

# **PLANNING & LICENSING COMMITTEE**

**Tuesday 10 December 2002**

## **PRESENT:**

Councillor BERRY (Chairman), Councillor SKILTON (Deputy Chairman), Councillors BOWKER, ELKIN, MARSH, Mrs POOLEY, Mrs SIMS (as substitute for Creaven) and STEVENS.

(An apology for absence was reported from Councillor Creaven).

**43. MINUTES.** The minutes of the meetings held on 4 and 11 November 2002 were submitted and approved and the Chairman was authorised to sign them as a correct record.

## **44. REPORT OF HEAD OF PLANNING ON APPLICATIONS.**

**(1) EB/2002/0610 (CONS AREA) - 41 Ceylon Place - first floor extension at side to provide a maisonette – DEVONSHIRE.** The Conservation Area Advisory Group at its meeting on 22 October 2002 raised objections to the design of the original scheme and requested amendments to improve its appearance. The group had reconsidered the proposal at its meeting on 3 December 2002 and raised no objections and the Assistant Historic Buildings Adviser raised no objections to the amended scheme. One letter of objection was reported from the proprietor of the adjoining hotel. Miss K Hadingham addressed the Committee against the proposal.

**RESOLVED: Permission granted** subject to conditions (1) D1.1 Commencement of development within five years; (2) A5 No windows or other openings in the rear (south) elevation; (3) That the rear (south) elevation shall be painted white before the maisonette is first occupied, and shall be permanently maintained thereafter to the satisfaction of the Head of Planning; (4) The development hereby authorised shall be carried out in accordance with revised plans nos. 2576/3/02C and 2576/3/03C received on 28 November 2002.

(NOTE: Councillor Elkin declared a personal interest in this item as the applicant was an acquaintance and did not speak or vote thereon).

**(2) EB/2002/0660 - 26A Susans Road - retrospective application for retention of extractor system on rear flat roof – DEVONSHIRE.** One letter of objection was reported from a local resident. A letter from the applicant was reported at the meeting.

**RESOLVED: Permission refused** on the grounds that the extractor system, in the installed position, would comprise an alien and intrusive form of development, which would have an adverse impact upon the visual and residential amenities of the surrounding area. As such, the proposed development is contrary to Policies CT1 and IC10 of the adopted Borough Plan (Policies UHT1 BI7 and HO20 of the Eastbourne Borough Plan Revised Deposit Draft 2001-2011).

**(3) EB/2002/0613 - 101 Pevensey Road - relaxation of condition 5 of planning permission EB/1975/0371 to allow six holiday flats to be used as six residential self-contained flats – DEVONSHIRE.** The Highways Manager raised no objections to the proposal. The observations of the House in Multiple Occupancy Co-ordinator were set out in the report. One letter of objection was reported from a local resident.

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

**(4) EB/2002/0658 - 4 Firlie Road - change of use from residential to office/storage – DEVONSHIRE.** Four letters of objection were reported from local residents.

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

years.

**(5) EB/2002/0639(LA) - Land adjacent to 88-104 Crawley Crescent - provision of nine parking bays (including one disabled bay) within existing highway verge - HAMPDEN PARK.** The observations of the Highways Manager were set out in the report.

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

**(6) EB/2002/0650 - 1 Rotherfield Avenue - single-storey extension at side and rear and change of use from offices (B1) to nursery and offices (D1/B1) – LANGNEY.** The observations of the Assistant County Archaeologist and the Environment Agency were set out in the report. The Highways Manager advised that an amendment to the entrance was required to improve pedestrian visibility.

