

## Tuesday 16 April 2002

**PRESENT:**

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

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

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

**(1) EB/2002/0127 (CONS AREA) - 30 Seaside Road - change of use from retail to restaurant at ground floor and basement level, together with provision of external extraction flue on rear elevation at first and second floor level – DEVONSHIRE.** The observations of the Head of Environmental Health were set out in the report. The Historic Buildings Advisor and the Conservation Area Advisory Group at its meeting on 5 March 2002 raised no objections to the proposal, subject to the extract flue being relocated to a side wall or through an existing chimney. One letter of objection was reported from a local resident. A letter from the applicant was reported at the meeting. The Crime Prevention Design Adviser, on behalf of Sussex Police raised no objections subject to the premises not being used as a public house.

**RESOLVED: Permission refused** on the grounds that the proposal would result in the establishment of an additional non-retail use, which, having regard to the number, and concentration of such existing uses in adjoining and nearby properties, would further erode the retail viability of this part of the road, as a designated Secondary Shopping Area. As such the proposal is considered to be contrary to the provisions of the Seaside Road Regeneration Strategy, Policy SH7 of the adopted Eastbourne Borough Plan 1998, and Policy TC5 of the Eastbourne Borough Plan revised deposit draft 2001-2011 which state (in part):

SH7 – Protection of Secondary Retail Areas:

*Within the Secondary Area of the town centre (S2 on the Proposals Map), proposals for the change of existing ground floor shopping units from Class A1 uses to uses in Classes A2 and A3 will be considered having regard to the following criteria:*

- A. the location and prominence of the premises within the shopping frontage;*
- B. the floorspace and frontage of the premises;*
- C. the number, distribution and proximity of other ground floor premises in use as, or with planning permission for, Class A2 and A3 uses;*
- D. the particular nature and character of the use proposed, including the level of activity associated with it;*
- E. whether the use would give rise to noise or disturbance.*

TC5 – Secondary Retail Areas:

*Within the secondary retail areas of the town centre (SSC on the Proposals Map) planning permission will be granted for the change of use of ground floor units in A1 use to A2 and A3 uses subject to the following considerations:*

- a) the location and prominence of the premises within the shopping frontage;*

*b) the floorspace and frontage of the premises;*

*c) the number, distribution and proximity of other ground floor premises in use as, or with planning permission, for Class A2 and A3 uses;*

*d) the particular nature and character of the use proposed, including the level of activity associated with it;*

*e) whether the proposed use on its own, or cumulatively with other such uses in the area, would give rise to unacceptable noise or disturbance, including disorder.*

In Seaside Road (numbers 3-95 and 12-68) no more than three consecutive premises are to be in non-A1 use.

**(2) EB/2002/0071 (CONS AREA) - Vernon House Hotel, 1 Compton Street - proposed change of use/conversion of existing hotel into eight self-contained residential flats, together with external alterations including a ramp, allowing access by people with disabilities, and five off-street parking spaces at rear (three accessed from Trinity Place and two from Hartington Place) – DEVONSHIRE.** The applicant had requested that the application be deferred to enable the detailed comments of the Head of Tourism to be considered.

**RESOLVED: Consideration deferred.**

**(3) EB/2002/0136(OL) - 62A Tideswell Road - redevelopment of site to provide three two-storey houses with on-site garaging/parking – DEVONSHIRE.** The Development Control Manager reported that further consultation with residents was required.

**RESOLVED: Consideration deferred.**

**(4) EB/2002/0092 - 150 Victoria Drive - provision of a vehicular crossover to car hardstanding – DOWNSIDE.** The Highways Manager raised objections to the proposal on the grounds of highway safety and lack of a turning facility and stated that the Highway Authority would not grant consent for a vehicle crossover. A letter from the applicant was reported at the meeting. Members acknowledged the problems of parking in the area and supported the proposal.

**RESOLVED: (By 7 votes to 1) Permission granted** subject to condition D1.1 Commencement of development within five years.

