

PLANNING & LICENSING COMMITTEE

## Tuesday 15 January 2002

PRESENT:

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

**42. MINUTES.** The minutes of the meeting held on 11 December 2001 were submitted and approved and the Chairman was authorised to sign them as a correct record.

**43. REPORT OF HEAD OF PLANNING ON APPLICATIONS.**

**(1) EB/2001/0685(OL) - 62A Tideswell Road - redevelopment of site to provide three two bedroom town houses with on-site parking - DEVONSHIRE.** Three letters of objection were reported from local residents. The Council's Regeneration Officer and the Highways Manager raised a number of concerns. Members were advised that this application had been withdrawn at the request of the applicant.

**NOTED.**

**(2) EB/2001/0669 - 42 Grove Road - retrospective application under section 73A for a change of use from retail (Class A1) to a mixed use comprising Classes A1, B1 and D1 - DEVONSHIRE.** One letter of objection was reported from a local resident.

**RESOLVED: Permission granted** subject to conditions (1) That within one calendar month of this consent, a window display appropriate to the shopping area shall be provided at the front of the premises and shall be maintained subsequently to the satisfaction of the Head of Planning; (2) That the premises shall only be used for the purposes identified on drawing no. 49800/01 received on 15 November 2000 and for no other purpose, (including any other purpose in Classes A1, B1 and D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987).

(NOTE: Councillor Mrs Charlton declared a non-pecuniary interest in this item but did not consider it to be clear and substantial and therefore participated in the debate and voted on this matter).

**(3) EB/2001/0688(OL) - 164/168 Ashford Road - demolition of existing single-storey warehouse and erection of three two-bedroomed, two storey houses - DEVONSHIRE.** The observations of the Highways Manager, Economic Development Officer and the Environment Agency were set out in the report.

**RESOLVED: (1) Permission granted** subject to conditions (1)

Approval of details of the siting, landscaping, means of access, design, and external appearance of the development (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 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 latest; (4) C5.3 Hours of operation (during demolition and construction); (5) That no part of the development hereby authorised shall be occupied until the vehicular crossing to the front of the site has been removed, and the footway reinstated to match the profile and finish of the footway adjoining the existing crossover, unless otherwise first approved in writing by the Head of Planning; (6) A2 Submission of samples of facing materials; (7) That no two storey buildings shall be erected (i) nearer the highway than a line formed between the frontmost parts of the surrounding dwellings at 162 and 170

Ashford Road, and (ii) further towards the rear of the site than a distance of 11.5 metres, measured from the front boundary of the site with the adopted highway, in connection with the proposed development hereby granted outline permission; (8) That the 'reserved matters' application pursuant to this permission shall show, by way of an elevation at a scale of not less than 1:100, the finished height(s) of the proposed building(s) relative to the height(s) of the buildings immediately adjacent to the site, at 162 and 170 Ashford Road; (9) D9 Restriction of permitted development; (10) Details of all boundary enclosures around the perimeter of the site, and between the proposed dwellings, shall be submitted to and approved in writing prior to the commencement of development. The approved boundary treatments shall be completed in accordance with the approved details prior to any of the dwellings first being occupied; (11) That the development shall include provision of secure cycle storage facilities for each of the proposed dwellings, unless prior written approval is obtained otherwise from the Head of Planning; (12) Details of site drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development; (13) Only clean uncontaminated roof water shall discharge direct to soakaway via a sealed drainage system (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gullies or interceptors; (14) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from any parking areas and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained; (15) Any facilities, above ground, for the storage of oils, fuel, or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges, and sight glasses must be located within the sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and be protected from accidental damage. All filling points and tank overflow pipe outlets should be discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved in writing by the Local Planning Authority.

(2) That an Informative be attached to the Decision Notice advising the applicant that in order to implement the requirements of condition (5), an application to the Local Highway Authority for their separate consent will also be required.

**(4) EB/2001/0709(CC) - Lindfield School, Lindfield Road - alterations and extensions to add circa 970 square metres of new accommodation to existing school building, together with provision of 24 additional parking spaces and widening of vehicular access - HAMPDEN PARK.**

**RESOLVED:** That the Director of Transport and Environment be informed that this Council raises no objections to the proposal.