**RESOLVED: Permission granted** subject to the prior conclusion of a Section 106 legal agreement to secure a financial contribution towards flood storage compensation and the provision of double yellow lines on the highway, and to conditions (1) D1.1 Commencement of development within five years (2) A2 Submission of samples of facing materials (3) A9.3 Submission and approval of landscaping scheme; (4) C5.3 Hours of operation; (5) D6.2 Submission of details of storage and collection of refuse; (6) That the development hereby approved shall be carried out in accordance with revised plan no. 358/01 Rev. B received on 12 December 2002 and the provision of the additional parking spaces, widening of the vehicular access and the resiting of the pedestrian access shall be carried out to the satisfaction of the Head of Planning before the uses commences; (7) Prior to being discharged into any watercourses, 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 to the site being drained; (8) No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble only.

**(7) EB/2002/0608 - 21 Helvellyn Drive - two-storey extension and conservatory – LANGNEY.** Two letters of objection were reported from local residents. Amended plans were received following negotiations. Mr Williams addressed the Committee regarding his main concern, which related to the impact of the canopy on his property. The Committee agreed that further negotiations take place for the removal of part of the canopy.

**RESOLVED: Consideration deferred.**

**(8) EB/2002/0403 - 19 Jevington Gardens (amended plans and amended description) - conversion of existing hostel into two studio apartments, one one-bedroom flat, two two-bedroom flats, two three-bedroom flats and one three-bedroom maisonette with extension at rear on basement, ground, first and second floors – MEADS.** Three letters of objection were reported from local residents in respect of the original and first amended scheme. A further letter of objection was reported in respect of the latest amendment. The observations of the Housing Strategy and Development Manager and the Downland, Trees and Woodland Manager were set out in the report.

**RESOLVED: Permission granted** subject to conditions (1) D1.1 Commencement of development within five years; (2) A3 Use of matching materials; (3) A9.2 Submission and approval of landscaping scheme; (4) That the development hereby approved shall only be carried out in accordance with the amended drawings nos. 68600/01, /02, /03, and /04 received on 1 November 2002; (5) That prior to the first occupation of the accommodation hereby approved, full details of the provision for the storage of refuse to serve the accommodation, shall be submitted to and approved by the Head of Planning; (6) C5.3 Hours of operation; (7) That full details of the access proposed to serve the flat at the front of the property at lower ground floor level shall be submitted to and approved by the Head of Planning, prior to commencement of the development.

**(9) EB/2002/0537 - 21-23 Cornfield Road - single storey extension covering 230 square metres to side of existing rear wing and new landscaped area to be used as a beer garden to rear – MEADS.** The Environment Agency, Sussex Police and the Highways Manager raised no objections to the proposal. The observations of the Assistant Historic Buildings Advisor were set out in the report. One letter of concern was reported from the Trustees for CFI Charitable Trust. The Head of Environmental Health requested further conditions to restrict the impact of noise levels.

**RESOLVED: Permission granted** subject to conditions (1) D1.1 Commencement of development within five years; (2) That the rear access shall only be used for deliveries and as an emergency exit; (3) That the boundary wall adjoining the office car park (south elevation) is to be raised by 0.50 metres to reach 2 metres in height; (4) That amplified music or other entertainment noise from within the premises shall not exceed 3dB(A) as measured as LAeq (15 minutes) above the LAeq (15 minutes) background as measured at the western boundary. The measurement shall be in accordance with BS4142; (5) There shall be no amplified music or entertainment noise in the landscaped area; (6) A9.3 Submission and approval of landscaping scheme.

**(10) EB/2002/0627 (CONS AREA) - 10/12 Carlisle Road - erection of a part two-storey, part single-storey extension and conservatory at rear of rest home to provide additional bedroom accommodation including day rooms and dining facilities – MEADS.** One letter of objection was reported from a local resident. The observations of the Historic Buildings Advisor were set out in the report. The Conservation Area Advisory Group at its meeting on 22 October raised no objections to the proposal.

**RESOLVED: Permission granted** subject to conditions (1) D1.1 Commencement of development within five years; (2) A2 Submission of samples of facing materials.

(NOTE: Councillors Bowker, Elkin and Stevens declared personal interests as the applicant was a colleague in the Conservative Group and did not speak or vote thereon).