**(5) EB/2002/0063 - 53-59 Langney Rise - erection of eighteen three bedroom houses (arranged in three rows of six terraced dwellings each with three floors) together with six integral garages, thirty car parking spaces and associated access (amended scheme) – LANGNEY.** It was noted that an appeal had been lodged against the decision of the Council on 11 December 2001 to refuse permission for the erection of 17 two-bedroom flats and 6 three-bedroom and 6 four-bedroom houses on the site. The appeal would be the subject of an informal hearing, to be held in the Town Hall, in mid August. With regard to the amended scheme, the Highways Manager indicated that the proposed parking allocation was adequate. Six letters of objection were reported from local residents. Additional conditions were proposed for the submission of details of ground levels and that the velux windows are positioned strictly in accordance with the submitted drawings. The Head of Environmental Health had requested amendments to condition 7.

**RESOLVED: Permission granted** subject to the prior conclusion of a legal agreement in respect of a financial contribution for open space provision, together with conditions (1) D1.1 Commencement of development within 5 years; (2) A9.3 Submission and approval of landscaping scheme; (3) C5.3 Hours of demolition and building operations; (4) A2 Submission of samples of facing materials; (5) D9 Restriction of permitted development; (6) No development approved by this permission shall be commenced until a scheme for the disposal of surface water including the provision and implementation of a surface water regulation system has been approved and implemented to the satisfaction of the Local Planning Authority; (7) No development shall commence until the developer has carried out an investigation assessing the degree of contamination of the site and determining its water pollution potential and impact on the future occupiers of the site. The methods and extent of this investigation shall be agreed with the Local Planning Authority prior to works commencing. On completion of

this site investigation, details of appropriate measures to ensure that the site is fit for its intended use to prevent pollution of groundwater and surface water, including provisions for monitoring, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall then incorporate these approved measures; (8) The method of piling foundations for the development shall be carried out in accordance with a scheme to be approved in writing by the Local Planning Authority prior to any development commencing; (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 BS5911:1982 with an overall capacity compatible with the site being drained; (10) 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; (11) That prior to commencement of development on site, full details of the finished ground levels shall be submitted to and approved by the Head of Planning; (12) That the unit type B houses hereby approved shall be carried out in strict accordance with the amended drawing PO12 revision A, received by the Local Planning Authority on 22 March 2002.

**(6)/(7) EB/2001/0093 AND EB/2001/0094(CA) - University of Brighton, Welkin Campus, 32 Carlisle Road – (a) redevelopment of rear of Welkin Campus to provide en-suite residential accommodation for 360 students in six (two, three and four-storey) blocks, (amended plans) (b) proposed demolition of Welkin Restaurant, Dorette Wilkie Hall, Whitworth Hall, laundry building and media centre, in connection with redevelopment of site to provide en-suite residential accommodation for 360 students, (amended plans) – MEADS.** The application would be submitted to this Committee on 23 May 2002 and it was proposed that a site visit be arranged in view of the scale and complexity of the development.

**RESOLVED:** That a site visit be arranged prior to the Planning and Licensing Committee on 23 May 2002.

**(8) EB/2000/0091(OL) - Land within curtilage of 15 Upper Carlisle Road - erection of a three/four bedroom dwellinghouse with integral garage (outline application) – MEADS.** The Highways Manager raised no objections to the proposal. The observations of the Downland, Trees and Woodland Manager were set out in the report. Two letters of objection were reported from local residents. The Environment Agency requested two additional conditions.

**RESOLVED: (1) Permission in outline granted** subject to conditions (1) Approval of the details of the access, siting, design and external appearance of the dwelling and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing 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 consent; (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 later; (4) A2 Submission of samples of facing materials; (5) A10.3 Retention of trees; (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 passes through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained; (7) 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 Head of Planning.

(2) That an Informative be attached to the Decision Notice advising the applicant to apply to the Council's Highway Manager for consent to construct a vehicular crossing over the footway

**(9) EB/2002/0121 - Jevington Hotel, 7-11 Jevington Gardens - proposed conversion of existing hotel into 19 self-contained residential flats, together with external alterations, including extensions and roof dormers, and the provision of vehicular access with car parking to rear (resubmission of previous application (EB/2001/0434) – MEADS.** Five letters in support of the application were reported from residents and commercial properties in the area. Reference was made to the conclusions of the appeal Inspector following consideration of the financial viability related evidence presented at the appeal into the previous application. The Inspector had stated that the appellant had demonstrated that the continued tourist use was not

appropriate and that a new tourist operation at the Jevington Hotel would not be financially viable. Therefore the proposed conversion to residential flats would not be contrary to Policy TO8 of the Local Plan.

