

Tuesday, 13 May 2014  
at 6.00 pm



# Planning Committee

Present:-

**Members:** Councillor Ungar (Chairman); Councillors Hearn, Jenkins, Miah, Murray, Murdoch, Taylor and Stanley (as substitute for Harris).

(An apology for absence was reported from Councillor Harris)

## 1 Minutes of the meeting held on 22 April 2014.

The minutes of the meeting held on 22 April 2014 were submitted and approved and the Chairman was authorised to sign them as a correct record.

## 2 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.

Item 7 – St Andrews School – 72 Meads Street – Councillor Taylor declared a personal interest on the basis that family members attended the school. This was not deemed to be prejudicial and he remained in the room and voted thereon.

Item 9 – 2 Upwick Road – Councillor Ungar stated that he had predetermined the issue and therefore withdrew from the room whilst this item was considered.

## 3 32-34 Eshton Road. Application ID: 140177 (PPP).

**Proposed single storey rear extension, together with an increase in the number of children from 48 to 56 at any one time – DEVONSHIRE.** The County Archaeological Advisor and Environmental Health raised no objections to the proposal. Four letters of objection were reported from local residents. A letter of support from the resident of 30 Eshton Road was reported at the meeting.

The Highway Manager reported that the application was unlikely to lead to a severe impact on the operation of the highway around the site on the basis of a number of site visits and the traffic survey submitted. The Committee was advised that the published National Planning Policy Framework states that a development can only be refused on transport grounds where the impact is severe.

The Committee raised concerns regarding the increase in the number of children proposed and made reference to the application for the same increase which was dismissed on appeal in January 2014. Although the Committee noted the extended hours of operation of the nursery granted in 2013, it was considered that the impact on parking could still be significant. Concerns were also raised regarding the loss of outdoor space proposed.

**RESOLVED: (Unanimous)** That permission be refused on the grounds that 1) The proposed increase in the number of children from 48 to 56 at any one time would be capable of adding significantly to the demand for parking, to congestion and to potentially unsafe parking and other manoeuvres at already busy times of day; 2) The proposed extension would result in the loss of usable play space for the children, to the detriment of the amenities of the users of the nursery.

**4 113 St Philips Avenue. Application ID: 140305 (HHH).**

**Two storey rear extension and alterations – ST. ANTHONYS.** The County Archaeologist raised no objections to the proposal. Two letters of objection were reported from local residents. Two further letters of objection were reported at the meeting. Mrs Viney addressed the Committee on behalf of local resident Mrs Harker and raised concerns regarding loss of light and direct overlooking causing loss of privacy.

The applicant, Ms K Hadington responded and outlined the amendments made to the application to minimise the impact on neighbouring properties. The Committee was advised that the scheme now included the demolition of the existing garages.

**RESOLVED: (Unanimous)** That permission be granted subject to conditions: 1) Time for commencement; 2) In accordance with approved drawings; 3) Standard demolition and construction time condition; 4) Use of matching materials; 5) The proposed high level windows in the flank elevation facing 115 St Philips Avenue shall be recessed to provide external reveals and shall only be glazed in semi-obscure glass, and shall be fitted with restrictors so that they are incapable of being opened more than 200mm; 6) The proposed new window (shown on the approved plan as serving the dressing room on the first floor) in the flank elevation facing 111 St Philips Avenue shall only be glazed in semi-obscure glass and incapable of being opened.

**5 Eastbourne College, Marlborough House, Old Wish Road, Application ID: 140194 (PPP) 140196 (LBC) 140397 (PPP).**

**a) 140194 - demolition of existing buildings and the re-development of the site to provide the following development: (i) Sports facilities consisting of a sports hall, swimming pool, squash courts, fitness suite, multi-purpose studio and changing facilities; (ii) 31 classrooms (net increase of 7); (iii) School shop; and (iv) Dining hall (b) 140196 - creation of a new access through the listed wall facing College Road and closing of existing access (c) 140397 - location of 12 temporary classrooms across the College campus to accommodate students during the construction period – MEADS.**

The Conservation Area Advisory Group at its meeting on 1 April 2014 welcomed the detailed consultation undertaken by the applicants to address previous concerns raised. It considered the project to be imaginative, forward looking and one that would have a positive impact on the surrounding conservation area.

The Council's Specialist Advisors for Planning Policy and Economic Development raised no objections to the proposal. East Sussex County

Council's Highways, Archaeologist and Ecologist and Southern Water raised no objections subject to a number of conditions. English Heritage raised no objections to the demolition or the concept of a contemporary design at the site, provided that it respects the historic context. The Council's Specialist Advisor for Arboriculture requested an additional condition in relation to the application for temporary buildings to prevent damage to any trees on site 1 adjacent to Grassington Road which are subject to a Tree Preservation Order.