**(11) EB/93/0236 - Devonshire Baths, Carlisle Road and former Commodore Hotel Site, Grand Parade - amendment to approved scheme for the erection of a multi49;storey development of flats in two blocks with basement car parking – MEADS.** The observations of the Highways Manager were set out in the report. A letter from the applicant was reported at the meeting.

**RESOLVED:** That the principle of the two revisions detailed in the report be agreed as amendments to the development approved under reference EB/93/236, subject to subsequent approval of details.

**(12) EB/2002/0199 - Land at rear of 2-8 Upwick Road - erection of a detached dwellinghouse - OLD TOWN.** The observations of Southern Water and the Highways Manager were set out in the report. Twelve letters of objection in respect of the amended scheme were reported from local residents. Miss Irving and Mrs Sier addressed the Committee against the proposal on behalf of local residents.

**RESOLVED: Permission refused** on the grounds that the proposed residential unit comprises an undesirable form of backland development which would be incompatible with the appearance and character of the existing development in the vicinity; would cause serious harm to the amenities and privacy enjoyed by occupiers of surrounding residential properties, and would likely to result in conflict between residential and other forms of traffic, prejudicial to safety, amenity and convenience, attracted to the site. As such, the proposed development is contrary to Policies CT1 and HO18 of the adopted Borough Plan (Policy UHT1 and HO20 of the Eastbourne Borough Plan Revised Deposit Draft 2001-2011).

**(13) EB/2002/0371 - 1 Cuckmere Walk - two-storey extension at side – RATTON.**

**RESOLVED: (By 6 votes to 1) Permission refused** on the grounds that the proposed extension would be detrimental to the amenities of the adjacent residential property by reason of its bulk and projection in close proximity to the boundary, and therefore would not comply with Policy HO19 of the Eastbourne Borough Plan and Policies UHT1 and HO20 of the Eastbourne Borough Plan Revised Deposit Draft, which state (in part) that:

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

*B. loss of sunlight or daylight according to building research establishment published indicators;*

*E. scale, materials and architectural details.*

Policy UHT1: Design of New Development - *All development proposals will be required to:-*

*b) be appropriate in scale, form, materials, setting, alignment and layout.*

Policy HO20: Residential Amenity - *Subject to other policies and proposals of this plan, new Development proposals and extensions to existing Buildings should respect residential amenity. Proposals will be refused unless they can demonstrate that they do not cause unacceptable:*

*a) loss of outlook;*

*b) overshadowing and/or loss of light.*

**(14) EB/2002/0587 - Land adjacent to 11 Meadowlands Avenue - erection of a 1.8 metre high close-boarded fence along boundary with Chelworth Road – RATTON.** The Highways Manager raised no objections to the proposal.

**RESOLVED: Permission granted** subject to conditions (1) D1.1 Commencement of development within five years; (2) That the development hereby approved shall be carried out in accordance with the revised plan received on 12 November 2002.

**(15) EB/2002/0645 - Duncan House, District General Hospital, Kings Drive - change of use of part of ground floor from residential to offices – RATTON.** Members expressed concern regarding the proposed change of use, which would result in the loss of specialist nursing accommodation.

**RESOLVED: Permission refused** on the grounds that the proposal would result in the loss of specialist nursing accommodation, which would conflict with Policy HO 15 of the Eastbourne Borough Plan which states that:

*The Council will not give planning consent for the change of use of specialist student or nursing staff accommodation including halls of residence unless adequate replacement accommodation is provided or there is no longer a proven need within the Borough.*

and that no evidence has been submitted to justify an exception being made.

**(16) EB/2002/0609 - The Eastbourne Garden Company, 197 Willingdon Road - erection of canopy, to provide covered sales area to replace and extend existing canopy – RATTON.** The Highways Manager raised no objections to the proposal. One letter of objection was reported from a local resident.

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

(NOTE: Councillors Bowker, Elkin and Stevens declared personal interests as the applicant was a colleague in the Conservative Group and spoke and voted thereon).

