

PLANNING & LICENSING COMMITTEE

**Tuesday 8 October 2002**

**PRESENT:**

Councillor BERRY (Chairman), Councillors BOWKER, CREAVER, ELKIN, MARSH, Mrs POOLEY, STEVENS and Mrs TESO (as substitute for Skilton).

**26. MINUTES.** The minutes of the meeting held on 10 September 2002 were submitted and approved and the Chairman was authorised to sign them as a correct record.

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

**(1) EB/2002/0490(LA) - The Butterfly Centre, Royal Parade - demolition of existing building and the formation of a car park extension comprising 41 spaces - DEVONSHIRE.** Two letters commenting on the proposal were reported from local residents. Southern Water raised no objections to the proposal and the observations of the Highways Manager and Eastbourne Access Group were set out in the report. Mr R Stiggers and Mrs S Charlton addressed the Committee against the proposal.

**RESOLVED: Permission granted** subject to conditions (1) D1.1 Commencement of development within five years; (2) That prior to the commencement of development on site, full details of the proposed surfacing material to be used in the construction of the car park along with details of the surface water drainage, internal layout and signage shall be submitted to and approved by the Head of Planning and thereafter maintained to the satisfaction of the Council.

**(2) EB/2002/0543 - 223 Seaside - change of use from launderette, to a hot food takeaway (Class A3) – DEVONSHIRE.** One letter commenting on the proposal was reported from a local resident. The Highways Manager stated a number of reservations regarding customers driving and parking on the footway in front of the shop. The Head of Environmental Health had requested an additional condition requiring details of the extraction system.

**RESOLVED: 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 the hours of 12.00 noon and 12.00 midnight; (3) That full details of the fume extraction system shall be submitted to and approved by the Head of Planning, in consultation with the Head of Environmental Health, before the use hereby approved is commenced.

**(3) EB/2002/0479 - The Tivoli Cinema, 111 Seaside Road - change of use from nightclub to church youth club and place of worship – DEVONSHIRE.** One letter of objection was reported from a local resident. The Eastbourne Access Group stated that facilities should be provided for disabled people. The Head of Regeneration Officer supported the proposal and the Historic Buildings Advisor and Head of Environmental Health raised no objections.

**RESOLVED: 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 the hours of 10.00am and 11.00pm; (3) B10.2 Provision for disabled people.

**(4) EB/2002/0538 - 15 Woburn Way - retrospective application under Section 73A for the erection of a shed in the rear garden - HAMPDEN PARK.** One letter of objection was reported from a local resident.

**RESOLVED: Permission granted.**

**(5) EB/2002/0475 - Land north of Willingdon Drive, adjacent to A.22 new route - proposed three-storey**

**health and fitness club with associated car parking - HAMPDEN PARK.** Nine letters of objection were reported from local residents. The Head of Tourism supported the proposal. Mrs Hutchinson addressed the Committee against the proposal on behalf of local residents. The comments of the Health and Safety Executive, Southern Water and the Crime Prevention Design Adviser, on behalf of Sussex Police were reported at the meeting. The County Council Archaeologist had recommended a watching brief for the site. It was reported that the precise height of screening the boundaries would be the subject of further consultation with local residents. Members requested that the car park be made secure and have restricted hours of operation. Details of the loading and unloading area had been received to the satisfaction of the Highways Manager.