The responses made in respect of the previous scheme, as amended, by the Historic Buildings Advisor, Eastbourne Access Group, Downland, Trees and Woodlands Manager, Head of Environmental Health, Park Development Manager and the Highways Manager were set out in the report. The Eastbourne Hotels' Association raised objections to the proposed change of use.

The Head of Tourism Development had visited the Hotel on the 9 August 2001, obtained specialist financial advice to inform his assessment and consulted with the Chairman of the Eastbourne Hotels' Association. He concluded that the Jevington Hotel was sustainable as tourist accommodation. The contribution to Eastbourne's main industry of over 14,000 bed nights per year from this hotel was significant and it was essential that visitors have the choice of accommodation close to the main attractions. At the right selling price the hotel would be a viable proposition, a view shared by the Eastbourne Hotels Association. With regard to the above, the Inspector of the recent appeal established that the principle of a conversion of the existing hotel to permanent residential use would be acceptable.

**RESOLVED: Permission granted** subject to the prior conclusion of a legal agreement in respect of a financial contribution for open space provision, together with the conditions (1) D1.1 Commencement of development within five years; (2) A3 Use of matching materials; (3) B8.1 Proper construction of car parking spaces; (4) C5.3 Hours of demolition and building operations.

**(10) EB/2002/0139 - 34 Grange Road - conversion of building (in use as two flats) to provide three dwellings with a garage block at rear, including the provision of dormers to three elevations – MEADS.** Four letters of objection were reported from local residents in respect of the siting of the garage block. The observations of the Highways Manager were set out in the report. It was reported that the applicant had agreed to submit amended plans siting the garage block adjacent to the garages at 32 Grange Road.

**RESOLVED:** That subject to the receipt of satisfactory amended plans in respect of the garage block, the Head of Planning be granted delegated authority to **grant permission** subject to conditions (1) D1.1 Commencement of development within five years; (2) A2 Submission of samples of facing materials; (3) C5.3 Hours of operation during construction (8am – 6pm on Mondays to Fridays and 8am - 1pm on Saturdays and at no time on Sundays or public holidays); (4) D6.1 Submission of details of storage and collection of refuse; (5) The garage block shall not be constructed in the position shown on the plans received on 28 February 2002, but shall be sited at the rear of the site in a position to be agreed in writing by the Head of Planning, prior to commencement of the development; (6) That prior to commencement of development on site, full details of the proposed vehicular access which shall include a 2 metre by 2 metre pedestrian visibility splay shall be submitted to and approved by the Head of Planning, in consultation with the Highways Manager.

**(11) EB/2002/0111(LA) (CONS AREA) - Shingle beach between groynes 27 and 28 adjacent to Wish Tower slopes, King Edwards Parade - relocation of ten grp bathing cabins from adjacent beach – MEADS.** The Conservation Area Advisory Group at its meeting on 5 March 2002 raised no objections to the proposal.

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

**(12) EB/2002/0100 - Taxi Office, Wilmington Gardens - replacement aluminium door and windows – MEADS.** The Development Control Manager reported that the applicant had agreed to the use of powder coated aluminium units as requested by the Historic Buildings Advisor.

**RESOLVED: Permission granted** subject to condition (1) D1.1 Commencement of development within five years; (2) That the replacement door and window units be powder coated aluminium.

**(13)/(14) EB/2002/0098 AND EB/2002/0099(ADV) - 98/99 Holly Place (a) installation of security shutters and housings on front elevation; automatic teller machine in side elevation, together with installation of new air conditioning units (two) and refrigeration plant in acoustic housing (b) display of aluminium internally illuminated box signage above shop windows and entrance (only text to illuminate), together**

**with two internally illuminated projecting signs – RATTON.** It was requested that EB/2002/0098 be deferred to enable Environmental Health to carry out a noise assessment on the air conditioning units. Amended plans were submitted in respect of the fascia signage.