**(17) EB/2002/0668 - 14 Parkway - two-storey side extension (amendment to previously approved scheme EB/2001/0213) – RATTON.** Mr and Mrs Richards addressed the Committee against the proposal. The Committee agreed that the application be deferred for further negotiation.

**RESOLVED: Consideration deferred.**

**(18) EB/2002/0672(DET) - Land north of Pevensey Bay Road adjacent to borough boundary (Mountney Level) - provision of a 15 metre high telecommunications tree mast supporting three antennae and two dishes together with ancillary equipment - ST ANTHONY'S.** At the request of the Environment Agency, the compound had been moved 3m away from the top of the bank of the sewer to provide access for maintenance. It was noted that other sites had been investigated for the installation. Wealden District Council requested that the equipment and fencing be painted dark green.

**RESOLVED: (By 5 votes to 1)** That **no objections** be raised to the siting or appearance of the proposed equipment, subject to condition that a scheme of landscaping shall be submitted to and approved by the Head of

Planning before the equipment is first brought into use, and shall be implemented in the first planting season after its installation; (2) That before the mast and associated equipment are first brought into use, the palisade fencing and equipment cabinets shall be painted in a dark green colour to be agreed in writing by the Head of Planning.

**(19) EB/2002/0662 - Land within the curtilage of 1 Windermere Crescent - erection of a detached one-storey bungalow with garaging, parking and access works - ST. ANTHONY'S.** The Highways Manager and the Health and Safety Executive raised no objections to the proposal. Six letters of objection were reported from local residents.

**RESOLVED: Permission refused** on the grounds that the proposed bungalow would comprise an alien and intrusive form of backland development, in an area characterised by open rear gardens serving the properties in Windermere Crescent. As such, the proposed development is contrary to Policies CT1 of the adopted Borough Plan (Policy UHT1 of the Eastbourne Borough Plan Revised Deposit Draft 2001-2011).

**(20) EB/2002/0604 (LA) - 75 Northbourne Road - single storey extension to rear of property - ST. ANTHONY'S.** The Health and Safety Executive raised no objections to the proposal.

**RESOLVED: Permission granted** subject no objections being received before the deadline for consultation on 12 December 2002 and to conditions (1) D1.1 Commencement of development within five years; (2) A3 Use of matching materials.

**(21) EB/2002/0653 - 1 Walker Close - single storey side extension and conservatory to form annexe – SOVEREIGN.** Three letters of objection were reported from local residents.

**RESOLVED: Permission refused** on the grounds that the proposed extension by reason of the siting, design, size, scale and appearance would be detrimental to the visual amenities of the area and would be in conflict with Policy CT1 and HO19 in the Adopted Local Plan (1998) and Policy UHT1 in the Revised Deposit Draft (2001-2011). Policy HO19 states (in part) that:

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

*E: scale, materials and architectural details;*

*F: sympathetic design in relation to the original house.*

**(22)/(23) EB/2002/0188 AND EB/2002/0614 - 2/3 Terminus Buildings, Upperton Road (a) change of use from Class A2 (financial and professional) to Class A3 (food and drink) use, (amended scheme) (b) change of use from Class A2 (financial & professional) to Class A3 (food and drink) – UPPERTON.** The application was deferred at the meeting of the Planning and Licensing Committee on 23 May 2002 at the request of the applicant. The observations of the Highways Manager, Local Plan Officer and the Eastbourne Access Group were set out in the report. The Head of Environmental Health raised concerns relating to the potential for an increase in smell and noise nuisance to residents generated by activities permitted under A3 use. Eleven letters of objection were reported from local residents.