**RESOLVED: Permission granted** subject to the prior conclusion of a Section 106 legal agreement to secure flood storage compensatory contributions and to conditions (1) D1.1 Commencement of development within five years; (2) A9.3 Submission and approval of landscaping scheme; (3) A2 Submission of samples of facing materials; (4) The new car park shall be designed and constructed to a standard approved by the Head of Planning in consultation with the Highway Authority, to include materials, lighting, signing and lining; (5) Prior to the commencement of development on site, detailed drawings including levels, sections and constructional details of the car park, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Head of Planning and be subject to his approval, in consultation with the Highway Authority; (6) Before the development hereby approved is first brought into use, the car park shall be completed together with the surface water and foul sewers and main services to the approval of the Head of Planning, in consultation with the Highway Authority; (7) That any car parking, loading and unloading area and access thereto, shown on the approved plan shall be properly constructed with a permanent hard-wearing impervious surface and marked out to the satisfaction of the Head of Planning and shall be available for use before the building hereby approved is first brought into use and shall be retained permanently for the accommodation of vehicles of the occupiers and users and visitors to the premises and shall not be used for any other purpose; (8) That the development hereby approved shall include access for disabled people in the form of dropped kerbs (or ramps where appropriate) both to buildings and the communal car parking areas, to conform to the General Mobility Housing Standard as set out in Table 1 of the Sussex Coast and Countryside Access Guide, in accordance with details to be submitted to and approved by the Head of Planning; (9) That the use as a health and fitness club shall only take place between the hours of 7.00am and 11.00pm; (10) C5.3 Hours of operation; (11) That details of any external lighting shall be submitted to and approved by the Head of Planning, before the development hereby approved is commenced; (12) Finished floor levels should be set at least 600mm above the 1 in 100 flood level of 2.3 metres above Ordnance Datum; (13) That 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 in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed; (14) That no development approved by this permission shall be commenced until a scheme for the disposal of foul sewage has been submitted to and approved by the Head of Planning in consultation with Southern Water Services Ltd; (15) That while the development hereby permitted is being carried out, a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles; (16) That prior to the commencement of any development on site, full details of the methods of screening the boundaries of the site shall be submitted to and approved by the Head of Planning and thereafter implemented and maintained to the satisfaction of the Council; (17) That full details of any extraction equipment for the proposed kitchen shall be submitted to and approved by the Head of Planning and implemented before the use hereby approved first commences and thereafter maintained to the satisfaction of the Council; (18) That the development hereby approved shall be carried out in strict accordance with the details indicated on drawing nos. 100:01, 100:02, 100:03, 100:04 and 100:00 received by the Council on 31 July 2002, or as otherwise may be first agreed in writing by the Head of Planning; (19) That barriers be provided at the car park entrances in accordance with details to be submitted to and approved by the Head of Planning, to include times when the barriers will be closed; (20) That the delivery/loading/unloading area shall be provided in accordance with the details shown on drawing no. 1025/100:06 rev. 1; (21) That details of a watching brief for the purpose of archaeological records shall be submitted to and approved by the Head of Planning.

**(6) EB/2002/0525 - 22 Mountfield Road - change of use from retail (Class A1) with flat to sale of hot food takeaway (Class A3) with flat - HAMPDEN PARK.** The observations of the Highways Manager and the Eastbourne Access group were set out in the report. The Head of Environmental Health raised no objections to the proposal. Two letters of objection were reported from food outlets in the area. Members expressed concern regarding the over- concentration of A3 uses in the area and considered that permission should be refused.

**RESOLVED: Permission refused** on the grounds that, in the Council's opinion, the proposed use would be inappropriate in this location as it would result in an over-concentration of A3 uses in this area of Hampden

Park and would therefore be harmful to the amenities of the occupiers of nearby residential properties.

**(7)/(8) EB/2002/0511(LB) AND EB/2002/0502 (CONS AREA) - 18 Cornfield Terrace (a) installation of extract ductwork and air conditioning plant on flat roof at rear and new external fire escape door at rear in conjunction with the proposed change of use from retail shop to restaurant (b) change of use of ground floor of premises from Class A1 (retail) to Class A3 (café/bar), including the installation of extract ductwork and air conditioning plant on flat roof at rear and a new fire escape door at rear – MEADS.** A supporting statement was submitted from the applicant's solicitor. Ten letters of objection were reported from local residents and a nearby shop. The Historic Buildings Advisor and the Conservation Area Advisory Group at its meeting on 3 September 2002 raised no objections to the proposal. The Head of Environmental Health advised of the potential for nuisance from both odour and noise from the extraction system. Mr Willis addressed the Committee against the proposal on behalf of local residents.

