Tuesday 15 July 2008
at 6.00pm

EASTBOURNE
Borough Council

Planning Committee

MEMBERS: Councillor HARRIS (Deputy Chairman) Councillors BLOOM, Mrs GOODALL, GOODWIN, Mrs HEAPS, Mrs HOWLETT (as substitute for Taylor) MIAH, and Mrs SALSBURY (as substitute for Mrs MADELL)

(Apologies for absence were reported from Councillors Madell and Taylor)

---

5 Minutes.

The minutes of the meeting held on 17 June 2008 were submitted and approved and the Chairman was authorised to sign them as a correct record.

6 Declaration of Interests.

Item 1 and 7 (EB/2008/0223 and EB/2008/0363) – Downs Court, 62-64 Meads Street - Councillor Bloom declared a prejudicial interest as a shareholder and withdrew from the room whilst the application was considered.

Item 5 – EB/2008/0360 – 5 The Waterfront, Sovereign Harbour, Councillor Bloom declared a personal interest in this item as a visitor to one of the premises owned by the applicant but remained in the room and took part in the debate whilst the item was considered.

7 Report of Head of Planning on Applications.

1) EB/2008/0223(FP) - DOWNS COURT, 62 - 64 MEADS STREET, EASTBOURNE - Installation of replacement shop fronts, including lowering of existing basement – MEADS. A total of 73 letters and e-mails of objection had been received. A petition of 705 signatures had also been submitted. A further 32 letter so f objection were reported at the meeting mainly relating to the principle of Tesco's operating at this site.

The Monitoring Officer and Solicitor to the Council advised members on the issues that could be considered by the committee and those which could not.

At their meeting on the 8 April 2008, the Conservation Area Advisory Group considered that the application was incomplete and expressed concern regarding the timber mullions and support for the glazing.

The observations of the Historic Buildings Consultant were detailed within the report.

Mr Riseley addressed the committee in objection stating that the shop fronts would dominate the street scene.

Stephen Lloyd Liberal Democrat Parliamentary candidate addressed the committee in objection stating that removing one of the doors would result in an extended frontage which would dominate the street scene.

Members were advised that the shop fronts were being replaced like for like. Members requested that the door that had be proposed for removal be retained even if it was a non-functioning door in order to maintain the visual amenity.

(NB: Councillor Bloom withdrew from the room whilst this application was considered)

RESOLVED: **(By 3 votes with 4 abstentions)** That permission be granted subject to the following conditions: (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (2) No development shall take place until samples of the colours of the paintwork and the tiles to be used on the stallriser and on the threshold 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. (3) That details, including sections, at a scale of 1:5 of the doors, fascias, corbels, cornices and soffits shall be submitted to and approved in writing by the local planning authority before the development hereby approved is commenced. The development shall be carried out in accordance with the approved details. (4) That the existing borrowed lights in the pavement outside each of the original three shop units shall be repaired with the traditional/existing materials, and permanently retained, unless otherwise agreed in writing by the local planning authority. (5) That details of any tanking system proposed for the basement area shall be submiited to and approved by the local planning authority before the development hereby approved is commenced. (6) The proposed development shall be carried out in strict accordance with the amended drawings 656-203 A and 656-102 Rev B received by the Local Planning Authority on 21 May 2008.

2) EB/2008/0253(FP) - LAND AT KINGS DRIVE, EASTBOURNE - Erection of 140 dwellings including 30% affordable housing, associated landscaping, public open space and parking provision, together with a new vehicle and pedestrian access from Kings Drive – UPPERTON. 178 individually composed letters, including one from the Local Member for Parliament and 104 standard pro-forma letters and e-mails had been received. A further 28 letters of objection were reported at the meeting echoing earlier concerns.

The observations of the Council's Arboricultural Officer, Southern Water, the Council's Planning Policy Manager

The Crime Prevention Design Adviser, on behalf of Sussex Police, Natural England, the Environment agency, the Council's Parks and Gardens Manger, the County Archaeologist, the County Council's Development Contributions

Coordinator, the East Sussex County Council Highways Manager, the Head of Environmental Health, the Housing Services Manager, the Cleansing Contracts Manager, the Local Highway Manager, The Regional Design Review Panel were detailed within the report.