**(5)/(6) EB/2001/0675 AND EB/2001/0676(CA) (CONS AREA) - St Bedes School, Dukes Drive (a) demolition of existing prefabricated single-storey classrooms and erection of new two-storey extension to provide new pre-prep department (b) demolition of existing prefabricated single-storey classrooms in connection with proposed erection of new two-storey extension to provide new pre-prep department – MEADS.** The Historic Buildings Advisor and the Conservation Area Advisory Group at its meeting on 4 December 2001 raised no objections to the proposal subject to a number of comments in respect of detail.

Members were advised that the proposal included close boarded fencing due to the fact that it was deemed inappropriate to allow clear views onto the premises by nature of it being a school and that the applicant had agreed to include part panelled fencing.

**RESOLVED: (1) Permission granted** in respect of EB/2001/0675 subject to conditions (1) D1.1 Commencement of development within five years; (2) A2 Submission of samples of facing materials; (3) That, before the building hereby approved is first brought into use, the proposed external fire escape staircase shall be painted in a colour to be agreed in writing by the Head of Planning. The staircase shall thereafter be maintained in the approved colour, unless written approval is subsequently given to any variation; (4) The development hereby approved shall be undertaken in full accordance with the amended drawing number 1062:GA: 4 revision A, received by the Local Planning Authority on 11 January 2002, unless written approval is subsequently given to any variation; (5) That full details of the proposed turret feature shall be submitted to and approved by the Head of Planning before the development hereby approved is commenced; (6) That full details of the proposed fencing shall be submitted to and approved by the Head of Planning before the development hereby approved is commenced.

**(2) Conservation Area Consent granted in respect of EB/2001/0676(CA)** subject to condition D1.2 Commencement of development within five years.

**(7) EB/2001/0681 (CONS AREA) - The Moorings, 25 St Johns Road - installation of telecommunications equipment comprising three face mounted antennae and two pole mounted dishes, together with associated equipment cabins - MEADS.** Seventeen letters of objection were reported from local residents. The Conservation Area Advisory Group at its meeting on 4 December 2001 raised strong objections on the grounds that the proposal would not improve the area and would make it appear more cluttered. The Historic Buildings Adviser raised no objections to the proposal. A further 112 letters of objection and one letter of support were reported at the meeting

Mrs R Madell, Council for the Protection of Rural England and Councillor Taylor addressed the Committee against the proposal.

**RESOLVED: (1) (By 6 votes to 2) Permission refused** on the grounds that the proposal would have a seriously detrimental impact to the visual amenities of the surrounding Conservation Area.

**(2)** That the applicant be advised that this Committee supports the increasing level of concern expressed by Eastbourne residents regarding the health implications of telecommunications equipment.

**(8) EB/2001/0589(OL) - Land within the curtilage of 11 Parkway - erection of a chalet bungalow with integral garage - RATTON.** Three letters of objection were reported from local residents. The Highways Manager, Southern Water and the Environment Agency raised no objections to the proposal. The Downland, Trees and Woodland Manager made a number of comments in respect of the trees in the area.

**RESOLVED: Consideration deferred for a site visit.**

**(9) EB/2001/0686 - 54 Beach Road - change of use from newsagent to single private dwelling - ROSELANDS.** The observations of the Local Plan Officer were set out in the report. The Highways Manager raised no objections to the proposal and one letter of support was reported from a local resident.

**RESOLVED: Permission granted** subject to condition D1.1 Commencement of development within 5 years.

**(10) EB/2001/0569 - Land adjacent Lottbridge Drove (accessed from Hammonds Drive) - erection of part one and part two storey custody centre (for Sussex Police) with associated car parking - ROSELANDS.** The Head of Regeneration and the Health and Safety Executive raised no objections to the proposal. The observations of the Local Plan Officer, Head of Environmental Health, the Crime Prevention Design Adviser, on behalf of Sussex Police and the Downland, Trees and Woodland Manager were set out in the report. The Environment Agency raised objections to the proposal and Members were advised that a meeting had been held with Agency and the applicant at which the concerns had been discussed and additional conditions had been included within the final consent.

The Principal Highway Engineer (Planning), on behalf of the Highway Authority, has raised a number of concerns about the proposed vehicular access to the site through the existing industrial estate, including the provision of a defined route, to be kept clear at all times, and street lighting. In addition, a risk assessment/safety audit should be carried out in respect of vehicles and pedestrians entering and exiting the custody centre.