**RESOLVED: (1) Listed Building Consent granted in respect of EB/2002/0511(LB)** subject to conditions (1) D1.2 Commencement of development within five years; (2) That details of the design and materials of the proposed fire escape door be submitted to and approved by the Head of Planning before the works hereby authorised are commenced.

**(2) Permission refused in respect of EB/2002/0502** on the grounds that the proposed use would be detrimental to the character and vitality of this part of Cornfield Terrace and to the amenities of local residents by reason of noise, disturbance and fumes, and would therefore conflict with Policy SH7 of the Eastbourne Borough Plan which states that:

*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.*

**(9) EB/2002/0518 (CONS AREA) - St Bedes School, Dukes Drive - renewal of temporary permission for pre-fabricated classroom – MEADS.** The Environment Agency, Historic Buildings Advisor and the Conservation Area Advisory Group at its meeting on 3 September 2002 raised no objections to the proposal.

**RESOLVED: Permission granted** subject to condition D5.1 Temporary permission until 30 September 2005.

**(10) EB/2002/0480(OL) (CONS AREA) - Holywell Public Conveniences - erection of a new disabled toilet and shower facility – MEADS.** The Historic Buildings Advisor and the Conservation Area Advisory Group at its meeting on 3 September 2002 raised no objections to the proposal.

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

**(11) EB/2002/0495 - 32 Grove Road - change of use from shop (Class A1) to estate agent (Class A2) – MEADS.** The Local Plan Officer expressed concern that the proposed use of the premises would result in a significant break in the Class A1 frontage and a loss of vitality to this section of the street.

**RESOLVED: Permission refused** on the grounds that the proposed change of use from Class A1 (shops) to Class A2 use, as an estate agent, would undermine the viability and vitality of a designated secondary shopping

area in the town centre. As such, the proposal is contrary to Policy SH7 of the adopted Eastbourne Borough Plan (Policy TC5 of the Revised Deposit Draft Eastbourne Borough Plan 2001-2011).

**(12) EB/2002/0337 - New Alwyn Hotel, 15/17 Jevington Gardens - conversion of hotel into nine self-contained flats together with removal of front conservatory, roof extension and lift tower and creation of new front dormer windows and car parking area to rear – MEADS.** Supporting statements and a viability report were submitted by and on behalf of the applicant which concluded that the hotel was unable to demonstrate viability in accordance with the provisions of policy TO8 of the Eastbourne Borough Plan. A further letter from the applicant in response to the comments of the Head of Tourism Development was reported at the meeting. The Head of Tourism Development had visited the hotel and made detailed comments regarding long-term viability and concluded that the hotel had a sound basis on which to continue and grow as a hotel operation. The Chairman made reference to the adverse tone of correspondence received by Members of the Committee from the applicant.

The observations of the Highways Manager, Downland, Trees and Woodland Manager and the Development Planning Manager were set out in the report. Three letters of support and one objecting to the proposal were reported from local residents.

**RESOLVED: Permission refused** on the grounds that the proposed change of use does not accord with Policy TO7 of the adopted Eastbourne Borough Plan which states, inter alia, that within the town's Intermediate Tourist Accommodation Areas the re-development or change of use from Class C1 properties to any other use except other forms of tourist accommodation will not be permitted. Furthermore, it is considered that the proposal is not an exception to Policy TO7 as provided for in the criteria under Policy TO8 which states that:

*Within Major and Intermediate Tourist Accommodation Areas, proposals for the redevelopment or change of use from Class C1 properties will be judged on the following criteria:*

- A. the immediate location and its continued suitability for tourist use;*
- B. the structural condition of the building and its physical suitability for tourist uses including upgrading;*
- C. the number and quality of units existing, proposed or possible with investment, and*
- D. the financial viability of a continuing or new tourist operation, which will require detailed financial information from the applicant*

(NOTE: Councillor Elkin declared a personal non-prejudicial interest in this item as an hotelier and spoke and voted thereon).

