Tuesday 2 September 2008
at 6.00pm

EASTBOURNE
Borough Council

# Planning Committee

**MEMBERS:** Councillor Mrs MADELL (Chairman) Councillor HARRIS (Deputy Chairman) Councillors BELSEY (for Taylor), Mrs GOODALL, GOODWIN, Mrs HEAPS, Mrs POOLEY (for Miah), and SALSBURY (as substitute for Bloom)

(Apologies for absence were reported from Councillors Bloom, Miah and Taylor).

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## 15 Minutes.

The minutes of the meeting held on 5 August 2008 were submitted and approved and the Chairman was authorised to sign them as a correct record.

## 16 Declaration of Interests.

None were declared.

## 17 Report of Head of Planning on Applications.

**1) EB/2008/0377(FP) - 1 WHITTLE DRIVE, EASTBOURNE - Retrospective application for provision of hardstanding to rear of building - HAMPDEN PARK.**

The committee requested that this item be deferred to the next meeting in September 2008 to allow further investigation into the use of the hardstanding.

**RESOLVED**: That this item be deferred pending further investigation into the use of the hardstanding.

**2) EB/2008/0381(FP) - 133 - 135 SEASIDE ROAD, EASTBOURNE - Change of use from restaurant (Class A3 use) to bar (Class A4 use) – DEVONSHIRE.** Two emails of objection had been received.

This item had been deferred from the previous meeting pending further information regarding Planning and Licensing considerations. The committee were updated regarding the considerations.

**RESOLVED**: **(By 7 votes 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) That the use of the premises shall only take place between the hours of 11 am - 1.30 am Monday to Thursday; 11 am - 2 am Friday and Saturday, and 11 am - 1 am on Sunday (3) The use hereby approved

shall apply to the internal part of the building and the external parts of the premises shall not be made available for use by customers.

**3) EB/2008/0385(FP) (CONS AREA) - BIBENDUM PUBLIC HOUSE, 1 GRANGE ROAD, EASTBOURNE - Retrospective application for the erection of freestanding awning and proposed installation of two automatic retractable wall mounted awnings on front elevation - MEADS**

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

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

At their meeting on 1 July, the Conservation Area Advisory Group raised objections to the proposal to add awnings to the front of the building and suggested that smaller individual shades would be more appropriate rather than the proposed retractable wall mounted awnings.

**RESOLVED**: **(By 7 votes and 1 abstention)** That permission be refused on the grounds that the addition of the proposed awnings to the front elevation of the building would be detrimental to the appearance of the building and add visual clutter to the street scene. The proposed development would have a harmful effect on the overall character and appearance of the Town Centre and Seafront Conservation Area and therefore contrary to policies UHT1 and UHT15 of the Eastbourne Borough Plan 2001 - 2011.

Informative: the committee suggested that a retrospective application should be submitted for the freestanding awning.

**4) EB/2008/0408(FP) - 10A HAWTHORN ROAD, EASTBOURNE** - **Change of use from B1 light industrial to B1 light industrial and B8 storage and distribution with ancillary trade counter (to be less than 13%) (Amended description) - ST. ANTHONYS.** Two letters of objection had been received.

The observations of the Principal Highway Engineer were detailed within the report.

Mr Tait addressed the committee in objection stating that the extra traffic would result in congestion and causing problems at the turning point on the site.

Mrs Sewell addressed the committee stating that the trade aspect would be ancillary to the existing use and that the company was aware of the turning area which would be respected. Mrs Sewell also stated that the Highways department had visited the site and raised no concerns.

**RESOLVED**: **(By 6 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) That the premises shall be used only for the purposes specified in the application and for no other purpose whatsoever. (3) That any car parking area shown on the approved plan shall be properly constructed with a permanent hard-wearing impervious surface and marked out to the satisfaction of the Local Planning Authority and shall be available for use before the building hereby authorised is brought into use and shall be retained permanently for the accommodation of vehicles of the occupiers and users of and visitors to the premises and shall not be used for any other purpose.

