

# Planning Committee

**MEMBERS:** Councillor HARRIS (Deputy Chairman) Councillors COLES (as substitute for Murray) COOKE, HEARN, JENKINS, MIAH and TAYLOR

(Apologies for absence were reported from Councillor Ungar and Councillor Murray)

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## 49 Minutes.

The minutes of the meeting held on 27 November 2012 were submitted and approved and the Chairman was authorised to sign them as a correct record.

## 50 Declaration of Interests.

Councillor Jenkins declared a personal interest in Item 4, 16 Trinity Trees having a family member living in close proximity to the site and as a member of the Overseas Students Advisory Committee. With regard to having two separate interests in the same application, Councillor Jenkins felt it appropriate to withdraw from the room whilst this item was considered.

## 51 Report of Head of Planning on Applications.

**1) EB/2012/0654 - Flat 1, Lamont Court, 15-16 Wilmington Square**  
- Installation of replacement UPVC windows – **MEADS.**

The relevant planning history for the site was detailed within the report.

The observations of the Conservation Officer were detailed within the report.

At their meeting on 20 November 2012, Conservation Area Advisory Group maintained their objections raised at their meeting on 9 October 2012 as the additional drawings had not addressed their initial concerns.

The group objected to the use of UPVC on the front elevation as it would result in a negative impact on the character of the surrounding conservation area. It was recommended that painted wood, vertical sliding sashes be constructed to replicate the existing windows. The group felt the proposed UPVC Sashes to the rear elevation were acceptable.

Councillor Elkin addressed the committee in support stating that the application should be granted due to the number of replaced upvc windows in close proximity.

The committee considered the application and the need for better enforcement for other properties within Eastbourne that had replaced windows without permission, particularly in Conservation areas.

**RESOLVED: (By 4 votes to 3)** That permission be granted subject to the following conditions: 1) Time limit (3 years) 2) In accordance with plans

**2) EB/2012/0677 - 114 South Street** - Variation of conditions 2 and 3 of permission EB/2006/0018 to allow opening until 0100 on Fridays, Saturdays, Christmas Eve and New Years Eve, and outside seating until 2200 – **MEADS**. Five letters of objection had been received.

The relevant planning history for the site was detailed within the report.

The observations of Environmental Health and the Council's Licensing Manager were detailed within the report.

The committee considered the application and discussed the opening hours on Christmas Eve. The committee asked that officers research the Christmas Eve opening hours of other licensed premises in the vicinity of the application site and advise members following the meeting.

A motion to remove 'Christmas eve' from the recommendation, proposed by Councillor Hearn and seconded by Councillor Taylor, reached deadlock with 3 votes to 3 (For: Councillors Coles, Hearn and Taylor. Against: Councillors Cooke, Jenkins and Miah). The Chairman abstained from voting and therefore was unable to use the casting vote.

The committee therefore agreed that the Chairman and Customer First Case Manager should consult with the applicant regarding removing 'Christmas eve' from the application. If a mutual agreement could not be reached the application would be brought back to a future Planning committee

**RESOLVED: (Unanimous)** That the Chairman, in conjunction with the Customer First Case Manager, be delegated to consult with the applicant regarding removing 'Christmas eve' from the application. Should a mutual agreement not be reached the application would be reconsidered at a future Planning committee.

**3) EB/2012/0679 - Land to rear of 15 Hartfield Road** - Erection of 2, no.3 bedroom dwellings with off street parking at front – **UPPERTON**. Four letters of objection had been received.

The relevant planning history for the site was detailed within the report.

The observations of the Highway Authority, Conservation Officer, Planning Policy, Southern Water, Cleansing Contracts Manager and County Archaeologist were detailed within the report.

At their meeting on 20 November 2012 the Conservation Area Advisory Group raised concerns in respect of the siting of the development being too close to the front boundary and the relationship with adjacent buildings.

Mr T Peacock addressed the committee in objection stating that the application was inappropriate and incongruous in that location. The proposed building would be in front of the existing building line in Hartfield Road and a valuable piece of amenity space would be lost. Neighbours would suffer a loss of light, views and privacy.

Mr Bowler, Applicant, addressed the committee in response stating that the proposed building had been carefully designed to overcome the appeal inspectors concerns, ensuring that many of the features were in keeping with surrounding properties. The scheme had been designed so that there would be no loss of light, and that the feeling of 'open space' would be retained.