**(13)/(14)/(15) EB/2002/0358(LB) EB/2002/0499(LA) AND EB/2002/0526(ADV) (CONS AREA) - The Bandstand and Shelter, Grand Parade (a) various works comprising two rainwater downpipes to southeast elevation of bandstand, new stainless steel finial, new 16 metre high flagpole, two bannerpoles, new globes to existing lamp posts and new lamp standards to match existing triple globe lampstandards, existing lamp standards re-furbished and new waterproofing to gutters (b) erection of two 8.05 metre high banner poles (c) display of two banner signs (on 8.05 metre high banner poles) – MEADS.** The Historic Buildings Advisor, English Heritage and the Conservation Area Advisory Group at its meetings on 9 April and 3 September 2002 raised no objections to the applications.

**RESOLVED: (1) Listed Building Consent granted in respect of EB/2002/0358(LB)** subject to condition D1.2 Commencement of development within five years.

**(2) Permission granted in respect of EB/2002/0499(LA)** subject to condition D1.1 Commencement of development within five years.

**(3) Express consent granted in respect of EB/2002/0526(ADV).**

**(16) EB/2002/0516 (CONS AREA) - 40 Terminus Road - renewal of planning permission for change of**

**use from retail (Class A1) to fish and chip restaurant and take-away (Class A3) – MEADS.** The observations of the Eastbourne Access Group and Head of Environmental Health were set out in the report. The Conservation Area Advisory Group at its meeting on 3 September 2002 raised no objections to the proposal. One letter of objection was reported from a local business in the area.

**RESOLVED: Permission granted** subject to conditions (1) D1.1 Commencement of development within five years; (2) That details of the proposed fume extraction system shall be submitted to and approved by the Head of Planning before the use hereby approved is commenced; (3) C5.1 Hours of operation (8.30 a.m. to 11.00 p.m.).

**(17) EB/2002/0530 - 179 Victoria Drive - change of use from retail (Class A1) to betting office (Class A2) - OLD TOWN.** Two letters of objection were reported from local residents. The Eastbourne Access Group requested that provision should be made for disabled people if building works were required. The Head of Environmental Health raised no objections to the proposal.

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

**(18) EB/2002/0621(ADV) - Old Town Community Library, Victoria Drive - display of non-illuminated sign - OLD TOWN.**

**RESOLVED: Express consent granted.**

**(19) EB/2002/0547(LA) - 311 Victoria Drive - provision of vehicular crossing and car hardstanding - RATTON.** The Highways Manager raised no objections to the proposal.

**RESOLVED: (By 7 votes to1) Permission granted** subject to condition D1.1 Commencement of development within five years.

**(20) EB/2002/0514 - Land adjoining 56 Jordans Lane East - erection of detached dwelling – RATTON.** Six letters of objection were reported from local residents. The Highways Manager and Southern Water raised no objections to the proposal and the observations of Transco were set out in the report.

**RESOLVED: Permission granted** subject to the prior conclusion of a Section 106 legal agreement in respect of the financial contribution for compensatory drainage in Willingdon Levels and 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; (4) A8 No walls etc. in front of building line; (5) A9.1 Submission and approval of landscaping scheme; (6) A4.1 Semi-obscure glazing in south west elevation; (7) A5 No additional windows or other openings in south west elevation.

**(21) EB/2002/0489 - 1A Upper Kings Drive - alterations to roof including the insertion of dormer windows to provide two additional bedrooms, study and bathroom – RATTON.** 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) A3 Use of matching materials; (3) That the proposed feature window in the south elevation shall be glazed in semi-obscured glass or shall use stained glass and shall subsequently be maintained as such to the satisfaction of the Head of Planning.