**RESOLVED: (1) Permission refused in respect of application EB/2002/0188** on the grounds that the proposed change of use would, by reason of the constrained situation of the application premises, the nature of the host building and the close proximity of existing residential accommodation, likely to result in an unacceptable amount of noise, smell, rubbish and general disturbance, which would seriously harm the residential amenity enjoyed by occupiers of nearby residential properties. As such the proposed change of use is contrary to policy NE26 of the adopted Borough Plan and policy HO20 of the Revised Deposit Draft of the Borough Plan 2001 - 2011.

**(2) Permission refused in respect of application EB/2002/0614** on the grounds that the proposed change of

use would, by reason of the constrained situation of the application premises, the nature of the host building and the close proximity of existing residential accommodation, likely to result in an unacceptable amount of noise, smell, rubbish and general disturbance, which would seriously harm the residential amenity enjoyed by occupiers of nearby residential properties. As such the proposed change of use is contrary to policy NE26 of the adopted Borough Plan and policy HO20 of the Revised Deposit Draft of the Borough Plan 2001 - 2011.

(NOTE: Councillor Mrs Pooley declared a prejudicial interest in this item and left the room).

**(24) EB/2002/0572 - 24 Carew Road - erection of four storey building comprising twelve two-bedroom flats and two three-bedroom penthouses with basement car park accessed from Mill Gap Road – UPPERTON.** The Director of

Tourism

and Leisure raised no objections to the proposal. The observations of the Highways Manager, Environment Agency, Crime Prevention Design Adviser, on behalf of Sussex Police, Southern Water and the Downland, Trees and Woodland Manager were set out in the report. Three letters of objection were reported from local residents. Amended plans were received in respect of the access and car parking arrangements in response to the comments of the Highways Manager. Mrs Penfold addressed the Committee against the proposal and the applicant's agent, Mr Barber responded. Some Members expressed concern regarding the proposed vehicular access off Mill Gap Road and whether this part of the scheme could be amended.

**RESOLVED: Consideration deferred.**

**(25) EB/2002/0405(OL) - The Old Vicarage Residential Care Home, 20 St Annes Road - demolition of existing residential care home and erection of three-storey block of twelve two-bedroom flats, with basement car parking – UPPERTON.** The observations of the Strategy and Development Manager, Environment Agency, Southern Water, Highways Manager, Crime Prevention Design Adviser, on behalf of Sussex Police, Downland, Trees and Woodland Manager and the County Archaeologist were set out in the report. Five letters of representation and two of objection were reported from local residents. A letter from the applicant's agent was reported at the meeting.

**RESOLVED: Permission granted** subject to conditions (1) Approval of the details of siting, design, external appearance, landscaping and means of access of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority by application before any development is commenced; (2) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission; (3) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later; (4) A9.3 Submission and approval of landscaping scheme; (5) C5.3 Hours of demolition and construction; (6) A2 Submission of samples of facing materials; (7) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained; (8) Development shall not commence until details of the proposed means of foul and surface water disposal have been submitted to and approved by the Local Planning Authority in consultation with Southern Water Services; (9) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority; (10) Provision must be made to prevent the discharge of water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site; (11) No part of the replacement block of flats shall be higher than the main ridge of the existing building to be demolished; (12) Car and cycle parking, for residents and visitors, shall be provided on the basis of one enclosed car and one bicycle parking space per unit of accommodation, together with three car-parking spaces for visitors to the development.

**(26) EB/2002/0683 - Briar Court, 33 Lewes Road - formation of vehicular access to serve parking area – UPPERTON.** Amended plans were received in respect of the proposed access in response to the comments of the Highways Manager.

**RESOLVED: Permission granted** subject to the receipt of amended drawings and conditions (1) D1.1 Commencement of development within five years; (2) The driveway, hereby approved, shall be finished with a

paviour surface, a sample of which shall be submitted to and agreed in writing by the Head of Planning.

Together with such other conditions, in respect of the above noted amended drawings, as recommended by the Highway Authority and considered to be appropriate by the Head of Planning.

(NOTE: All Members declared personal interests, as the applicant was a colleague in the Liberal Democrat Group).