**RESOLVED: (By 5 votes to 2)** That permission be refused on the grounds that 1) The proposed development would significantly reduce the established openness between the existing residential properties to the detriment of the distinct character, appearance and historic significance of Upperton Conservation Area and Area of High Townscape Value contrary to policies UHT1, UHT4, UHT5, UHT15 and UHT16 of the Eastbourne Borough Plan 2001-2011. 2) The proposed development represents an inappropriate form of backland development that, by reason its massing and close proximity to adjoining residential properties, would be inharmonious and unneighbourly resulting in an over-development of the site to the detriment of the established residential amenities of neighbouring occupiers with particular regard to loss of light and outlook and substandard amenity space for the occupiers of No. 15 Hartfield Road and the future occupiers of the proposed property when compared with surrounding properties. As such, the proposal is contrary to policies UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.

*Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.*

**4) EB/2012/0702 - 16 Trinity Trees** - Variation of condition 4 of permission EB/1998/0259 to allow the use to operate Monday, Wednesday and Friday 0900hrs to 1800hrs, Tuesday and Thursday 0900hrs to 2100hrs and Saturday 0900hrs to 1800hrs – **MEADS**. 20 letters of objection and one letter of support had been received.

The relevant planning history for the site was detailed within the report.

The observations of the Overseas Student Advisory Committee were detailed within the report.

Ms Hennelly addressed the committee in objection stating that there had been a problem with anti-social behaviour at the school. Ms Hennelly stated that following a meeting of a working group comprising various neighbours, agencies and the school, agreement had been reached that the school would not operate on Saturdays. Ms Hennelly asked that should the application be approved, it should be for a temporary period of 12 months to allow for a review, prior to agreeing to a permanent consent.

Councillor Elkin, Meads Ward Councillor, addressed the committee in objection referring to the issues of anti-social behaviour and the working group. Councillor Elkin urged the committee not to neglect the residents concerns and agreed that the permission should be temporary if granted.

Mr Dyer, Principal, DIDAC school, addressed the committee in response stating that he refuted the claims made regarding anti-social behaviour and that many issues could be contributed to street drinking in the vicinity on Saturday evenings. Staff had been employed to monitor student behaviour during break times as agreed at the aforementioned working group. Since Mr Dyer had become aware that the school was not permitted to operate on Saturdays, he had made use of Trinity Church Hall for exams without issue. Mr Dyer was keen to highlight the purpose of the increase in opening hours which provided additional small workshops for students staying in Eastbourne, and providing a safe haven for students during the evenings.

**RESOLVED: (By 5 votes to 2)** That permission be granted subject to the following conditions: 1) The extended hours hereby permitted shall be discontinued 12 months from the date of this decision. 2) That the use hereby authorised shall only operate between the hours of 0900hrs to 1800hrs Monday, Wednesday and Friday, 0900hrs to 2100hrs Tuesday and Thursday, 0900hrs to 1800hrs Saturday and no operations whatsoever shall take place on Sundays or Bank/Public Holidays 3) That, except with the express written consent of the Local Planning Authority, no outdoor activities shall take place between 1800hrs and 0900hrs on any day of the week.

**5 & 6) EB/2012/0711(FP)& EB/ 012/0712(LB) - Lathom House Hotel, 4-6 Howard Square** - Conversion of hotel to provide for two town houses (fronting Howard Square) six self contained flats (fronting Howard Square/Compton) together with provision of new entrance steps – **MEADS**. An objection from a nearby hotelier had been received, along with a proforma letter of objection signed by 14 neighbouring residents. The observations of the Conservation Officer, Planning Policy and Highway Authority were detailed within the report.

At their meeting on 20 November 2012, the Conservation Area Advisory Group raised no objections to the proposals.

Bespoke Cycling commented that the scheme made no provision for cycle storage.

Members discussed the scheme and raised concern regarding the loss of bed space particularly when considering the potential of the proposed development at Devonshire Park. Members also discussed the viability of the premises as a hotel.

The Customer First Case Manager advised the committee that the owners of building had demonstrated that the building was no longer viable as a hotel using the Council's criteria as stated in Policy T02 (Eastbourne Borough Plan 2003).

A motion to accept the officer's recommendations as detailed within in the report, proposed by Councillor Miah was lost as the motion was not seconded.