**RESOLVED: (1) Consideration deferred.**

**(2) Express Consent granted in respect of EB/2002/0099(ADV)** subject to the 5 standard advertisement conditions and condition that the advertisements hereby approved shall be maintained permanently in accordance with the details shown on amended drawing 9392.002 revision F, received by the Local Planning Authority on 12 April 2002.

**(15) EB/2002/0003(OL) - 78 Wish Hill - demolition of existing dwelling and erection of two detached houses (amended plans) – RATTON.** Twelve letters of objection were reported from local residents. The observations of the Environment Agency and the Highways Manager were set out in the report. The Downland, Trees and Woodland Manager had requested the submission of further details to enable the full impact of the development to be assessed.

Mr N Kruschandl addressed the Committee against the proposal on behalf of local residents. Reference was made to the response received by the Fire Brigade stating that in the event that vehicular access was restricted, any subsequent delay in fire fighting would be minimal.

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

**RESOLVED: Permission in outline granted** subject to conditions (1) Approval of the landscaping, design and external appearance of the site, (hereinafter called the “reserved matters”) shall be obtained from the Head of Planning before any development is commenced; (2) Application for the approval of reserved matters shall be made to the Head of Planning before the expiration of five 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 later; (4) A2 Submission of facing materials; (5) Restriction of permitted development; (6) A5 No windows or openings in elevations (including roof) of House on Plot 1 shall be inserted (other than those shown on the illustrative drawing no. 181201/4) unless prior agreement is obtained in writing from the Head of Planning; (7) C5.3 Hours of operation during construction; (8) That details of the proposed boundary treatment/means of enclosure shall be submitted to and approved by the Head of Planning before the development hereby approved is commenced. The approved boundary treatment/means of enclosure shall thereafter be maintained; (9) That prior to commencement of development on site further details of the proposed vehicular access off Spring Close (which shall include a 2 metre by 2 metre pedestrian visibility splay) shall be submitted to and approved by the Head of Planning and thereafter provided on site prior to occupation of the dwelling on Plot 2 hereby approved; (10) 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 Head of Planning; (11) 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; (12) That prior to commencement of development on site full details of finished floor levels and locations of services shall be submitted to and approved by the Head of Planning.

**(16) EB/2002/0137(OL) - Land within the curtilage of 11 Parkway - erection of a chalet bungalow with integral garage – RATTON.** The observations of the Downland, Trees and Woodland Manager were set out in the report. The applicant's architect had responded to the concerns regarding the impact of the development on the large pine tree and had put forward a scheme to hand dig the foundations. It was noted that the applicant had also agreed to plant three Corsican pines.

**RESOLVED: Permission granted** subject to the prior conclusion of a Section 106 legal agreement to secure compensatory flood storage and to conditions (1) Approval of the details of the landscaping, design and external appearance (hereinafter called the "reserved matters") shall be obtained from the Head of Planning before any development is commenced; (2) Application for approval of the reserved matters shall be made to the Head of Planning before the expiration of three years from the date of this permission; (3) The development hereby approved 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 later; (4) A2 Submission of samples of facing materials (5) D9 Restriction of permitted development; (6) A10.3 Protection of trees; (7) A10.5 No trenches under trees; (8) Planting of replacement trees; (9) That the foundations shall be dug by hand; (10) That no patios or hard landscaping shall be permitted unless prior agreement is obtained in writing from the Head of Planning; (11) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

**(17) EB/2002/0129(RM) - Land at rear of 1-4 Fitzmaurice Avenue - erection of three single-storey houses with car ports and parking spaces (reserved matters application) – ROSELANDS.** Four letters of objection were reported from local residents.

**RESOLVED:** That the following reserved matters **be approved** (i) siting; (ii) design; (iii) external appearance.

**(18) EB/2002/0144 - Land adjacent to Eastbourne Voluntary Lifeguards and Eastbourne Rowing Club Clubhouses, Royal Parade - proposed hardstanding in front of premises – ROSELANDS.** The Highways Manager raised no objections to the proposal.

