

PLANNING & LICENSING COMMITTEE

Tuesday 12 March 2002

PRESENT:

Councillor BOWKER (Chairman), Councillors Mrs CHARLTON, ELKIN, MARSH, SKILTON, STANBURY (as substitute for Deschamps), WILLIAMS and Miss WOODALL.

53. MINUTES. The minutes of the meeting held on 12 February 2002 were submitted and approved and the Chairman was authorised to sign them as a correct record.

54. REPORT OF HEAD OF PLANNING ON APPLICATIONS.

(1) EB/2002/0087 - Ivy House, 3 Ivy Terrace - installation of security shutters on rear elevation - DEVONSHIRE.

RESOLVED: That the Borough Council as Local Planning Authority indicates that the proposal is considered acceptable subject to condition that details of the colour/finish of the proposed shutters and housing boxes be submitted to the Local Planning Authority, and approved in writing, prior to the commencement of development.

(2) EB/2002/0019 - 35 Cornfield Road - change of use from retail (Class A1) to estate agents (Class A2) – DEVONSHIRE. The Borough Plan Officer did not support the proposal and stated that it was contrary to Policy SH7 of the adopted Eastbourne Borough Plan 1998, Policy TC5, and paragraph 10.23 of the Revised Deposit Draft Borough Plan 2001-2011. Seven letters of support and one in objection to the proposal were reported from nearby traders and occupiers. Councillor Roberts addressed the Committee in support of the application and two letters of support were reported from the applicant. Members considered that, as the unit was small and located on the periphery of the Secondary Shopping Area and that the applicant had been unsuccessful in selling the business, permission should be granted.

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

(3) EB/2002/0038 - 11 Manvers Road - conservatory at rear - DOWNSIDE. One letter of objection was reported from a local resident. A number of Members had visited the site and noted that the works had already commenced. The concern of neighbouring residents that the proposal would be overbearing and result in loss of outlook was supported.

RESOLVED: Permission refused on the grounds that the proposed conservatory would, by reason of its size and proximity to the boundary, restrict light, cause overshadowing and have an overbearing effect upon, and thereby be seriously detrimental to the amenities of the occupiers of 9 Manvers Road.

(4) EB/2002/0012 - 28 Hampden Avenue - provision of a conservatory at rear - HAMPDEN PARK. The Council's Area Maintenance Officer raised concerns regarding the impact on 26 Hampden Avenue.

RESOLVED: Permission refused on the grounds that the proposed conservatory would, by reason of its size and proximity to the boundary, represent an overdevelopment of the site and would have an adverse impact on the residential amenities of the occupiers of 26 Hampden Avenue by reason of loss of outlook.

(5) EB/2002/0067(LA) - 98/99 Holly Place - replacement of existing hanging tiles at ground floor level on front, side and rear elevations, with brick finish (hanging tiles on first floor to be retained) -

RATTON.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) That the materials used in the construction of the infilled brick areas hereby approved shall match the type, texture and colour of the facing bricks used elsewhere on the building; (3) The small window opening in the ground floor rear elevation shall not be boarded, as shown on the submitted drawing, but shall be infilled either with brick to match that used on the remainder of the building, or with a window, details of which should be approved in writing by the Head of Planning prior to the commencement of development, unless written consent is given, by him, to any variation.

(6) EB/2002/0055 - Gwent Court, St James Road - alterations/improvements to existing sheltered housing (consisting of 27 studio and one bedroom flats), to form 12 new one bedroom, and 2 two bedroom flats, together with proposed entrance porch - ROSELANDS. The Highways Manager raised no objections and the observations of the Means of Escape and Access Officer were set out in the report.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) Sections of the proposed UPVC window units shall be submitted, at a scale of not less than 1:10, and approved in writing by the Head of Planning prior to the commencement of development; (3) Elevations of the side and rear of the building showing the existing and proposed windows shall be submitted, at a scale of 1:50, and approved in writing by the Head of Planning prior to the commencement of development; (4) The development hereby authorised shall be undertaken in full accordance with drawing numbers 5272-A-SK11 revision D 5272-A-SK10 revision D 5272-A-SK11 revision D 5272-A-SK12 revision C, all received by the Local Planning Authority on 23 January 2002, and drawing 5272-13 revision 1 received by the Local Planning Authority on 28 February 2002; (5) That the residential development hereby approved shall at all times remain as warden-assisted sheltered accommodation for those aged 60 and over, (with the provision to allow for partners below 60) and none of the units shall be let or sold as any other type of residential accommodation, unless otherwise first agreed in writing by the Head of Planning.