**(22) EB/2002/0295 - 97 Selmeston Road - erection of rear dormer window for a loft conversion, full width extension at rear, porch at side and replacement of existing detached garage with enlarged garage together with vehicle hardstanding at the side (amended scheme) – RATTON.** One letter of objection was reported from a local resident in respect of the original scheme, which had now been amended to delete the front dormer and rear decking. The County Archaeologist raised no objections to the proposal.

**RESOLVED: Permission granted** subject to conditions (1) D1.1 Commencement of development within five years; (2) The proposed development, hereby approved, shall be carried out in strict accordance with amended

drawing no. 56300/01 Revision B, received by the Local Planning Authority on 14 August 2002.

**(23) EB/2002/0426 - 106 Selmeston Road - provision of front dormer window – 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) A3 Use of matching materials.

**(24) EB/2002/0427 - Police Patrol Centre, Hammonds Drive - erection of a 22.5m telecommunications lattice mast, together with an equipment cabin enclosed within a secure compound - ST. ANTHONY'S.** The Health and Safety Executive and Transco raised no objections to the proposal. The Downland, Trees and Woodland Manager suggested the re-siting of the compound to the current position, in order to retain as much natural screening as possible.

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

**(25) EB/2002/0373 - Caffyns, Hammonds Drive - provision of a vehicular entrance from Lottbridge Drove - ST. ANTHONY'S.** The application was deferred at the meeting held on 10 September 2002 at the request of the applicant. The applicant submitted a supporting letter and a further request for deferral of the application. The Highways Manager recommended that the application be refused, as the vehicular entrance from Lottbridge Drove would compromise highway safety.

**RESOLVED: Permission refused** on the grounds that (1) In the opinion of the Local Planning Authority the proposed development would by virtue of slowing, stopping and turning traffic, approaching and using the deceleration lane, give rise to traffic hazards which are likely to adversely affect road safety of users of Lottbridge Drove, a dual-carriageway characterised by fast and busy traffic conditions; (2) For the above reason the proposed development is in conflict with Policy HT4 of the adopted Eastbourne Borough Plan.

(NOTE: Councillor Stevens declared a personal non-prejudicial interest in this item as the applicant was an acquaintance and spoke and voted thereon).

**(26) EB/2002/0497 - 42 Windermere Crescent - two-storey extension at rear - ST. ANTHONY'S.** The Health and Safety Executive raised no objections to the proposal. Two letters of objection were reported from local residents.

**RESOLVED: Permission refused** on the grounds that the proposed two storey extension by reason of the siting, design, size, scale and appearance would be detrimental to the residential amenity and would be in conflict with Policy HO19 in the adopted Local Plan (1998) and Policy HO20 in the Revised Deposit Draft (2001-2011).

**(27) EB/2002/0422(ADV) - Royal Mail Delivery Office, 3 Upperton Road - one 6 metre wide by 3.2 metre high structure for displaying posters – UPPERTON.** The Highways Manager stated that the variable picture-advertising screen could be a distraction to motorists at the traffic signal controlled junction of Upperton Road and The Avenue.

**RESOLVED: Permission refused** on the grounds that in the opinion of the Local Planning Authority the proposed signage would, by virtue of its size, form and position on a prominent frontage, adversely affect both the visual amenities and highway safety of the locality. As such, the proposed signage is contrary to Policy CT9 of the adopted Eastbourne Plan (Policy UHT13 of the Revised Deposit Draft Eastbourne Borough Plan 2001-2011).

**(28) EB/2002/0429 - 19 Southfields Road - formation of three car parking spaces and vehicular access – UPPERTON.** The observations of the Environment Agency were set out in the report. One letter of objection was reported from a local resident and a letter from the applicant was reported at the meeting. The Highways Manager had requested that if permission were granted the hardstanding should be a minimum of 5 metres. Members considered that as there were other properties in the area with hardstandings, the street scene would

not be adversely affected by the proposal.

