

PLANNING & LICENSING COMMITTEE

Tuesday 11 December 2001

PRESENT:

Councillor BOWKER (Chairman), Councillor DESCHAMPS (Deputy Chairman), Councillors Mrs CHARLTON, ELKIN, MARSH, SKILTON, WILLIAMS and Miss WOODALL.

35. MINUTES. The minutes of the meeting held on 6 November 2001 were submitted and approved and the Chairman was authorised to sign them as a correct record.

36. REPORT OF HEAD OF PLANNING ON APPLICATIONS.

(1) EB/2001/0649 - 28 South Street - change of use from retail shop (Class A1) to bar/restaurant (Class A3) - DEVONSHIRE.

RESOLVED: (By 6 votes to 1) Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) That details of the fume extraction system shall be submitted to and approved by the Head of Planning and the approved scheme installed before the bar/restaurant use hereby approved is commenced; (3) That the bar/restaurant use hereby authorised shall only take place between the hours of 9.00am and 11.30pm.

(2) EB/2001/0613 - 1 Station Parade - change of use of basement from café to amusement arcade - DEVONSHIRE. Two letters of objection were reported from a local resident and a the occupiers of a business premises. The observations of the Head of Environmental Health were set out in the report.

RESOLVED: (By 6 votes to 2) Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) That the use hereby authorised shall only take place between 10.00am and 10.00pm; (3) C10.1 Provision of ventilation system.

(3) EB/2001/0539 - Downsview, 27 Upland Road - erection of single-storey extension at rear, together with installation of balustrade above to form balcony (scheme amended) – DOWNSIDE. One letter of objection was reported from a local resident in respect of the original proposal.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) A3 Use of matching materials; (3) A4.2 Semi-obscure glazing in side elevation; (4) That all of the glazed screens surrounding the flat roofed area shown on drawing 1064:WD:2 revision A shall be glazed in semi-obscure glass and subsequently be permanently maintained as such, unless otherwise first approved in writing by the Head of Planning; (5) The development hereby approved shall be undertaken in full accordance with the amended drawing number 1064:WD:2 revision A, received by the Local Planning Authority on 24 October 2001.

(4) EB/2001/0618 - Cherry Garden Plantation, East Dean Road - provision of a 9m high telecommunications stub mast on top of existing water tank, together with ancillary equipment cabins – DOWNSIDE. Eleven letters of objection were reported from local residents, the Eastbourne Society and representatives of the Youth Hostel. The Sussex Downs Conservation Board and the Historic Buildings Advisor raised no objection to the proposal. The Downland, Trees and Woodland Manager raised concerns regarding the impact of the proposal on the Downland trees, particularly the references to “tree trimming”.

RESOLVED: Permission refused on the grounds (1) That the proposal would have an unacceptable impact on the visual amenities of the AONB by reason of the type, design, height and position of the stub mast, and the effect on the adjacent trees; (2) That further to Reason 1 above, the proposal would not comply with approved Borough Plan Policies, which state that:

US8: The Council will not permit the erection of further radio masts and other large scale telecommunications apparatus on Eastbourne downland. Further cellular antennas may be permitted on the two existing or their replacement radio masts at Beachy Head and Butts Brow on Eastbourne Downland. The height and profile of the existing masts on the Eastbourne Downland should not be increased significantly to facilitate additional cellular antennas.

US10: Within the built up area of the borough outside Eastbourne Park, conservation areas and the curtilages of listed buildings, ancient monuments and buildings of local interest, the Council will give favourable consideration to telecommunications development. Proposals will be considered having regard to the following criteria:

A. The availability of satisfactory alternative sites;

B. The possibility of sharing existing facilities;

C. In the case of radio masts, the possibility of erecting antennas on an existing building or other structure.

D. The effect of the proposal on residential or visual amenity.

(5) EB/2001/0532 - Maryland, 9 Brand Road - change of use of first floor from residential to children's nursery in conjunction with existing nursery on ground floor (to accommodate maximum of 18 additional children), together with extension of permitted opening hours from 8.30 am to 5.30 pm, to 8.00 am to 6.00 pm, together with provision of off-street car parking area accessed from brand road via existing access - HAMPDEN PARK. This application was deferred at the meeting held on 6 November 2001 for a site visit. Seventeen letters of objection and a petition containing 48 signatures were reported from local residents. Thirty three letters in support were received from parents using the nursery. Mr Anscombe and Mr Bareham addressed the Committee on behalf of local objectors and the applicant, Mr Dawsett responded.