Members were advised that the Highway Authority had agreed with the conclusion of a traffic analysis report, which had been prepared prior to a site meeting.

**RESOLVED: Permission granted** subject to the prior conclusion of a legal agreement with the Borough Council in respect of the financial contribution for compensatory drainage provision in Willingdon Levels and to ensure that the vehicular access through the adjoining industrial area is kept clear at all times and that a reasonable standard of maintenance is applied including lighting, together with the following conditions (1) D1.1 Commencement of development within five years; (2) A2 Samples of materials; (3) A9.1 Submission and approval of a landscaping scheme to include additional tree planting along Lottbridge Drove. Any landscaping or planting on the site should use local native flora; (4a) Before the development, hereby approved, is commenced details of the boundary features, including their height and materials of construction, shall be

submitted to and approved in writing by the Head of Planning; (4b) The approved boundary treatment shall be implemented in full prior to the building being occupied; (5) The development, hereby approved, shall not commence until details of the proposed means of foul water disposal have been submitted to and approved in writing by the Head of Planning in consultation with Southern Water Services; (6) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved by the Head of Planning. The drainage works shall be completed in accordance with the details and timetable agreed; (7) Floor levels should be set at least 600 mm above the 1 in 100 year flood level of 2.3 metres above Ordnance Datum; (8) Any facilities, above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must 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 pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the Local Planning Authority; (9) 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; (10) Details of the proposed cycle/footway shall be submitted for the approval by the Head of Planning in consultation with the Highway Authority. The approved cycle/footway should be constructed prior to the building being occupied, and the route lit to an agreed standard.

**(11) EB/2001/0628(RM) - Heritage Quay (Phase 3), Sovereign Harbour - erection of 20 three bedroom dwellinghouses together with associated garages, parking and access roads (amended scheme) - ST ANTHONYS.** The observations of the Environment Agency were set out in the report. Five letters of objection were received for the original scheme. One letter of objection was reported in respect of the amended scheme from a local resident. The Highways Manager raised no objection to the amended scheme. Members were advised that the Crime Prevention Design Adviser, on behalf of Sussex Police felt that the scheme was a distinct improvement and recommended the inclusion of lighting and vision panelling to increase security.

**RESOLVED: (1) Permission granted** subject to conditions (1) The conditions attached to outline consent reference EB/1995/0267(OL) 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) 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 with the Local Planning Authority. Where required, details of the number and location of permanent gas monitoring points, and monitoring procedures shall be submitted to and approved by the Local Planning Authority, 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; (4) No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority; (5) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage; (6) 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 BS5911: 1982 with an overall capacity compatible with the site being drained.

(2) That an Informative be attached to the Decision Notice advising the applicants that they must still submit a landscaping scheme for approval as a reserved matter pursuant to the above outline consent EB/1995/0267(OL).

**(12) EB/2001/0527 - Asda, Crumbles Retail Park, Pevensey Bay Road - installation of roof-mounted air conditioning equipment - ST. ANTHONYS.** The observations of the Head of Environmental Health were set out in the report. One letter of concern in respect of noise levels was reported from a local resident.

**RESOLVED: Permission granted** subject to conditions (1) D1.1 Commencement of development within five years; (2) The roof mounted equipment hereby approved shall not exceed the noise levels, indicated on drawing number 3953 [20] 01 hereby approved (shown in dBA at a distance of 10 metres), when in operation, and shall be maintained permanently as such; (3) Details confirming the precise height of the units above the roof, and parapet of the building shall be submitted to, and approved in writing by the Head of Planning prior to the commencement of development.

(NOTE: Councillor Marsh declared a non-pecuniary interest in this item but did not consider it to be clear and substantial and therefore participated in the debate and voted on this matter).

**(13) EB/2001/0693 - Land rear of 7 Hartfield Road - erection of a bungalow and garage - UPPERTON.** The County Archaeologist and the Environment Agency raised no objections to the proposal. The observations of the Downland, Trees and Woodland Manager were set out in the report. Members were advised that a request had been made for the application to be deferred.