(7) EB/2002/0044 - Land at the rear of 142 Whitley Road - erection of a two storey block of six one bedroom flats - ROSELANDS. The observations of the Highways Manager were set out in the report. Southern Water raised no objections to the proposal.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) That details of any front boundary walls shall be submitted to and approved by the Head of Planning before the development hereby approved is commenced; (3) A1 Submission of details of facing materials; (4) B15 Provision of drainage scheme; (5) That the proposed parking area shall be available for use before the flats hereby approved are first occupied and shall be retained permanently for the accommodation of vehicles of the occupiers of, and visitors to, the flats; (6) B8.1 Proper construction of car parking spaces.

(8) EB/2002/0032 - The Arlington Arms Public House, 360 Seaside - single-storey extension at rear, to form games bar and additional toilet facilities (existing, smaller rear extension to be removed) - ST. ANTHONYS. One letter of objection was reported from a local resident. The Head of Environmental Health and the Health and Safety Executive raised no objections to the proposal. The observations of the Means of Escape and Access Officer were set out in the report. It was reported that the applicant had requested the deletion of the requirement for a self-closing door on the southwest elevation. Members were advised that this was to limit noise disturbance from the building.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of development within five years; (2) A3 Use of matching materials; (3) The use of the extension hereby approved shall remain ancillary to the use of the existing property, within Class A3 of the Town and Country (Use Classes) Order 1987 (as amended); (4) Prior to the extension hereby approved first being brought into use, a parking space shall be marked out for use by customers with disabilities, in accordance with details to be submitted to, and approved in writing by the Head of Planning; (5) The door shown on the southwest (patio) elevation of drawing number

01.29.1, hereby approved, shall be self-closing, and shall be maintained as such at all times, following the games bar first being brought into use; (6) No external loudspeakers shall be installed on any part of the extension hereby approved; (7) The flat roofed area of the extension hereby approved shall not be used as a roof garden or other amenity area, without the further specific grant of planning permission by the Local Planning Authority.

(9) EB/2002/0065(DET) - Wastewater Treatment Works, Prince William Parade - installation of a 7.5m high telecommunications mast concealed within a flagpole, together with ancillary equipment cabin - ST. ANTHONYS. Two letters of objection and a petition containing 68 signatures were reported from local residents. Mrs P Reddin and Mr Figgins addressed the Committee against the proposal. The Committee reiterated their support for the increasing level of concern expressed by Eastbourne residents regarding the health implications of telecommunications equipment.

RESOLVED: That the siting and appearance **be refused** on the grounds that the proposed equipment would have a seriously adverse impact on the visual amenities of the area.

(10) EB/2002/0009(RM) - Henley Park, (site bounded by Country Homes and Persimmon sites and north harbour) Sovereign Harbour - residential development comprising 66 flats and 45 houses (2 to 5 storeys high) together with associated garages, parking spaces and landscaped open spaces - ST. ANTHONYS. One letter of objection was reported from a local resident. The observations of the Head of Tourism Development, Highways Manager, Pollution Services Manager, Southern Water, Eastbourne Access Group and the Crime Prevention Design Adviser, on behalf of Sussex Police were set out in the report. It was reported that the Environment Agency raised no objections to the proposal. Some Members expressed concern regarding the increased number of units proposed for the site.