RESOLVED: Permission refused on the grounds (1) That the significantly more intensive commercial use of the property proposed would lead to an increase in noise and disturbance from within the site, and from the increased number of journeys (by car and on foot) generated to and from the nursery by the increased capacity. The proposal would therefore conflict with Policy US20 of the Eastbourne Borough Plan which states (in part):

Policy US20 – Proposals for child nurseries, playgroups and crèches in new or converted premises will be given favourable consideration subject to the following criteria:

A. In residential areas the service should normally be intended for the local neighbourhood only in order to avoid undue detrimental impact on residential amenity.

B. No undue impact on residential amenity in respect of noise, traffic, parking, loss of privacy and sunlight, and the location and size of outdoor play space.

(2) The loss of the existing residential accommodation and the use of the whole property for entirely commercial purposes would be inappropriate and seriously detrimental to the residential character of the area.

(6) EB/2001/0599 - 21 Ventnor Close - first floor extension at side, above existing garage - LANGNEY. One letter of objection was reported from a local resident.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) A3 Use of matching materials; (3) A5 No windows or other openings (other than those shown on the approved plan) in side elevation of extension.

(7) EB/2001/0433 - 53-59 Langney Rise - erection of 15 two-bedroom flats and 9 four-bedroom and 3 three-bedroom houses (to replace former petrol filling station and three existing dwellinghouses) (amended scheme) - LANGNEY. This application was deferred at the meeting held on 11 September for further negotiations. The observations of the Environment Agency, Head of Housing Services and the Downland, Trees and Woodland Manager were set out in the report. The Crime Prevention Design Adviser, on

behalf of Sussex Police and the Director of Tourism and Leisure raised no objections to the proposal. The Highways Manager raised a number of concerns in relation to parking. The Head of Environmental Health recommended a number of additional conditions if permission were granted. Twelve letters of objection were reported from local residents. Mr Coutney addressed the Committee in support of the application.

RESOLVED: Permission refused on the grounds that the proposed development represents an over-development of the site, which would, by reason of loss of privacy, sub-standard car parking and overbearing scale, detract from the amenities enjoyed by occupiers of nearby residential properties. As such, the proposed development is contrary to Policy HO18 of the adopted Borough Plan.

(8) EB/2001/0577(LB) (CONS AREA) - Belle Tout Lighthouse, Beachy Head Road - application under Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to vary Condition 2 of EB/97/0630(LB) to read "condition 2(a) That the external materials to be used in the new under storey and cladding of the upper ground floor and the south and north entrances to the tower and upper ground floor shall be as shown on drawing number 1065:WD:1 Revision A and drawing number 1065:WD:2 Revision A submitted on 1 November 2001 with application number EB/2001/0577(LB), and shall be finished by 30 June 2003" and "condition 2(b) that the door and window openings on elevations referred to in condition 2(a) above are constructed in accordance with the drawings mentioned in condition 2(a)", together with the discharge of conditions 3, 4 and 5 of EB/1997/0630(LB) - MEADS. The Sussex Downs Conservation Board raised no objections to the proposal. The Historic Buildings Advisor and the Conservation Area Advisory Group at its meeting on 23 October 2001 made recommendations that had since been incorporated into the application by way of revised drawings. One letter commenting on the proposal was reported from a local resident.

RESOLVED: That condition 2(a) of EB/97/0630(LB) should read "That the external materials to be used in the new under storey and cladding of the upper ground floor and the south and north entrances to the tower and upper ground floor shall be as shown on drawing number 1065:WD:1 Revision A and drawing number 1065:WD:2 Revision A submitted on 1 November 2001 with application number EB/2001/0577(LB), and shall be finished by 30 June 2003"; and Condition 2(b) shall read "That the door and window openings on elevations referred to in Condition 2(a) above are constructed in accordance with the drawings mentioned in Condition 2(a)"; and conditions 3, 4 and 5 of EB/1997/0630(LB) be removed.