**RESOLVED: Consideration deferred.**

**(14) EB/2001/0677 - Garage block at the rear of 7, 9 and 11 Hartfield Road - residential development comprising a terrace of five houses and two flats, two semi detached houses and a block of six garages together with associated parking areas - UPPERTON.** The Environment Agency, Southern Water and the Downland, Trees and Woodland Manager raised no objections to the proposal. The Highways Manager raised a number of concerns regarding the vehicular access. Two letters of objection were reported from local residents.

**RESOLVED: Permission granted** subject to the prior conclusion of a Section 106 legal agreement to secure highway improvement works and to conditions (1) D1.1 Commencement of development within five years; (2) D3.3 Access for record purposes; (3) A2 Submission of samples of facing materials; (4) A9.3 Submission and approval of landscaping scheme; (5) That any trees which are removed shall be replaced with the same number of trees in accordance with details to be submitted to and approved by the Head of Planning. The approved replacement planting shall be carried out in the first planting season following the occupation of the buildings and any of the replacement trees which die or become seriously damaged or diseased shall be replaced with others of a similar size and species during the first available planting season; (6) No development shall commence until a scheme for the disposal of foul and surface water has been submitted to and approved by the Head of Planning in consultation with Southern Water and the Environment Agency; (7) D9 Restriction of permitted development; (8) B14 Provision of details of finished floor levels; (9) B9 Construction of garages before occupation of dwellings; (10) That the garages and parking spaces shown on the approved plan shall not be sold or let to any person(s) that do not occupy or reside in the dwellings hereby approved; (11) That none of the integral garages shall be converted to additional domestic accommodation without the written consent of the Local Planning Authority; (12) That a fence not less than 1.5m high shall be erected around the furthest extent of the canopy of the walnut tree in the grounds of 9 Hartfield Road, which overhangs the application site; the enclosed area shall not be used for any purpose and no structures, machinery, equipment, materials or spoil shall be stored, driven over or positioned within this area. The fence shall not be removed until the dwellings have been completed and the parking spaces are ready for construction.

**44. TREE PRESERVATION ORDER – LAND AT RICHMOND PLACE, EASTBOURNE.** The Committee considered the report of the Head of Planning and Legal Services Manager seeking confirmation of a Tree Preservation Order on land at Richmond Place.

**RESOLVED:** That the Eastbourne Borough Council Tree Preservation Order (Land at Richmond Place, Eastbourne, East Sussex) No. 71a (2001) be confirmed without modification.

**45. TREE PRESERVATION ORDER – LAND AT CEDAR COTTAGE, JORDANS LANE WEST, EASTBOURNE.** The Committee considered the report of the Head of Planning and Legal Services Manager seeking confirmation of a Tree Preservation Order on land at Cedar Cottage, Jordans Lane West.

**RESOLVED:** That the Eastbourne Borough Council Tree Preservation Order (Land at land at Cedar Cottage, Jordans Lane West, Eastbourne, East Sussex) No. 76 (2001) be confirmed without modification.

**46. PLANNING APPEAL - SITE AT 20 JEVINGTON GARDENS - EB/2001/0065. The appeal against**

**refusal of permission for the continuation of use as flats without complying with occupancy conditions no. 2A and 2B and deletion of condition no. 3 of planning permission EB/87/51 was allowed by the Inspector for the following reasons:**

The main issue relating to the appeal was whether the proposal would undermine the tourism strategy for the area. The conditions in dispute stated:

2. (a) That none of the holiday units shall be used continuously as living accommodation by any person for more than 28 days at any time.

(b) That the holiday units shall not be let on a permanent tenancy within the meaning of the Rent Acts.

3. That the applicant or her agent shall reside on the premises and be responsible for their proper supervision and maintenance.

The Inspector concluded that the proposal would not be in conflict with Policy TO8. The limitations on the occupation of the premises imposed by condition 2 were considered to be unreasonably restrictive having regard to the particular circumstances of the case. The continued use without complying with the condition would not preclude holiday lets in a buoyant market, but would provide flexibility to enable full and effective use to be made of the property, which might also help to satisfy demand for other forms of accommodation. In relation to condition 3, the Inspector found no reason to require someone responsible for supervision and maintenance to reside on the premises and that this could be effectively managed from a remote location. It was concluded that the proposal would not undermine the tourism strategy for the area.

**The meeting closed at 6.00 p.m.**

P J BOWKER

Chairman