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

**(19) EB/2002/0134 - Treasure Island, Royal Parade - timber climbing frame designed as pirate's boat – ROSELANDS.** One letter of objection was reported from a local resident. The Director of Tourism and Leisure supported the application and the Development Planning Manager raised no objections.

**RESOLVED: (1) Permission granted** subject to conditions (1) D1.1 Commencement of development within five years; (2) C5.3 Hours of operation during construction (8am – 6pm on Mondays to Saturdays, 8am – 1pm on Saturdays and at no time on Sundays or public holidays); (3) C5.1 Hours of operation (9am – 10pm); (4) That details of any floodlighting proposals for the structure shall be submitted to and approved by the Head of Planning, prior to the commencement of development on site; (5) That no sound amplification equipment shall be installed or used on the structure for any purpose whatsoever; (6) That prior to commencement of development on site, full details of the finished ground levels shall be submitted to and approved by the Head of Planning.

(2) That an Informative be attached to the Decision Notice advising the applicant that this consent does not convey approval for the proposed decking and covered seating area as shown on the conceptual design layout drawing or for the proposed eating area and toddler area as shown on the A4 drawing (dated 21 January 2002) accompanying the planning application.

**(20) EB/2002/0107 - 111 Whitley Road - provision of a parking area and vehicular crossing – ROSELANDS.** The Highways Manager raised objections to the proposal on the grounds of highway safety and lack of a turning facility and stated that the Highway Authority would not grant consent for a vehicle crossover. A letter from the applicant was reported at the meeting. Members made reference to the permission granted for the provision of a hardstanding at an adjacent property and supported the proposal.

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

**(21) EB/2002/0074 - 32 Monarch Gardens - retrospective application under section 73 for the retention of a conservatory at rear of house - ST. ANTHONY'S.** One letter of objection was reported from a local resident.

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

**(22) EB/2002/0016 - Former White Knight Laundry, Winchelsea Road - erection of 18 flats and 15 houses (including eight affordable houses), together with garages, car parking and all ancillary works -**

**ST. ANTHONY'S.** The Council's Strategy and Development Manager supported the proposal. The observations of the Eastbourne Access Group, Downland, Trees and Woodland Manager, the Crime Prevention Design Adviser, on behalf of Sussex Police, Highways Manager, Southern Water and the Environment Agency were set out in the report. The Health and Safety Executive raised no objections to the proposal. Two letters of objection were reported from local residents.

**RESOLVED: Permission granted** subject to the prior conclusion of two Section 106 legal agreements, one with the Borough Council in respect of the provision of social housing and the other, which links this application to the existing legal agreement attached to EB/2000/0088(OL), in respect of the provision of a suitable cycle bridge and associated works with the County Council, together with conditions (1) D1.1 Commencement of development within 5 years; (2) A9.3 Submission and approval of landscaping scheme; (3) C5.3 Hours of demolition and building operations; (4) A2 Submission of samples of facing materials (5) D9 Restriction of permitted development; (6) No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water Services. The drainage works shall be completed in accordance with the details and timetable agreed; (7) No development shall commence until the applicant has demonstrated to the satisfaction of the Local 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; (8) No development shall commence until the developer has carried out an investigation assessing the degree of contamination of the site and determining its water pollution potential. The methods and extent of this investigation shall be agreed with the Local Planning Authority 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 Local Planning Authority. The development shall then incorporate these approved measures; (9) 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 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 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; (10) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all from parking areas and hardstandings shall be passed through trapped gullies to BS5911:1982 with an overall capacity compatible with the suite being drained; (11) That prior to commencement of any development on site full details of refuse storage for the block of flats shall be submitted to and approved in writing by the Head of Planning; (12) Before the commencement of the development, hereby approved, details of the boundary fencing to be erected at the sides and rear of the block of flats shall be submitted to and approved in writing by the Head of Planning. The approved fence shall be installed before the first occupation of any of the flats.