Mr Huchison addressed the committee in objection stating that the Kings Drive roundabout would become even more dangerous and that the design of the buildings was out of keeping and that the density of the scheme would result in noise pollution.

Nicola Grover addressed the committee in objection stating that there was a number of archeologically important settlements on the site that needed to be preserved along with the necessary protection of wildlife including birds, bats and badgers.

Rob Daines addressed the committee in objection stating that the proposals would result in further gridlock of the area increasing traffic dangers and pollution.

Stephen Lloyd, Liberal Democrat Parliamentary candidate, addressed the committee in objection stating that the area held a high flood risk without the necessary methods to cope with flooding and that there was a lack of a sewage/foul water station on the site.

Nigel Waterson MP addressed the committee in objection stating that the site could not cope with the additional traffic and raised concerns about the potential for flooding. The proposals would have a serious visual impact to the surrounding properties.

Councillor Belsey addressed the committee in objection stating that the proposals would be an overdevelopment of the site exacerbating the existing traffic issues.

Councillor Marsden addressed the committee in objection stating that the proposals would increase the traffic congestion and reduce the quality of life for residents. The proposals would also have a considerable visual impact on residents.

Councillor Hough showed the committee a brief video and highlighted comments made by local residents.

Stephen Brown, agent for the applicant, addressed the committee stating that a through technical appraisal had taken place and that extensive discussions had taken place with the Borough and County Council's regarding access to the site, design archaeological investigations. The environment Agency hadn't raised objections to the proposals and there would be no loss of wildlife due to the design.

RESOLVED: That permission be refused on the grounds that (1) The proposed development of 140 dwellings would, by reason of its design, form and layout, not make a positive contribution to either the street scene or surrounding area. As such, the proposal is contrary to Policies UHT1 and UHT4 of the Eastbourne Borough Plan 2001-2011. (2) The proposal would

lead to additional traffic on the highway network, increasing traffic hazards on Kings Drive and having an unacceptable impact on Rodmill Roundabout to the detriment of highway users conflicting with policy TR3 in the Structure Plan.

3) EB/2008/0331(FP) - LAND BETWEEN LOTTBRIDGE DROVE AND, SEVENOAKS ROAD, EASTBOURNE - Continued use of land for flying model aircraft and model cars - ST. ANTHONYS. Two letters of objection had been received and one letter of support.

The observations of the Local Highways Manager, the County Archaeologist and the Environment Agency were detailed in the report.

(Councillor Goodwin was no longer present for this item)

RESOLVED: That permission be granted subject to the following conditions: (1) That the use hereby permitted shall cease on or before the 15 July 2013. (2) That no more than eight radio controlled cars shall be driven at any one time without the prior written consent of the Head of Planning. (3) That no more than four model aircraft shall be flown at any one time without the prior written consent of the Head of Planning. (4) That the flying of model aircraft and the operation of radio controlled cars shall only take place on Mondays to Saturdays, including Bank holidays, between the hours of 10.00am - 8.30pm and at no time on Sundays, apart from special weekend events referred to in condition 5. (5) That only 4 weekend events shall take place per calender year with notice given to the Local Planning Authority one month in advance of any weekend event. That the flying of model aircraft and operation of radio controlled cars at weekend events hereby approved shall only take place between the hours of 10am - 8.00pm Saturdays and 10.00am - 4.00pm Sundays, (6) That all model aircraft to be flown shall not give a noise measurement at seven metres above ground level of more than 82dB(A), measured according with the Department of the Environment Code of Practice on Noise from Model Aircraft 1982. (7) Noise from the radio controlled cars shall not exceed the background noise level (La90), measured at the border of the nearest affected property, during any period of operation. (8) No model aircraft shall be flown unless fitted with a sound reduction muffler.

4) EB/2008/0357(FP) - PETWORTH PLACE, EASTBOURNE - Erection of a single-storey extension at rear of house - HAMPDEN PARK. Four letters of objection had been received.

(Councillor Goodwin was no longer present for this item)

RESOLVED: That permission be granted subject to the following conditions: (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (2) 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. (3) No railings, balustrading or other means of enclosure shall be erected on any part of the extension hereby approved, nor shall the roof of the extension be used as a balcony, patio, roof garden or similar amenity area at any time.