**RESOLVED: (By 5 votes to 1 with 1 abstention)** 1) EB/2012/0711 That permission be refused on the grounds that the proposed development would result in the loss of a large hotel with a significant number of bed spaces in a prime location in the Tourist Accommodation Area, which would be detrimental to the towns stock of tourist accommodation and the viability of the tourist industry. As such, the proposal would conflict with Policy TO2 of the Eastbourne Borough Plan 2001-2011 and the Core Strategy. In coming to this decision to refuse permission, the local planning authority had regard to the requirement to negotiate both positively and pro-actively with the applicant, in line with the guidance at paragraph 187 of the National Planning Policy Framework. However, the planning constraints leading to this refusal of permission did not appear capable of resolution.

2) EB/2012/0712 That the works/alterations proposed to convert the listed building into flats would be detrimental to the historic and architectural integrity of the heritage asset, and therefore would conflict with the saved policy UHT17 of the Eastbourne Borough Plan 2001-2011, the Core Strategy and the National Planning Policy Framework. In coming to this decision to refuse permission, the local planning authority had regard to the requirement to negotiate both positively and pro-actively with the applicant, in line with the guidance at paragraph 187 of the National Planning Policy Framework. However, the planning constraints leading to this refusal of permission did not appear capable of resolution.

*Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.*

**7) EB/2012/0719 - Flat 2, 11 Buxton Road** - Erection of single storey extension to the side – **MEADS**. Eight letters of objection had been received.

The observations of the Conservation Officer were detailed within the report.

At their meeting on the 20 November 2012, the Conservation Area Advisory Group raised no objections to the proposal.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions: 1) Commencement within three years 2) Approved plan references 3) Submission of samples of materials.

## **52 South Downs National Park Authority Planning Applications.**

None reported.

**NOTED.**

### **53 The Cottage, St Anne's Road, Torfield Conservation Area.**

The committee considered the report of the Planning policy Manager seeking approval for consultation on the inclusion of The Cottage, St Anne's Road, Torfield in the list of Buildings of Local Interest.

Members were advised that it was proposed to include The Cottage, Torfield Conservation Area in The Local List of Buildings of Local Interest held by The Council. The list comprised buildings or structures which made a special contribution to the Townscape; represent the work of an important local Architect or represent a particular style of Architecture, or period in the development of the town.

The boundary and Management Plan of the Torfield Conservation Area Appraisal had recently been reviewed, in alignment with Guidance set out by English Heritage. The Review, (Approved by Cabinet on 24<sup>th</sup> October 2012), approved the revised boundary to include The Lodge, St Anne's Road, Torfield, which was now within the Torfield Conservation Area.

The Conservation Area Advisory Group supported the motion that 'The Cottage' be nominated as a Building of Local Interest at its Meeting on 9<sup>th</sup> October 2012 following publication of the Torfield Conservation Area Appraisal.

Public comment is being invited on the inclusion of The Cottage in the local list of Buildings of Local Interest for a period of 8 weeks between 8<sup>th</sup> January 2013 and 5<sup>th</sup> March 2013.

The Cottage was constructed in c. 1890, when the substantial villa 'Torfield Court' and The Cottage were built on St Anne's Road. The Cottage was the major ancillary building to Torfield Court, which also had a range of other structures usual at the time – Glass houses, cucumber frames and the grounds were richly planted with trees around the perimeter (See Appendix A 1870 Map and Appendix B 1899 Map).

The original gate posts to the South East facing entrance still exist and denote the original entrance. The exit of the carriage ring adjacent to The Cottage was more modest.

In the 1920's PD Stonham, a notable local Architect developed the land belonging to Torfield Court building a serried of Mock Tudor residences which now comprised the Torfield Conservation Area. The original Court and the Cottage remained until Torfield Court was demolished and replaced with the present block of flats in the 1960s.

The proposal for 'The Cottage' to be added as a Building of Local Interest had been prepared following English Heritage's Guidance Note. It aimed to set out, in a clear and concise manner, the special architectural and historic interest of the building and to provide information on the best approach to managing change, in order to conserve or enhance the special interest of the area.

**RESOLVED: (Unanimous)** That consultation on the inclusion of 'The Cottage', St Anne's Road, Torfield as a Building of Local Interest for a period of 8 weeks between 8<sup>th</sup> January 2013 and 5<sup>th</sup> March 2013 be agreed.

The meeting closed at 8.41pm.

**Councillor Harris  
(Deputy Chairman in the Chair)**