating and it would not have a harmful impact on the visual amenity and character of the South Downs Area of Outstanding Natural Beauty or the Meads Conservation Area.

Recommendation:

GRANT subject to conditions

Conditions to include:

- 1) Development to commence within 3 years
- 2) Details of the materials

Informatives:

- The development would not be harmful to the character and appearance
 of the Area of Outstanding Natural Beauty, or the setting of the Meads
 Conservation Area, and thereby complying with policies D1, UHT1, UHT3
 and UHT15 of the Eastbourne Borough Plan and policies C2 and C3 of the
 South East Plan.
- · Approved plan refs

Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.