**(27) EB/2002/0636 - 19 Dittons Road - two-storey extension to rear – UPPERTON.** The Environment Agency raised no objections to the proposal. Two letters of objection/comment were reported from local residents.

**RESOLVED: Permission granted** subject to no further objections being received before the deadline for consultation on 13 December 2002 and to conditions (1) D1.1 Commencement of development within five years; (2) A3 Use of matching materials.

**45. PLANNING BRIEFS: TOWNER ART GALLERY AND MANOR GARDENS COTTAGE, MANOR GARDENS.** The Committee considered the report of the Head of Planning regarding proposed planning briefs to guide development of the Towner Art Gallery and Manor Gardens Cottage sites. The briefs identified the planning constraints associated with the buildings and their parkland setting and examined the opportunities available to extend and convert the existing properties and the potential for re-development.

**RESOLVED:** That the Planning Briefs for the Towner Art Gallery and Manor Gardens Cottage be adopted and authorised for publication.

**46. SUPPLEMENTARY PLANNING GUIDANCE ON PARKING STANDARDS FOR DEVELOPMENT IN EAST SUSSEX.** The Committee considered the report of the Director of Planning, Regeneration and Amenities and the Head of Planning regarding Supplementary Planning Guidance for "Parking Standards at Development" which set out East Sussex County Council's new policy for parking standards for new development in East Sussex. All District and Borough Council's in East Sussex had been consulted and the approved scheme was in line with the majority of representations received. The Cabinet at its meeting on 5 December 2002 had approved the scheme. Some concern was expressed regarding the Government's approach to specifying maximum parking standards rather than minimum standards. Members were advised that the actual parking standard applied to a development would depend in part on the location. Towns in East Sussex had been divided into zones with reference to their accessibility by all transport modes and levels of retail commercial activity. The parking requirement for each zone was set out in the report. An analysis of the parking provision associated with planning applications for residential development in the Town Centre over the last three years was attached as appendix 1 to the report. It was noted that the amount of on-site parking approved to serve developments was already well within the standard advised by the County Council in the SPG.

**RESOLVED: (1)** That the zonal approach to parking provision for residential development, as detailed in paragraph 3.1 of the report be supported.

**(2)** That the Committee acknowledges the results of the parking analysis for proposed residential development in the central area of Eastbourne as detailed in appendix 1 of the report and that the Supplementary Planning Guidance for "Parking Standards at Development" be adopted.

**47. DELEGATED PLANNING POWERS.** The Committee considered the report of the Director of Planning, Regeneration and Amenities regarding proposed amendments to the powers delegated to the Head of Planning for the determination of planning and related applications. The present powers, which were adopted in September 1999, had increased the general level of delegation to about 69%. A further adjustment was proposed to achieve the recent delegation target of 90% set by Government and to improve efficiency whilst retaining sufficient safeguards to ensure the Committee considered important matters. The main changes proposed were to remove the requirement to consider all applications that had a council interest as applicant or landowner and those applications that had attracted up to 3 objections. The Committee would determine the matter if a request from an objector was received to speak at the meeting within the specified consultation period.

**RESOLVED:** That the Council be recommended to approve the proposed amendments to the powers delegated to the Head of Planning related to the determination of planning and related applications as set out in appendix 2 to the report.

**48. EXCLUSION OF THE PUBLIC.**

**RESOLVED:** That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in Schedule 12A of the Local Government Act, 1972. The relevant paragraph of Schedule 12A is shown beneath the item.

**49. SUMMARY OF CONFIDENTIAL PROCEEDINGS FOR INFORMATION.**

(NOTE: The full minutes of the undermentioned item is set out in the confidential section of these minutes.

**FITZMAURICE GARAGES, FITZMAURICE AVENUE.** The Committee agreed that a further progress report be submitted to the next meeting of this Committee.

(Exempt information reason – Para 12 – Information relating to legal proceedings).

**The meeting closed at 6.30 p.m.**

C J BERRY

Chairman