**5) EB/2008/0435(FP) - 3 CARLISLE BUILDINGS, CARLISLE ROAD, EASTBOURNE - Retrospective application for the change of use from A1 retail to joint A1 and A3 use – MEADS.** Nine letters of objection had been received. Three letters of support had also been received.

The observations of the Economic Development Department and Planning Policy were detailed within the report.

**RESOLVED**: That permission be granted subject to the following conditions: (1) That the use hereby permitted shall not be open to customers outside the following times 9 a.m. to 7 p.m. Monday to Saturday and 9 a.m. to 7 p.m. Sundays and Bank Holidays.

**6) EB/2008/0452(FP) - 12 MILL ROAD, EASTBOURNE - Demolition of side garage and construction of new part single/part 2-storey side extension to the main house – UPPERTON.** Two letters of objection had been received.

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

Mr Connolly addressed the committee in objection stating that the surrounding area was very busy and that the proposal would have an impact.

**RESOLVED**: **(By 6 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) 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) The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 10 Mill Road.

**7) EB/2008/0467(FP) - LAND BETWEEN ASTAIRE AVENUE AND ST PHILIPS AVENUE, EASTBOURNE - Proposed single storey extensions to bungalows on plots 2 and 3 - ST. ANTHONYS.** A petition containing 114 signatures and thirteen objections had been received.

The observations of Southern Water, the Housing Services Manager, the Highway Authority and the Council's Planning Policy Assistant were detailed within the report.

Mr Mignot addressed the committee in objection stating that the work on the extensions had commenced and raised some concerns regarding hours of operation and hoarding. Mr Mignot also stated that some of the plots would be overlooked.

Mrs Bennett addressed the committee in objection stating that the extensions were an overdevelopment and would potentially cause flooding in the area. Mrs Bennett also quoted several EEC Directives relating to flood management and environmental impact. Mrs Bennett queried Declarations of Interests by members.

The Interim Monitoring Officer and Solicitor to the Council advised members on the Code of Conduct.

Mr Medlock, the applicant responded stating that the application had been submitted to prevent additional work at a later date.

The committee were advised that this application would be allowed under permitted development if the bungalows had been built and occupied.

**RESOLVED**: **(By 7 votes with 1 abstention)** That subject to the prior conclusion of a S.106 Agreement to secure financial contributions towards compensatory flood storage provision, 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 buildings on site in terms of type, texture and colour.

**8) EB/2008/0469(FP) - LAND BETWEEN ASTAIRE AVENUE AND ST PHILIPS AVENUE, EASTBOURNE - Erection of four bungalows for disabled people - ST. ANTHONYS.** A petition containing 114 signatures and thirteen objections had been received.

The observations of Southern Water, the Housing Services Manager, the Highway Authority and the Council's Planning Policy Assistant were detailed within the report.

Mr Mignot addressed the committee in objection raising concerns about the access roads and public safety and amenity.

Mrs Bennett addressed the committee in objection stating that the extensions were an overdevelopment and would potentially cause flooding in the area. Mrs Bennett also quoted several EEC Directives relating to flood management and environmental impact. Mrs Bennett queried Declarations of Interests by members.

The Interim Monitoring Officer and Solicitor to the Council advised members on the Code of Conduct.

Mrs Wyatt, Chief Executive, Chaseley Trust responded stating that this type of dwelling was needed within Eastbourne and that potential users had stated that the site was suitable for the proposed development.

The Committee were advised that the EEC directives quoted had been incorporated in to Planning regulations, and that this development did not meet the criteria for an Environmental Impact Assessment to which the directives related to.