(9) EB/2001/0576 (CONS AREA) - Belle Tout Lighthouse, Beachy Head Road - application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 of EB/97/0629 to read "That the external materials to be used in the new under storey and cladding of the upper ground floor shall be as shown on drawing number 1065:WD:1 Revision A and drawing number 1065:WD:2 Revision A submitted on 1 November 2001 with application number EB/2001/0576 and shall be finished by 30 June 2003 together with the removal of Conditions 3, 4 and 5 of EB/97/0629 – MEADS.

RESOLVED: That condition 2 of EB/97/0629 should read "That the external materials to be used in the new under storey and cladding of the upper ground floor shall be as shown on drawing number 1065:WD:1 Revision A and drawing number 1065:WD:2 Revision A submitted on 1 November 2001 with application number EB/2001/0576 and that all works shall be finished by 30 June 2003"; and that conditions 3, 4 and 5 of EB/97/0629 be removed.

(NOTE: Councillor Bowker declared a non-pecuniary interest on behalf of himself and Councillors Belsey, Elkin, Mrs Charlton and Williams and Councillor Miss Woodall declared a non-pecuniary interest on behalf of herself and Councillors Skilton and Marsh as the applicant was a family member of a colleague on the Council. However, all remained and participated in the debate in accordance with Paragraph 17(a) of the National Code of Local Government Conduct where dispensation is given in cases where over half the Committee would otherwise have to withdraw).

(10) EB/2001/0638(LA) - Devonshire Park Fitness Centre, College Road -removal of dormers and flag pole to roof together with recladding of tank enclosure and provision of new parapet cladding – MEADS. The Downland, Trees and Woodland Manager raised no objections to the proposal.

RESOLVED: (By 6 votes to 2) Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) All areas left exposed by the removal of the dormer windows hereby

approved shall be made good with materials to match the type, colour and texture of those used on the existing roof; (3) The cladding to be applied to the roof tank and parapet, as indicated on drawing EBC1947-01, shall be finished externally in dark green to match the colour of the window frames on the existing building, and thereafter maintained as such, unless prior written consent is given by the Head of Planning to any variation.

(11)/(12) EB/2001/0614(CA) AND EB/2001/0615 (CONS AREA) - De Walden Mews, Meads Road – (a) demolition of nine garages (b) erection of two two-storey dwellings following demolition of nine out of thirteen existing garages – MEADS. Two letters of objection were reported from local residents. The Historic Buildings Advisor and the Conservation Area Advisory Group at its meeting on 23 October 2001 raised no objections to the proposal. The observations of the Highways Manager were set out in the report.

RESOLVED: (1) (By 4 votes to 1) Permission granted in respect of EB/2001/0615 subject to conditions (1) D1.1 Commencement of development within five years; (2) A2 Submission of samples of facing materials; (3) That, in addition to the details required by Condition 2, above, full details of windows, doors and external surface treatment shall be submitted to and approved by the Head of Planning before the development is commenced; (4) That no development shall commence until details for the pruning of the Cherry tree in the adjacent garden of The Moorings have been submitted to and approved by the Head of Planning; (5) That details of the proposed boundary wall between the approved development and The Moorings shall be submitted to and approved by the Head of Planning before the development is commenced. The approved boundary wall shall be erected before the proposed dwellings are first occupied; (6) That the two car parking spaces indicated on the approved plans shall be provided and be available for use by the occupiers of and visitors to the approved dwellings, before the dwellings are first occupied; (7) C5.3 Hours of operation (during construction); (8) A5 No windows or other openings in the north east elevation facing The Moorings; (9) D9 Restriction of permitted development.

(2) (By 4 Votes to 1) Conservation Area Consent granted in respect of EB/2001/0614(CA) subject to conditions (1) 1. D1.2 Commencement of development within five years; (2) 2. C5.3 Hours of operation (during demolition).