RESOLVED: (By 5 votes to 2) That the reserved matters of siting, design, external appearance (subject to agreement of materials schedule), landscaping and means of access pursuant to outline planning permission reference EB/95/0267(OL) **be approved** subject to the prior conclusion of a Section 106 legal agreement to secure public access for pedestrians through the site to the North Harbour and to conditions (1) The conditions attached to outline planning permission reference EB/95/0267(OL) granted on 13 August 1997, are reiterated and, unless otherwise discharged to the satisfaction of the Local Planning Authority, should be complied with; (2) The new estate roads and inter-linking footways shall be designed to a standard approved by the Head of Planning, fully in accordance with the East Sussex County Council Manual for Estate Roads, with a view to their, subsequent adoption as publicly maintained highway; (3) Prior to commencement of development on site, details of any planting in the highway verge shall be submitted to and approved by the Head of Planning in consultation with the Highway Authority; (4) Prior to commencement of development on site, details of the surface materials to be used in the private access areas and private drives shall be submitted to and approved by the Head of Planning, in consultation with the Highway Authority; (5) Prior to the commencement of the development hereby approved, details of the materials to be used within the open space including harbour railings and lighting, shall be submitted to and approved by the Head of Planning, in consultation with the Highway Authority; (6) Prior to commencement of the development on site, detailed drawings, including levels, sections, construction details of the proposed roads, footpaths, surface water drainage, street lighting and highway trees shall be submitted to and approved by the Head of Planning in consultation with the Highway Authority; (7) Should any boundary treatment not abut the footway across the frontage of the site, with Pacific Drive, the area shall be made good with exposed cobbles set on a concrete bed, details of which shall be submitted to and approved by the Head of Planning; (8) Prior to commencement of development on site, full details of the boundary treatment for the Pacific Drive frontage of the site shall be submitted to and approved by the Head of Planning and thereafter implemented to his satisfaction; (9) Prior to commencement of development on site, a safety audit for the site (including details of lifebelt provision and deep water signs), shall be submitted to and approved by the Head of Planning.

(11) EB/2002/0077 - Tutts Barn Farm, Tutts Barn Lane - erection of a 15m high telecommunications mast and radio base station - UPPERTON. Mr A J Jones, Head Teacher of Stafford Junior School and Mr B Whitby addressed the Committee against the proposal. Thirty-four letters of objection and two petitions containing 200 and 72 signatures were reported from local residents. A letter from Nigel Waterson MP supporting the concerns of residents was reported at the meeting.

RESOLVED: That the siting and appearance **be refused** on the grounds that the proposed equipment would have a seriously adverse impact on the visual amenities of the area.

(NOTE: Councillor Mrs Charlton declared a non-pecuniary interest in this item and did not speak or vote thereon).

(12) EB/2002/0040(DET) - Eastbourne Telephone Exchange, Neville House, 31 St Annes Road - installation of telecommunications equipment comprising three antennae and ten pole mounted dishes and associated equipment housing - UPPERTON. Five letters of objection were reported from local residents. Mr B Whitby addressed the Committee against the proposal. Members were advised that the applicant had submitted a revised scheme following concerns raised by officers, but that the proposal to conceal the equipment behind a screen was considered unacceptable.

RESOLVED: That the siting and appearance **be refused** on the grounds that the proposed equipment would have a seriously adverse impact on the visual amenities of the area, by reason of its size, location and proliferation.

(13) EB/2002/0051 - 20 Enys Road - conversion of dwellinghouse into three two bedroom and six one bedroom flats - UPPERTON. The Council's Housing Strategy and Development Manager fully supported the application, which would provide essential affordable housing. The observations of the Head of Environmental Health, Highways Manager and the County Archaeologist were set out in the report. In response to the concerns of the Highways Manager, amended plans were received reducing the number and widening the car parking spaces in order to greatly improve the visibility and usability of the identified spaces. Two letters of objection were reported from local residents. Some Members expressed concern that parking provision for the site fell below the current standards.

RESOLVED: Permission granted subject to conditions (1) D1.1 Commencement of the development within 5 years; (2) A3 Use of matching materials; (3) B8.1 Proper construction of car parking spaces; (4) C9.3 Provision of sound insulation.

Together with such conditions as recommended by the Highway Authority in respect of the amended car parking arrangement and considered appropriate by the Head of Planning.