**RESOLVED: (By 7 votes to 1) Permission granted** subject to conditions (1) D1.1 Commencement of development within five years; (2) Length of parking spaces to be a minimum of 5.0 metres; (3) Provision of visibility splays.

(NOTE: Councillor Stevens declared a personal non-prejudicial interest in this item as the applicant was an acquaintance and spoke and voted thereon).

**(29) EB/2002/0421(OL) - Land in Tutts Barn Lane (rear of Prideaux Court) - demolition of garages and erection of a three-storey block of 9 two-bedroom flats and twelve parking spaces (outline application - amended description) – UPPERTON.** Six letters of objection were reported from local residents. The observations of the Highways Manager and the Environment Agency were set out in the report. Mrs Sherlock addressed the Committee on behalf of the St Thomas-a-Becket Schools against the proposal. Concerns were expressed regarding the safety of children and that construction vehicle movements should be restricted at school start and finish times.

**RESOLVED: Permission granted** subject to conditions (1) That application shall be made for the approval of the reserved matters (landscaping) within three years from the date of this outline permission and the development hereby authorised shall be commenced within five years from the date of this outline permission or within two years from the final approval of the last of the reserved matters, whichever is the longer; (2) That, before the development authorised by this permission is commenced, a detailed landscaping scheme showing the treatment of all parts of the site to remain unbuilt upon shall be submitted to and agreed with the Borough Council as Local Planning Authority, or be as determined by the Secretary of State on appeal. This scheme shall include details of: (a) any existing trees and shrubs to be retained; (b) new tree and shrub planting, including plant type, size, quantities and locations; (c) other surface treatments; (d) fencing and boundary treatments; (e) any changes in levels; (3) That samples of the facing materials to be used in the external elevations of the proposed building shall be submitted to and approved by the Head of Planning prior to the commencement of the development; (4) That no demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or public holidays; (5) That any visibility splays required by the Highways Manager shall be provided before the flats are first occupied, and shall be permanently maintained thereafter; (6) Before the commencement of the development, hereby approved, details of the cycle parking to serve the flats shall be submitted to and in approved in writing by the Head of Planning and shall be provided as approved before the first occupation of the residential units; (7) Provision must be made to prevent the discharge of water from the proposed development onto the public highway and to prevent the discharge of surface water from the highway onto the application site; (8) That no construction traffic shall enter or leave the site during **school start** and finish times.

(NOTE: Councillor Mrs Pooley declared a personal non-prejudicial interest in this item as a governor of the school and spoke and voted thereon).

**(30) EB/2002/0396 - 44 Enys Road - change of use from rest home (Class C2) to private single dwelling (Class C3) – UPPERTON.** This application was deferred at the meeting of the Committee held on 10 September 2002 in order that conversion works then taking place at the application premises could be investigated further. A further application had since been submitted for the sub-division of the rest home to form two semi-detached dwellings (item 30 below refers). One letter of representation regarding the future number of occupiers at the property was reported from a local resident. The Highways Manager raised concerns regarding the lack of parking available and whether additional spaces to the three proposed could be provided.

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

(2) That an Informative be attached to the Decision Notice advising the applicant that the Use Classes Order (1987) states that uses falling within Class C3 Dwellinghouses are those where the use is as a dwellinghouse (whether or not as a sole or main residence) -

a) by a single person or by people living together as a family, or

b) by not more than six residents living together as a single household (including a household where care is provided for residents).

**(31) EB/2002/0602 - 44 Enys Road - sub-division of rest home (Class C2) to form two semi-detached private single dwellings (Class C3) – UPPERTON.** Eight letters of objection were reported from local residents and Councillor Marsden relating to parking problems and noise nuisance. This application was submitted following the deferment at the meeting held on 10 September 2002 of planning application EB/2002/0396, for the creation of one single private dwellinghouse (item 30 refers). The observations of the Highways Manager were set out in the report. Mrs P Cook addressed the Committee against the proposal on behalf of local residents in the area. Concern was expressed that the works had commenced and reference was made to previous problems when students occupied the premises. Members expressed their concern regarding the impact on residential amenity and considered that the proposal was incompatible with the surrounding area and should be refused.