(13) EB/2001/0468 - Holywell Beach near St Bede's Lane - coast defence works comprising a 75 metre long revetment (to protect the Holywell water source) together with associated rock stockpiling area, office and plant storage and temporary landing bays for rocks delivered by sea (located near the Wish Tower) - MEADS. The observations of the Environment Agency, Southern Water, English Nature, County Archaeologist, Sussex Downs Conservation Board, Director of Tourism and Leisure, Downland, Trees and Woodland Manager, Historic Buildings Advisor, Head of Environmental Health and the Highways Manager were set out in the report.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) Full details of the type of rock to be used in the construction of the proposed revetment shall be submitted to and approved by the Head of Planning before the development commences; (3) That no lorry movements shall take place along the proposed haul route except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. to 1.00 p.m. on Saturdays; (4) That no construction work or associated movement of materials shall take place between 1 May and 30 September; (5) That the rock stockpiling area, office and plant storage area and haul route shall be reinstated to their former condition and any temporary buildings removed upon the completion of the rock revetment.

(14) EB/2001/0608 - 62 Wish Hill - first floor extension at rear - RATTON. One letter of objection was reported from a local resident.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) A2 Submission of samples of facing materials; (3) That, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order), no windows shall be installed in the side elevations of the proposed extension, without the prior written consent of the Head of Planning.

(15) EB/2001/0584 - 4 Churchdale Road - two storey extension at side to provide a shop with office over; single storey extension at rear to form a ground floor flat; Erection of a detached store at rear together with a 1.8m high boundary wall – ROSELANDS. One letter of objection was reported from a local resident.

The Health and Safety Executive raised no objections to the proposal. In response to the concerns of the Highways Manager, the vehicular access had been deleted from the application.

RESOLVED: (1) Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) A2 Submission of samples of facing materials; (3) The proposed store shall not be used for any other purpose than the storage of goods connected with the shop, and shall not be used as a workshop or for repairs; (4) That there shall be no vehicular access to the site from Churchdale Road; (5) That the development hereby approved shall only be carried out in accordance with revised plans 44400/01 Rev.A and 44400/02 received on 22 November 2001.

(2) That an Informative be attached to the Decision Notice advising that this consent does not convey any approval for the display of the advertisement shown on the submitted plans. A separate application would be required under The Town and Country Planning (Control of Advertisements) Regulations 1992.

(16) EB/2001/0632 - Workshop/Garage at rear of 322 Seaside - use of garage at rear as workshop and store – ROSELANDS. The Health and Safety Executive and the Head of Environmental Health raised no objections to the proposal.

RESOLVED: (1) Permission granted subject to conditions (1) That the premises shall only be used as a workshop within Class B1 (Business) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 with ancillary storage, and for no other purpose (including any other purpose in Use Class B1); (2) That the use hereby authorised shall only take place between the hours of 8.30am and 6.00pm on Mondays to Fridays (inclusive) and 8.30am and 1.00pm on Saturdays and that no work shall take place on Sundays or public holidays.

(2) That an Informative be attached to the Decision Notice advising that a Class B1 (Business) use is defined in the Town and Country Planning (Use Classes) Order 1987 as:

Use for all or any of the following purposes –

- (a) as an office other than a use within class A2 (financial and professional services);
- (b) for research and development of products or processes, or
- (c) for any industrial process.

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smells, fumes, smoke, soot, ash, dust or grit. That the applicant be requested to reinstate boundary fence at rear of premises to separate shop from workshop and covered yard.

(17) EB/2001/0512 (CONS AREA) - Treasure Island, Royal Parade - refurbishment of existing Leisure Park to include 18 hole adventure golf, restaurant, amusements, kiosks and children's play areas - ROSELANDS. Two letters of objection/comment were reported from a local resident and the Commodore of the Eastbourne Sovereign Sailing Club. The observations of the Crime Prevention Design Adviser, on behalf of Sussex Police, Director of Planning, Regeneration and Amenities, Historic Buildings Advisor and the Director of Tourism and Leisure were set out in the report. The Conservation Area Advisory Group at its meeting on 4 December 2001 raised no objections to the proposal subject to further negotiations regarding the proposed shallow pitched tin roof proposed on one of the buildings. The Highways Manager raised no objections to the proposal. Members noted that the signage for the site was not included in this application.