**(23) EB/2002/0097(LA) - Archery Court, Willoughby Crescent - alterations to roof to provide lift housing - ST. ANTHONY'S.**

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

**(24) EB/1999/0448 - Land adjacent to Crumbles Retail Park, Pevensey Bay Road - erection of retail unit with garden centre, builders' yard, car park, service yard, bus layby, footpath/cycleway, formation of accesses, landscaping and removal of overburden (application site boundary amended to include the re-profiling of the existing mound) - ST ANTHONY'S.** The County Council, as consultee, would consider this application on May 15 and it was anticipated that the proposal would be reported to the Planning and Licensing Committee on 23 May 2002. In view of the large scale of the proposed development and the complexity of the various issues involved, it was proposed that a Members' site visit be arranged prior to consideration of the application.

**RESOLVED:** That a site visit be arranged prior to the Planning and Licensing Committee on 23 May 2002.

**(25) EB/2002/0130 - 34A Prideaux Road - provision of a garage in front garden – UPPERTON.** This application had been withdrawn.

**NOTED.**

**(26) EB/2002/0117 - The Lodge House, 18 St Annes Road - erection of a conservatory at rear, and two storey garage in rear garden – UPPERTON.** The Downland, Trees and Woodland Manager raised concerns that the conservatory and the associated construction works would be close to preserved trees and would lead to either the decline and loss of one or both trees, and immediate pressure to reduce them.

**RESOLVED: Permission refused** on the grounds (1) That the proposed development would have an adverse impact on the long term health and retention of the preserved trees by reason of its proximity, size and associated changes in ground levels, to the detriment of the visual amenities of the area; (2) That the size and positioning of the proposed conservatory and garage would result in an overdevelopment of a restricted site, to the detriment of the visual amenities of the area; (3) That further to Reasons 1 and 2 above, the proposed development would not comply with Policy HO19 of the Eastbourne Borough Plan which states (in part) that:

HO19: *Extensions or additions to houses will normally be required to meet acceptable standards in relation to the following:-*

**D. loss of natural site features, especially trees;**

*F. scale, materials and architectural details.*

**(27) EB/2002/0138 (CONS AREA) - 18 Upperton Gardens - change of use from rest home (Class C2) to seven self contained flats, including the provision of velux roof windows at front and rear – UPPERTON.** Two letters of objection were reported from local residents. The observations of the Highways Manager were set out in the report. The Conservation Area Advisory Group at its meeting on 5 March 2002 raised no objections in principle, subject to the use of a more traditional rooflight in the loft area on the front elevation.

**RESOLVED: Permission granted** subject to conditions (1) D1.1 Commencement of development within five years; (2) D6.1 Submission of details of storage and collection of refuse; (3) That prior to the occupation of the flats hereby approved, the existing garage and proposed on-site parking space shall be made available for use and thereafter maintained to the satisfaction of the Head of Planning; (4) That prior to commencement of development on site, further details of the proposed rooflights to be installed in the front roof slope shall be submitted to and approved by the Head of Planning; (5) That prior to occupation of any of the flats hereby approved, the windows in the first and second floor side elevations, serving the studio bedrooms and bathroom shall be glazed with obscure glass and thereafter maintained to the satisfaction of the Head of Planning.

**(28) EB/2001/0662 - 12 Ratton Road - extension to first and second floors at front/side, and extension to ground, first and second floors at rear, to provide additional bedrooms and study – UPPERTON.** The County Archaeologist raised no objections to the proposal. The observations of the Environment Agency were set out in the report. 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) All external materials and decorative treatments shall match the type, texture, colour and pattern of those used on the existing building; (3) No windows or openings (other than shown on approved drawings) in side elevations, facing 10 and 14 Ratton Road; (4) The extensions hereby approved shall only be used for purposes falling within the lawful use of the existing property as a Christian home and pastoral centre, not being a use within any class of the Town and Country Planning (Use Classes) Order 1987, and for no other purpose, including separate unit(s) of residential accommodation, unless any variation is authorised by the further specific grant of planning permission; (5) All of the windows in the front elevation shall be constructed from timber sashes to match those on the existing building, unless prior written consent is obtained from the Head of Planning to any variation; (6) A drawing, showing the side boundary elevation, facing 14 Ratton Road shall be submitted to, and approved in writing by the Head of Planning prior to the commencement of development; (7) The development hereby approved shall be undertaken in full accordance with amended drawing 93344/03 revision C, received by the Local Planning Authority on 6 February 2002.