5) EB/2008/0360(FP) - 5 THE WATERFRONT, SOVEREIGN HARBOUR, EASTBOURNE - Change of use from retail shop (A1) to restaurant with takeaway sui generis use (A3 and A5) – SOVEREIGN. 28 objections and a petition of 104 signatures in support had been received. One further letter of objection was reported at the meeting.

The observations of Planning Policy, Economic Development and Environmental Health were detailed within the report.

Ian Weeks addressed the committee in objection requesting that the proposal be delayed until the development of a 'master' plan for the remaining harbour sites is developed.

Mr Thomas addressed the committee in objection stating that there would be increased litter, parking outside the takeaway element of the proposal and that it would result in a congregation of people around the site.

Adrian Brecher addressed the committee in objection stating that the proposal would result in people being attracted to the site and that there would be an increase noise pollution and litter.

Mr Hoare addressed the committee in objection stating that there was no provision for litter collection.

Councillor Elkin addressed the committee in objection stating that there would be an increase in litter and queried the lack of policies governing the loss of retail sites at the harbour.

Mr Runnells addressed the committee in objection requesting that the proposal be delayed until the development of an integrated plan for the remaining harbour sites is developed.

Mrs Weeks addressed the committee in objection stating that there was a need to retain the retail element at the harbour and that there would be an increase in antisocial behaviour and litter at the site.

Darren Kent applicant's agent addressed the committee stating that the extraction unit had been design specifically for the site.

Members requested that the times for opening be amended to close at 10.00pm seven days a week.

RESOLVED: **(By 5 votes to 1 with 1 abstention)** That permission be granted subject to the following conditions: (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (2) Details of the refuse storage to serve the proposed development shall be submitted to and approved in writing by the Local Planning Authority and therefore provided prior to commencement of the use herby permitted and thereafter maintained. (3) Noise from the air conditioning units shall have a noise rating level determined in accordance with BS4142 (1997) of at least 10dB(A) below the background noise level (LA90) during any period of operation. Confirmation that this is achieved shall be provided by the Head of Planning by a suitably qualified accoustic

consultant. (5) Details of the extraction stystem to serve the proposed development shall be submitted to and approved in writing by the Local Planning Authority and therefore installed and be operational prior to commencement of the use herby permitted and thereafter maintained. (4) That the A5 takeaway use hereby permitted shall be open to customers only between the hours of 7 a.m. and 10 p.m. on Monday to Saturday and 8 a.m. to 10.00 p.m. Sundays and Bank Holidays.

6) EB/2008/0361(FP) - FLAT 9 THE THORPE, 22 GRASSINGTON ROAD, EASTBOURNE - Replacement UPVC windows to second floor flat on front elevation – MEADS

(Councillor Goodwin was no longer present for this item)

The Planning Manager advised members that a further training session would be arranged covering the replacement of windows and the potential of reviewing the Council's policy on replacements.

RESOLVED: **(By 6 votes to 1)** That permission be refused on the grounds that the proposed windows on the front elevation by way of their materials and their form, would result in the loss of traditional materials and features associated with the property and would therefore be contrary to policy UHT16 of the Eastbourne Borough Plan (2001-2011) and Guideline WD3 of the Eastbourne Townscape Guide (2004).

7) EB/2008/0363(FP) (CONS AREA) - DOWNS COURT, 62 - 64 MEADS STREET, EASTBOURNE - Installation of one condenser unit, three air conditioning units and associated visual/acoustic screen on roof – MEADS. A total of 90 individual letters of objection had been received (a large number of these are proformas, some with no addresses) from local residents and the Meads Community Association, of which 17 actually referred to the condenser and air conditioning units. A petition of 705 signatures had also been submitted. A further 86 letters of objection were reported at the meeting.

The planning history for this site was detailed within the report.

At their meeting on 1 July 2008 the Conservation Area Advisory Group resolved to support the application.

The observations of the Council's Historic Buildings Consultant and Assistant Environmental Health Officer were detailed within the report.

Mr Simon Evers addressed the committee in objection stating that the traffic flow would be affected. The Chairman reminded Mr Evers that his objections were not in the remit of the committee when considering this particular item.