RESOLVED: (1) Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) A2 Submission of samples of facing materials; (3) That the premises shall only be used as a family tourist attraction incorporating a children's general play area within Class D2 (Assembly and Leisure) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and for no other purpose, (including any other purpose within Class D2); (4) C5.3 Hours of operation during construction (8am-6pm on Mondays to Fridays, 8am-1pm on Saturdays and at no time on Sundays or public holidays); (5) C5.1 Hours of operation (9am-10pm); (6) That details of any floodlighting proposals for the site shall be submitted to and approved by the Head of Planning, prior to the commencement of development on site; (7) That prior to the commencement

of any development on site, full details of all perimeter fencing/boundary treatment for the site shall be submitted to and approved by the Head of Planning; (8) That no sound amplification equipment shall be installed or used on the site for any purpose whatsoever; (9) That notwithstanding the provisions of Part 28 of the Town and Country Planning (General Permitted Development) Order 1995, no booths, stalls, plant, machinery or extensions to existing buildings or structures, shall be erected within the site, without the prior approval in writing of the Head of Planning; (10) A9.1 Submission and approval of landscaping scheme; (11) That details of any ventilation system shall be submitted to and approved by the Head of Planning and shall be completed to his satisfaction before the use hereby permitted commences and shall thereafter be maintained; (12) That the development hereby authorised shall be carried out in full accordance with the approved details shown on drawings nos. TG0141/10b, TG0141/13a, TG0141/14a, TG0141/18, TG0141/53a and TG0141/54a, received by the Local Planning Authority on 17 October and 23 November 2001; (13) That, prior to the commencement of any development on site, further details of the roof at the rear of the building shall be submitted to and approved by the Head of Planning.

(2) That Informatives be attached to the Decision Notice advising that (a) a Class D2 (Assembly and Leisure) use is defined in the Town and Country Planning (Use Classes) Order 1987 as:

Use as –

(a) a cinema,

(b) a concert hall,

(c) a bingo hall or casino,

(d) a dance hall,

(e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

(b) This consent does not convey approval for the proposed advertisements as shown on drawings TG0141/V2 and TG0141/53a.

(18) EB/2001/0607 - 41 Madeira Way - erection of conservatory at rear - ST. ANTHONYS. Two letters of objection were reported from local residents.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) The external frame colour of the conservatory hereby approved shall not be white, as indicated on drawing number 21/43/1 received by the Local Planning Authority on 12 October 2001, but shall be dark brown to match the colour and external finish of windows elsewhere on the building. The conservatory shall be permanently maintained in this finish, unless prior written approval is obtained from the Head of Planning to any variation.

(19) EB/2001/0056 - 520-524 Seaside, including part of land at rear - erection of single-storey retail unit with car parking – ST. ANTHONYS. The observations of the Highways Manager, Southern Water, Crime Prevention Design Adviser, on behalf of Sussex Police, Health and Safety Executive, County Ecologist, Downland, Trees and Woodland Manager and Head of Environmental Health were set out in the report. The Environment Agency raised objections to the proposal. Six letters of objection were reported from local residents in respect of the original revised proposal. Five letters of objection from local residents, Tollgate County Junior School and Somerfield Stores Ltd and one of support were reported in response to the revised proposal.

RESOLVED: (By 7 votes to 1) Permission granted subject to the prior conclusion of Section 106 agreements in respect of (a) Flood storage contribution; (b) Commuted payment for off-site equipped play area; (c) Off-site highway works (a separate agreement with the County Council, as Highway Authority will be required) and (d) Cost of providing and maintaining compensatory replacement reedbeds and to conditions (1) D1.1 Commencement of development within five years; (2) A2 Submission of samples of facing materials; (3) That the building hereby approved shall be used only for the purposes of discount food shopping and for no