(14) EB/2002/0043 - Former Cherrywood Rest Home, 44 Enys Road - conversion of vacant residential care home to form 11 bedroom hostel, together with warden's rooms, to provide temporary accommodation with 24 hour support for young people - UPPERTON. The Council's Housing Strategy and Development Manager fully supported the application and indicated that the development of the property was pivotal to the successful delivery of the Council's Housing and Temporary Accommodation Strategies. It was noted that Southdown Housing Association would run the premises and that the Housing Department would retain 100% nomination rights. The observations of the Highways Manager and the Head of Environmental Health were set out in the report. Sixteen letters of objection and a petition containing 134 signatures were reported from local residents. Mrs P Cook and Councillor Lacey addressed the Committee on behalf of local objectors.

RESOLVED: (By 6 votes to 2) Permission refused, subject to no representations of support being received before the deadline for consultation on 13 March 2002, on the grounds that in the opinion of the Local Planning Authority the location of the application site is unsuitable for the proposed hostel because such a form of development would be incompatible with the character of the existing residential development in the vicinity and would be remote from shops and other facilities, as well as the town centre. As such the proposed development is contrary to Policy HO13 of the adopted Eastbourne Borough Plan.

(NOTE: An amendment that the application be approved was negated by 5 votes to 2).

55. SITES OF NATURE CONSERVATION IMPORTANCE. The Committee considered the report of the Director of Planning, Regeneration and Amenities regarding the draft Designated Sites of Nature Conservation Importance prepared to assist implementation of Policy NE19 of the Revised Deposit Draft of the Eastbourne Borough Plan (2001-2011). The Committee at its meeting on 11 December 2001 approved 17 of the sites suggested for SNCI status but deferred a decision in respect of two sites at Sovereign Harbour and E1 Langney Levels. The Sovereign Harbour site would be completely resurveyed and as this could not be undertaken until May 2002 a further report on this site would be submitted. With regard to Site E1, Members were advised that following the receipt of detailed survey information, it was recommended that option 3 as

detailed in the report be adopted as the SSCI boundary.

RESOLVED: (1) That the boundary of the Site of Nature Conservation Interest E1, Langney Levels, be approved as shown on appendix 3 of the report.

(2) That "Area A" shown on appendix 3 be included in the area, subject to there being no objection from the owners of the area.

56. REVISED DEPOSIT EASTBOURNE BOROUGH PLAN 2001 – 2011. The Committee considered the report of the Director of Planning, Regeneration and Amenities regarding the revisions made to the Revised Deposit Draft Borough Plan 2001 - 2011. Members were advised that the Revised Deposit Draft contained 918 separate revisions and that over 50% of these were in direct response to representations received following public consultation on the First Deposit Draft. A booklet entitled "Eastbourne Borough Plan First Deposit Draft: List of Revisions (November 2001)" had also been produced, identifying and detailing the reasons for each revision. It was noted that this Committee's support of the revisions would be reported to Cabinet on 10 April 2002 when all the representations received would be considered.

RESOLVED: That the revisions made to the First Deposit Draft Eastbourne Borough Plan 2001 - 2011 be commended to Council.

57. PLANNING GREEN PAPER – DELIVERING A FUNDAMENTAL CHANGE. The Committee considered the report of the Director of Planning, Regeneration and Amenities regarding this Council's proposed response to the Government's consultation on the Planning Green Paper. The Green Paper's key aims were to simplify the complex hierarchy of plans; deliver faster decisions and better engage the community and covered three areas of proposed changes: The National and Regional Structure; Development Plans and Development Control.

It was proposed to review national planning guidance to reduce its volume and complexity by the production of simpler, shorter documents. To strengthen the role of regional planning, it was proposed that county structure plans be abolished and that local plans should look to comply with regional policy objectives. The South East Regional Assembly (SEERA) would be responsible for preparing the new Regional Plan. The Committee fully supported the response as set out in the report, which strongly opposed the removal of the role of the County Council in strategic planning.