**RESOLVED**: **(By 5 votes to 3)** That subject to the prior conclusion of a S.106 Agreement to secure financial contributions towards compensatory flood storage provision and to ensure the residential units (including the eight residential units granted consent on appeal under application EB/2002/0713) will be specifically designed and adapted for use of and occupation by disabled people and for no other purpose within Class C3 of the Town and Country Planning (Use Classes) Order 1987, 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 buildings on site in terms of type, texture and colour. (3) a) No works or development shall take place until full details of both hard and soft landscape proposals have been submited to and approved by the Local Planning Authority. These details shall include, as appropriate: (i) proposed finished levels or contours; (ii) means of enclosure; (iii) car parking layouts; (iv) other vehicle and pedestrian access and circulation areas; (v) hard surfacing materials; (vi) minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting); (vii) proposed and existing functional services above and below ground (eg. drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc); (viii) retained historic landscape features and proposals for restoration, where relevant; (ix) planting plans; (x) written specifications (including cultivation and other operations associated with plant and grass establishment); (xi) schedules of plants, noting species, planting sizes and proposed numbers/densities wher appropriate; (xii) implementation timetables. b) All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting are removed, die or become, in the opinion of the Local Planning Authority, seriosly damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consen to any variation. (4) That, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no buildings, structures, walls or fences of any kind shall be erected within the curtilages of the dwellings hereby permitted and no windows, dormer windows, doors or openings of any kind (other than those expressly authorised by this permission) shall be provided on the dwellings without the prior approval in writing of the Local Planning Authority. (5) No development shall take place until full details of the

proposed means of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The details shall include provision to prevent the discharge of water from the site onto the public highway and from the public highway onto the site. No dwelling shall be occupied until the works have been carried out in accordance with the approved details. (6) There shall be no discharge of foul or contaminated drainage into either groundwater or any surface waters, whether direct or via soakaways. (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 with an overall capacity compatible with the site being drained. (8) 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 with an overall capacity compatible with the site being drained. (9) That prior to the commencement of the development hereby approved, details of the ridge heights of the four additional bungalows shall be submitted to and approved by the Local Planning Authority. (10) That no demolition, site clearance or building operations shall take place except between the hours of 8.00am and 6.00pm on Mondays to Fridays and 8.00am and 1.00pm on Saturdays and that no works in connection with the development shall take place on Sundays or Bank/Public Holidays.

**9) EB/2008/0475(FP) - 23 ALBERT PARADE, EASTBOURNE - Erection of single storey extension to side and rear - OLD TOWN.**

This item was withdrawn.

**10) EB/2008/0495(FP) - 245 SEASIDE, EASTBOURNE - Variation of condition 3 of planning permission EB/2007/0615 to change hours of opening of café from 7.30am - 6.00pm to 7.30am - 11.00pm – DEVONSHIRE.** Three letters of objection had been received. Twenty further letters of objection were reported at the meeting.

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

The Planning Inspector's observations were summarised within the report.

Mr Vieler addressed the committee in objection on behalf of local residents and the surrounding community, stating that the flue was noisy and that the Inspector had previously limited the opening hours. Mr Vieler stated that if the opening hours were extended there would be a very short period of time in which there was no noise pollution for residents due to other businesses opening early in the morning.

Mr Lindley addressed the committee in objection stating that there would be prolonged noise pollution from the flue if the opening hours were extended.

**RESOLVED**: **(By 6 votes with 2 abstentions)** That permission be refused on the grounds that The proposed extension to the hours of opening would result in the only late night operation in the shopping parade, and would have an adverse impact on the living conditions enjoyed by neighbouring residents, by reason of an increase in noise and general disturbance, and

therefore contrary to policy HO20 of the Eastbourne Borough Plan 2001-2011.

## 18 Appeals Decisions.

1) EB/ 2007/0560 – Land at junction of Carlisle Road and College Road Eastbourne College Music Centre. The appeal was allowed by the Inspector.

2) EB/2008/0031 – Rear ground floor 38 South Street. The appeal was allowed by the Inspector.

3) EB/2007/0558 – Land within the curtilage of 14 Ravens Croft. 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 8.41pm.

**Councillor Mrs Madell**
**Chairman**