Russell Riseley addressed the committee in objection stating that the proposal would result in noise disturbance and that there should be an independent study on noise pollution.

Mr Waterson MP addressed the committee in objection stating that there would be considerable noise pollution and that the plant would be visible. Mr Waterson felt that the approval of this application was a deciding factor in Tesco's operating at the site.

Stephen Lloyd Liberal Democrat Parliamentary candidate addressed the committee in objection stating that this was a late application and why was it not submitted with the original application. Mr Lloyd reiterated that without air conditioning units this site would be unworkable for Tesco's.

Councillor Elkin addressed the committee in objection stating that other shops in the site needed protection for a larger store.

Mr Baker agent for the applicant stated that his client was happy to accept the conditions contained within the report.

The committee raised concerns regarding the hours of operation for the condensing units and potential noise emitted by the air conditioning units. The committee agreed it was difficult to estimate the potential actual sound emitted by the proposed units.

(NB: Councillor Bloom withdrew from the room whilst this application was considered)

RESOLVED: **(By 5 votes with 2 abstentions)** That permission be refused on the grounds that the proposed development, by reason of the noise levels at the proposed elevated position, would be detrimental to the amenities of nearby residents and therefore would conflict with Policy HO20 of the Eastbourne Borough Plan 2001-2011.

8) EB/2008/0373(FP) - ST LUCIA, 75 ROYAL PARADE, EASTBOURNE - Conversion of single private dwelling into seven self-contained flats - DEVONSHIRE. Five letters of objections had been received.

Mr Armstrong addressed the committee in objection stating that the proposal would have a detrimental impact on the neighbours and that it would create further problems with parking.

(Councillor Goodwin was no longer present for this item)

RESOLVED: **(By 6 votes to 1)** That permission be granted subject to the following 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 commencement of development, details of refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed and available for use before the first occupation of the flats.

9) EB/2008/0375(FP) - 13 RICHMOND PLACE, EASTBOURNE - Erection of a single storey extension to the rear – UPPERTON. Seven letters of objection and two letters of support had been received.

The observations of the Environment Agency and County Archaeologist were detailed within the report.

Mr Rayner addressed the committee in objection stating that the proposals would have an adverse effect on the property and create a precedent in the area. Mr Rayner quoted the reasons for refusal on the previous application and reiterated that nothing had changed.

Councillor Marsden addressed the committee in objection reiterating Mr Rayners objections.

Councillor Hough addressed the committee in objection stating that the proposal would result in overlooking to the neighbouring properties.

Gary Stanbridge agent for the applicant stated that the height of the extension had been amended and that the proposal had been designed with the applicant in mind. The applicant was happy to amend the colour of the guttering to be more in keeping.

(Councillor Goodwin was no longer present for this item)

RESOLVED: **(By 6 votes to 1)** That permission be refused on the grounds that the proposed development, by reason of its design, position and height, would create an overbearing presence to the residents of 14 Richmond Place resulting in an unneighbourly form of development and would be out of character with the unspoilt appearance of the Richmond Place development. This would be contrary to Policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.

8 Tree Preservation Order – Land on South west sixe of Lottbridge Drove at the rear of Hammonds Drive – Order No.130.

The committee considered the report of the Planning Manager and Solicitor to the Council seeking confirmation of a tree preservation order on the above land. One objection had been received and the officer's response was detailed within the report.

RESOLVED: That the Eastbourne Borough Council Tree Preservation Order (Land on the South West side of Lottbridge Drove at the rear of Hammonds Drive, Eastbourne, East Sussex) No. 130 (2008) be confirmed without modification.

9 Appeals Decisions.

1) EB/2007/0816. Land within the curtilage of 8 Ecmond Road and 81 Northbourne Road - This appeal was dismissed by the Inspector.

2) EB/2007/0818. Clarendon Court, Bolsover Road - This appeal was allowed by the Inspector.

3) EB/2007/0435. Site at Willow Cottage, 24 Spring Close - This appeal was allowed by the Inspector.

4) EB/2006/0808. Watts Lane, 27 Upperton Road – This appeal was allowed by the Inspector.

5) EB/2007/0821. 54-56 Upperton Road – This 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 10.53 pm.

Councillor J Harris
Deputy Chairman in the Chair