**RESOLVED: Permission refused** on the grounds that the proposed subdivision of the property would, by reason of the position, size and layout of the building, result in an over-development of the site, which is not compatible with the character of the surrounding residential area and would therefore be harmful to the amenities of occupiers of nearby residential properties. As such, the proposed development is in conflict with Policy HO10 of the adopted Eastbourne Borough Plan.

**(32) EB/2002/0579(CM) - Bedfordwell Road Depot - continuation of use of land for waste "bulk up" operation in connection with transfer of waste – UPPERTON.**

**RESOLVED:** That the County Planning Officer be informed that this Council raises no objections in principle to the continued use of the site for the transfer and 'bulk up' of skip waste.

**28. PLANNING APPLICATIONS FOR VEHICLE FOOTWAY CROSSOVERS.** The Committee considered the report of the Director of Planning, Regeneration and Amenities regarding the factors that determined Highway Authority approval for vehicle footway crossovers. Members were advised that for certain classes of roads the Highway Authority has defined standards that only allow consent where there is a sufficient turning area within the curtilage of the property. This is to prevent vehicles reversing out on to busy roads or bus routes with the associated potential for vehicle collisions. Following the recent decisions of this Committee to grant consent for car hardstandings where the Highway Authority had recommended that consent should not be granted, the Eastbourne Highways Group had requested a review of the minimum dimension criteria. The response from East Sussex County Council was to ratify the standards and confirm that Highway Authority consent should not be granted where the minimum dimensions could not be attained.

Councillor Belsey addressed the Committee in support of a review of the minimum turning area dimensions.

**RESOLVED: (By 6 votes to 1)** That the contents of the report be noted and that the Head of Planning be instructed to write to East Sussex County Council requesting that the policy in respect of the minimum turning area dimensions as set out in the Manual for Estate Roads be reviewed, in consultation with this Council.

**29. FITZMAURICE GARAGES, FITZMAURICE AVENUE.** The Committee considered the report of the Head of Planning and Head of Legal Services requesting authority to serve an Enforcement Notice in respect of the use of some garages in Fitzmaurice Avenue for the repair of motor vehicles. The Development Control Manager requested that the Head of Legal Services be granted delegated authority to serve the enforcement notice following the outcome of further monitoring in the area.

**RESOLVED:** That the Head of Legal Services be granted delegated authority to serve an Enforcement Notice in respect of the breach of planning control referred to in the report following the completion of further monitoring arrangements.

**30. PLANNING APPEAL – 11 MANVERS ROAD – EB/2002/0038. The appeal against the decision of the Council to refuse permission for a upvc conservatory was allowed by the Inspector for the following reasons:**

The main issue relating to the appeal was the effect of the proposed development on the living conditions of occupants of the adjacent dwelling, by reason of overbearing effect.



The conservatory had been completed externally but not internally and was not yet in use. The conservatory was readily visible from the adjacent dwelling and from the rear ground floor and patio area was an obvious feature to the side. It was concluded however that although the open outlook in this direction had been completely altered, no one had a right to a view and the view remained open and far reaching to the south and east.

When viewed from the lower patio area and rear lawn of the adjacent property, the conservatory was a very noticeable and dominant feature. However the majority of the structure was of a lightweight construction and it was concluded that the development did not have a materially detrimental effect on the living conditions of the occupants of the adjacent dwelling by reason of overbearing effect. With regard to overlooking from the conservatory, it was concluded that obscure glazing in the relevant elevation was sufficient to prevent overlooking.

**The meeting closed at 6.40 p.m.**

C J BERRY

Chairman