other purpose whatsoever; (4) A9.1 Submission and approval of landscaping scheme; (5) C5.1 Hours of operation. (9.00 a.m. to 8.00 p.m. on Mondays to Saturdays and 10.00 a.m. to 5.00 p.m. on Sundays); (6) That there shall be no deliveries between the hours of 9.00 p.m. and 6.00 a.m.; (7) That, before the development hereby approved is commenced, details of the proposed means of foul and surface water disposal shall be submitted to and approved by the Head of Planning, in consultation with Southern Water Services Limited; (8) That, before the development hereby approved is commenced, details of finished floor levels and car park levels shall be submitted to and approved by the Head of Planning, in consultation with the Environment Agency; (9) C5.3 Hours of operation (during demolition and construction); (10) B10.1 Provision for disabled people; (11) That before the building hereby approved is first brought into use, provision shall be made for secure cycle parking for both staff and customers at a rate of one per 8 car parking spaces, in accordance with details to be submitted to and approved by the Head of Planning; (12) 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 an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor; (13) No sewage or trade effluent (including vehicle wash or vehicle steam cleaning effluent) shall be discharged to any surface water drainage system; (14) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund; (15) That, before the development hereby approved is commenced, the applicant shall carry out an investigation to assess the degree of contamination of the site and to determine its water pollution potential. The method and extent of this investigation shall be agreed with the Head of Planning, in consultation with the Environment Agency, prior to works commencing. On completion of this site investigation, details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall be submitted to and approved in writing by the Head of Planning, in consultation with the Environment Agency. The approved measures shall be incorporated into the scheme before the building is first brought into use; (16) No development shall commence until the applicant has undertaken a comprehensive subsurface site investigation of the land on which the development is taking place, to identify the presence or absence of landfill gas, the details of which should be agreed in writing by the Head of Planning. Where required, details of the number and location of permanent gas monitoring points, and monitoring procedures shall be submitted to and approved by the Head of Planning, together with the building construction techniques to be incorporated into the development. The development shall only be allowed to proceed if it can be demonstrated that either landfill gas is not present or the potential threat from landfill gas has been adequately covered in the proposal; (17) B3.1 - Closure of existing access; (18) That the parking spaces indicated on the approved plan shall be provided and be available for use before the building is first brought into use and shall thereafter be maintained for the benefit of customers, staff and other visitors to the building; (19) That a minimum of four car parking spaces, as indicated on the approved plan, shall be designed to be suitable for disabled customers, staff and other visitors and shall be available for use before the building is a scheme of boundary treatment, including fencing to the western and southern boundaries of the site, shall be submitted to and approved by the Head of Planning before the development is commenced. The approved scheme shall be fully implemented before the building is first brought into use; (21) That, before the building hereby approved is first brought into use, the 16 parking spaces for school use as indicated on the approved plan, shall be provided and be available for use by staff of and visitors to the Tollgate County Junior School; (22) That, before the building hereby approved is first brought into use, a lockable gate shall be provided between the new parking area, to which Condition 22, above, refers, and the existing school car park. Details of the gate shall be submitted to and approved by the Head of Planning before the development is commenced.

(20) EB/2001/0387(RM) - Land off Madeira Way, Sovereign Harbour - construction of 12 flats and 13 three, four and five bedroom dwellinghouses (revised scheme) - ST. ANTHONYS. Five letters of objection were reported from local residents in respect of the revised proposal. The observations of the Council's Access Officer, Environment Agency, Crime Prevention Design Adviser, on behalf of Sussex Police, Head of Environmental Health and Highways Manager were set out in the report.

RESOLVED: (By 4 votes to 3) Permission granted subject to conditions (1) The conditions attached to outline planning consent reference EB/1993/0439(OL), renewed on 6 April 2000, are reiterated and, unless otherwise discharged to the satisfaction of the Local Planning Authority, should be complied with, to ensure the validity of the planning permission; (2) A2 Submission of samples of facing materials; (3) Details of a form of

restraint to be provided between the vehicle turning head at the end of Antigua Close and the parking court to the flats shall be submitted to and approved in writing by the Head of Planning and thereafter provided in accordance with the approved details; (4) No development shall commence until the applicant has demonstrated to the satisfaction of the Planning Authority that either landfill gas is not present on the land being developed or that the development will proceed in such a way as to minimise the possibility of landfill gas entering any enclosed structures on the site; (5) 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.