**63. TREE PRESERVATION ORDER – LAND AT 44-46 ST. LEONARD'S ROAD AND 58 COMMERCIAL 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 44-46 St. Leonard's



Road and 58 Commercial Road. Twelve letters were reported from residents in Gables Court who were not opposed to the Order but wished reduction works to be carried out. A petition signed by local residents requesting that an appraisal of the trees be undertaken was reported at the meeting. Four letters in support of the Order were reported from residents in Gables Court.

**RESOLVED: (By 4 votes to 3)** That consideration be deferred to the next meeting of the Committee for a further report from the Arboricultural Officer.

**64. TREE PRESERVATION ORDER – LAND AT 9 HARTFIELD 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 9 Hartfield Road.

**RESOLVED:** That The Eastbourne Borough Council Tree Preservation Order (Land at 9 Hartfield Road, Eastbourne, East Sussex) No. 78 (2002) be confirmed without modification.

**65. USE CLASSES ORDER - CONSULTATION ON POSSIBLE CHANGES TO THE USE CLASSES ORDER AND TEMPORARY USES PROVISIONS.** The Committee considered the report of the Director of Planning, Regeneration and Amenities on proposals published by the Government in the Planning Green Paper entitled "Planning: Delivering a Fundamental Change". A review of the Use Classes Order was proposed to ensure the maximum possible deregulation consistent with delivering planning policy objectives.

**RESOLVED:** That the responses detailed in sections 3, 5, 6, 7, 8 and 9 of the report comprise the Council's comments on the Government's consultation on the Use Classes Order and Temporary Use Provisions.

**66. 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. This matter was deferred at the meeting held on 12 March 2002 to enable further consultations to take place. Three letters objecting to the continued use of the site for dismantling motor vehicles were reported from local residents.

The Development Control Manager reported that the Health and Safety Executive had responded, but made no further comments. Responses were still awaited from the Environment Agency and the Fire Authority. It was requested that an additional requirement for the containers used to be a uniform colour be included.

**RESOLVED:** That consideration be deferred pending a response from the Environment Agency and the Fire Authority.

#### **67. PLANNING APPEALS –**

**(a) 7 WILLINGDON DROVE - EB/2001/0466.** The appeal against refusal of permission for the demolition of the existing chalet bungalow and closure of road access to Willingdon Drove and the erection of an integrated 5 unit bungalow development was dismissed by the Inspector for the following reasons:

The main issues relating to the appeal were the effect of the proposed development on the character and appearance of the surrounding area and the living conditions of neighbouring residents, with particular regard to visual impact, overlooking, loss of privacy, noise and disturbance, daylight and sunlight.

The Inspector concluded that the proposed development would be a massive and intrusive feature, highly visible in a prominent elevated position. Such visibility would be increased by the cutting back or likely loss of established trees. The proposal would be out of keeping with the surrounding area, and although would re-use an existing brown field site, it would do so at the expense of the character and appearance of the area.

With regard to the effect on living conditions, it was stated that the proposal would harm the living conditions of certain residents by way of visual impact, overlooking, loss of privacy, and noise and disturbance. Additionally it would be likely to overshadow the rear garden of one property in the afternoon, causing loss of

sunlight.

**(b) 132 ASTAIRE AVENUE – EB/2001/0568. The appeal against refusal of permission for a side conservatory and a loft conversion/dormer was dismissed by the Inspector for the following reasons:**

The main issue relating to the appeal was the effect of the proposed development on the character and appearance of the surrounding area.

The Inspector concluded that a structure, in this location, would have a detrimental effect on the appearance of the existing building and the surrounding area and would consequently conflict with the aims of Local Plan policies HO19 and CT1.

**68. VOTE OF THANKS.** The Chairman expressed his thanks for the support given by Members of the Committee and Officers. Councillor Deschamps thanked the Chairman for his work on behalf of the Committee.

**The meeting closed at 6.45 p.m.**

P J BOWKER

Chairman