Under the new proposals, development plans (eg Eastbourne Borough Plan) would be replaced with a Local Development Framework (LDF) to be linked to the Community Strategy. The LDF's would be significantly shorter than the current local plans, published annually and reviewed every three years; geared to the review of the Community Strategy. It was recognised that one of the major delays in the adoption of the current local plan was the necessity for a public inquiry. Comments were sought from the Government on how the process for engaging the community could be speeded up.

With reference to development control, the Government proposed a complete review of the current system and had identified customer service, improved speed and transparency of decision making, more emphasis on quality of development and genuine community involvement as the four specific areas for fundamental change. A number of proposals were put forward:

- User-friendly checklist to provide greater guidance to applicants
- Encouragement of pre-application discussions
- Internet Planning
- One Stop Shop approach
- Setting of new handling targets for 2002/03 to speed up planning decisions

- Delivery contracts
- Reduction in the number of statutory consultees and to impose a statutory responsibility for a response within a strict timescale for which a charge could be made to the local authority.

The Committee supported the detailed responses to the consultation paper questions as set out in the report.

RESOLVED: That the responses detailed in sections 3, 4 and 5 of the report be agreed as this Council's comments on the Government's consultation on the Planning Green Paper.

58. PLANNING CONSULTATION PAPER – PLANNING OBLIGATIONS. The Committee considered the report of the Head of Planning regarding a proposed response to the Government's Consultation Paper on the planning obligation system. The Paper complemented the wider review of planning currently being undertaken and sought to promote the objective of delivering sustainable development. A number of options for reform and improvements to the planning obligation system had been considered and the Government's preferred option was for local planning authorities to set standardised tariffs for different types of development, through the plan making process. It was proposed that the tariff could be increased or decreased depending on local circumstances by negotiated agreements. Comments were also sought on a number of alternative options.

RESOLVED: (1) That the proposals for the reform and improvements of the planning obligation system, as detailed in the report be supported.

(2) That the responses to the ten questions posed in the Consultation Paper, attached as appendix 2 to the report, be the Council's official response to the Department for Transport, Local Government and the Regions.

59. FINMERE AUTOSPARES, FINMERE CLOSE. The Committee considered the report of the Head of Planning and Acting Head of Legal and Property Services regarding a breach of planning control on land in Finmere Close. The land was used for dismantling motor vehicles and this use had continued for approximately 25 years. The previous permission, which had expired in June 1995, was conditioned to restrict operating hours from 8.00am to 6.00pm. One or two complaints had been received relating to hours of operation and highway matters. The Pollution Services Manager had advised that periodic complaints had been received over the years, but none had been recorded since August 2001. As a result of the consultation with neighbouring residents and businesses that enforcement action was being considered, three letters objecting to the continued use of the site were reported from local residents. It was proposed that to prevent disturbance and protect the amenity of the neighbourhood, an Enforcement Notice be served to control the hours of operation and restrict the height of stored waste.

Councillor Parsons addressed the Committee and raised concerns regarding a number of fires that had occurred and the safety of local residents whose properties were in close proximity to the site. He also made reference to East Sussex County Council's refusal to consider dealing with the matter. Members were advised that a Waste Management Licence issued by the Environment Agency controlled the movement, manner of storage, quantity and type of waste being processed. It was proposed that a decision be deferred to investigate the issues raised and consult further with the Environment Agency and Fire Authority.

RESOLVED: That consideration be deferred to the next meeting of this Committee pending consultation with the Environment Agency and the Fire Authority.

60. TREE PRESERVATION ORDER – LAND ON THE SOUTH EAST SIDE OF PEVENSEY BAY ROAD. The Committee considered the report of the Head of Planning and Acting Head of Legal and Property Services seeking confirmation of a Tree Preservation Order at land on the south east side of Pevensey Bay Road. Two letters of representation in respect of the Order were reported from Sovereign Harbour and Gazeley Properties Limited.

RESOLVED: That the Eastbourne Borough Council Tree Preservation Order (Land on the South East Side of Pevensey Bay Road Eastbourne East Sussex) No. 77 (2001) be confirmed without modification.

The meeting closed at 7.40 p.m.

P J BOWKER

Chairman