(21) EB/2001/0598 - Land between Pacific Drive and the shoreline (abutting sites M & N), Sovereign Harbour - 6.7 metre wide access road to beach for use by the Environment Agency - ST. ANTHONYS.

The observations of the Environment Agency and Highways Manager were set out in the report. The Council's Pollution Control Manager recommended that the following conditions be applied to this application:

(1) Hours of operation. (8.00 a.m. to 6.00 p.m. on Mondays to Fridays and 8.00 a.m. to 1.00 p.m. on Saturdays); (2) That access be restricted between October and March (inclusive). Members did not feel that this would be appropriate.

RESOLVED: Permission granted subject to the prior conclusion of a legal agreement as recommended by the Highway Authority, and conditions (1) D1.1 Commencement of development within five years; (2) That no development shall take place until there has been submitted to and approved in writing by the Head of Planning a scheme of landscaping, which should include the sort and position of features, together with surface finishes and boundary treatments, to be provided on both of the margins shown on the amended drawing no C_L(94)02/35 Rev A, received by the Local Planning Authority on 21 November 2001.

Together with such conditions as recommended by the Highway Authority and the Pollution Control Manager that are considered appropriate by the Head of Planning.

(22) EB/2001/0624 - The Shires Rest Home, 12 - 13 Gorringe Road - ground and first floor extensions at rear to form additional residents bedroom accommodation together with a lift – UPPERTON. The observations of the Environment Agency were set out in the report. The Social Services Inspection Unit supported the application.

RESOLVED Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) A3 Use of matching materials; (3) A4.1 Semi-obscure glazing (first floor windows in the south east elevation of 12 Gorringe Road); (4) That the existing planting along the north west boundary of the site, adjacent to the proposed single-storey extension, shall be retained permanently at a height of at least 2.5 metres. Any plants in this group of planting which within five years of completion of the approved single-storey extension die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation; (5) That the flat roof over the single-storey extension hereby approved shall not be used as a roof garden/terrace or amenity space without the approval in writing by the Head of Planning.

(23) EB/2001/0630(OL) - Pembroke House, 8/10 Upperton Road - demolition of existing building and erection of 5 storey building comprising 17 no. two bedroom and 2 no. three bedroom flats together with upgrading/resurfacing rear lane to give access to garaging and parking facilities – UPPERTON. The observations of the Eastbourne Access Group, Southern Water, Environment Agency, the Council's Access Officer, Highways Manager, Downland, Trees and Woodland Manager, Parks Development Manager and the Historic Buildings Advisor were set out in the report.

RESOLVED: Permission granted subject to the prior conclusion of two legal agreements in respect of (a) making good the rear access road from The Avenue and the northern boundary of the application site, to a reasonable standard to be agreed by the Borough Council, and (b) to secure a financial contribution towards the cost of providing or upgrading open space elsewhere within the vicinity of the application site, and conditions (1) Approval of the details of design, external appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority by application before any development is commenced; (2) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission; (3) The development hereby

permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latter; (4) A9.3 Submission and approval of landscaping scheme; (5) C5.3 Hours of demolition and construction; (6) A2 Submission of samples of facing materials; (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) Details of the site drainage shall be submitted to and approved in writing by the Head of Planning. Such details should indicate that any impermeable areas within the development are to be connected into soakaways rather than surface water sewers; (9) The design and location of bin storage, to serve the development, together with samples of the materials to be used in its construction, shall be submitted to and approved in writing by the Head of Planning before the commencement of the development; (10) The garage, identified as G9 on drawing no.01/70/TP1, received by the Local Planning Authority on 24 October 2001, shall be designed and used to provide secure cycle parking for the residents of the development rather than for the parking of a motor vehicle. Prior to the commencement of the development, details of the secure cycle parking facility shall be submitted to and agreed in writing with the Head of Planning, and provided in accordance with the agreed details; (11) The boundary wall, either side of the two access points between the rear access road and car parking areas, shall have a maximum height of 600 mm, with railings above, the design of which shall be submitted to and agreed in writing by the Head of Planning, before the commencement of the development and installed in accordance with the agreed details.

Together with any conditions recommended by the Building Control Manager and considered appropriate by the Head of Planning.

(24) EB/2001/0622 - Flat 1, 13 Enys Road - retrospective application under Section 73A for the erection of a conservatory at the rear of ground floor flat - UPPERTON. One letter of objection was reported.

RESOLVED: Permission granted.

(NOTE: URGENT ITEM: By virtue of Section 100B (4) of the Local Government Act 1972, the Chairman was of the opinion that the following item, not listed on the agenda, should be considered as a matter of urgency to enable a decision to be made within the statutory eight-week period).

37. EB/2001/0621 (CONS AREA) - 12 Denton Road - removal of rear chimney stack and re-installment of roof - MEADS. The Historic Buildings Advisor and the Conservation Area Advisory Group at its meeting on 23 October 2001 raised no objections to the proposal. One letter of objection was reported from a local resident.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) That, within three months of the commencement of development, the removal of the rear chimney hereby authorised, as indicated in the drawing and photograph submitted with the application, shall be completed to below roof level, and all areas of roof exposed made good with roof tiles to match the type, texture and colour of the existing roof tiles.

38. PLANNING BRIEF: LAND ADJACENT TO THE SOVEREIGN CENTRE. The Committee considered the report of the Head of Planning regarding a proposed planning brief to guide development on the above site. Members were advised that the site was identified in the adopted Borough Plan (1998) as a possible development site for an indoor leisure facility and in the Revised Deposit Draft of the Plan (2001-2011) as a possible site for an indoor leisure facility or a motel, restaurant and bar. In addition, the Council's adopted Seafront Strategy (2001) recognised the potential of the land to become a prestigious indoor leisure facility.

RESOLVED: That the planning brief for land adjacent to the Sovereign Centre be adopted and authorised for publication

39. DESIGNATED SITES OF NATURE CONSERVATION IMPORTANCE. The Committee considered the report of the Head of Planning regarding the draft Supplementary Planning Guidance for Sites of Nature Conservation Importance prepared to assist implementation of Policy NE12 of the adopted Borough Plan

1998 and Policy NE19 of the Revised Deposit Draft of the Eastbourne Borough Plan (2001-2011). A number of amendments were made as a result of the public consultation exercise, the details of which were set out in the appendix to the report. Mr J Barry addressed the Committee in respect of site E1 Langney Levels. Members agreed that this site and site E118 should be investigated further before being included in the document.

RESOLVED: (By 4 votes to 2) That the document on Designated Sites of Nature Conservation Importance be adopted and authorised for publication, with the exception of Sites E1 Langney Levels and E118 Sovereign Harbour Beaches, pending further investigation.

40. TREE PRESERVATION ORDER – LAND AT 13 –15 THE GOFFS, EASTBOURNE ORDER NO 64. The Committee considered the report of the Head of Planning and Legal Services Manager seeking confirmation of a Tree Preservation Order on land at 13-15 The Goffs. One letter of representation in respect of the Order was reported from the owner of a neighbouring property.

RESOLVED: That the Eastbourne Borough Council Tree Preservation Order (Land at 13-15 The Goffs, Eastbourne, East Sussex) No. 64 (2001) be confirmed without modification.

41. PLANNING APPEAL - SITE AT CAFFYNS, 4 MEADS ROAD - EB/2000/0649. The appeal against Condition 2 of the planning permission granted was allowed by the Inspector and planning permission varied for the following reasons:

The issue relating to the appeal was whether condition 2 was reasonable and necessary in order to ensure that the permitted alterations did not harm the character or appearance of the building. This related to the requirement that the new folding display windows/doors must be constructed using timber and glass. The inspector concluded that condition 2 was unduly prescriptive and would prevent the investigation of alternative designs and materials that may prove to be more appropriate in appearance than the doors that had been installed. A condition requiring details of any alterations to be submitted to the Head of Planning was imposed to ensure that the permitted alterations did not harm the character or appearance of the building.

The meeting closed at 8.00 p.m.

P J BOWKER

Chairman