A letter of support was reported from Mr S Lloyd MP stating that the development will be a major additional asset to the College and requesting that through the construction phase the contractors be encouraged to offer local apprenticeships. The Committee was advised that the applicant had agreed to a Unilateral Undertaking in relation to employment initiatives.

A letter of support was reported from Mr N Howell, Planning Advisor to the Eastbourne Society supporting the contemporary design and scale of the proposal which is considered imaginative, impressive and respectful to the Conservation Area.

The Committee was advised that a Fire Consultant has been instructed as part of the project and the scheme will be fully compliant with the Building Regulations in terms of fire safety.

The Chairman reported on the comments of support received from Councillors Ansell and Elkin.

Mr Forbes-Wastie a local resident addressed the Committee in support of the proposal which will provide excellent facilities for both the school and Eastbourne.

Mr H Drake from the Devonshire Park Hotel welcomed the proposal which will complement and improve the area and blend well with the existing buildings and the Devonshire Park development.

**RESOLVED: (Unanimous) (1)** That planning permission and relevant demolition in a conservation area be granted in respect of 140194 subject to the completion of a Unilateral Undertaking relating to employment initiatives and to conditions: 1) Time for commencement; 2) Approval of drawings; 3) Submission of all external materials ; 4) The demolition and construction shall be carried out in accordance with biodiversity statement; 5) To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August); 6) No development shall take place until the developer has secured the implementation of a programme of archaeological work; 7) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed; 8) The development shall not be occupied until the existing access shown on the approved plans to be blocked up has been stopped up and the kerb & footway reinstated; 9) The new access shall be in the position shown on the submitted plan; 10) The development shall not be occupied until a turning space for vehicles has been provided ; 11) Prior to demolition works commencing on site a Traffic Management Scheme

shall be submitted to and approved by the Local Planning Authority; 12) Provision of wheel washing facilities; 13) The development shall not be occupied until disabled parking area has been provided in accordance with the approved plans; 14) Prior to the commencement of development the developer must advise the Local Planning Authority (in consultation with Southern Water) of the measure which will be undertaken to divert the public sewers; 15) All existing trees, shrubs and other natural features not scheduled for removal shall be fully safeguarded during the course of the site works; 16) No bonfires or burning of materials shall take place within 6 metres of the furthest extent of the spread of the canopy of T4 and T5; 17) Details of works and impacts on trees T4 and T5; 18) The soil levels within the root spread of T4 and T5 of the applicants tree report (Ref: BM-1041tr) to be retained shall not be raised or lowered; 19) No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority; 20) Details of tree planting; 21) Any such trees that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within five years of planting shall be replaced; 22) Standard construction time condition; 23) Demolition method statement; 24) Standard unknown contamination condition; 25) Details of temporary structures or hoardings; 26) The terrace shall not be used other than between the hours of 0700 and 2200 on any day.

That an Informative be attached to the decision notice advising the applicant as follows:

1) Your attention is specifically drawn to the conditions above marked ++. These conditions require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE and or PRIOR TO OCCUPATION OF THE BUILDING. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may take appropriate enforcement action to secure compliance. You are advised that sufficient time for the Authority to consider the details needs to be given when submitting an application to discharge conditions. A period of between five and twelve weeks should be allowed. A fee of £97 is payable for each submission to discharge conditions.

2) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove Otterbourne, Hampshire SO21 2SW (Tel: 03303030119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**(3)** That Listed Building Consent be granted in respect of 140196 subject to conditions 1) Time for commencement; 2) Approval of drawings; 3) Materials to match the existing.

**(4)** That planning permission be granted in respect of 140397 subject to conditions 1) Time for commencement; 2) Approval of drawings; 3) The temporary buildings hereby permitted shall be removed and the land restored to its former condition on or before 31 December 2017; 4) That a method statement to be submitted prior to commencement of development

hereby permitted in relation to site 1 adjacent to Grassington Road; and thereafter the construction/installation of the temporary buildings shall be undertaken in accordance with the approved method statement. The statement should give due consideration to all trees on the site; (i) detailing access and installation of the classrooms in order to prevent damage to trees; (ii) the location of any site office, access routes, ground protection and material storage areas before commencement of construction to prevent damage to trees; (iii) details of proposed and existing functional services below ground (e.g. drainage, power communication cables and pipelines) indicating positioning to ensure any new services are installed in a location to avoid damage to the trees; and (iv) details of any tree protection fencing or hoarding to the root protection areas of the trees if necessary.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity.

**6 Land at the Corner of Firle Road and, Beltring Terrace. Application ID: 140119 (OSR)**

**Outline application (for access, appearance, layout and scale) for demolition of house and garage at 60 Firle Road and garage at 13 Beltring Terrace and the erection of 4 no.1 bedroom apartments and 1 no. 2 bedroom house (with landscaping reserved) – DEVONSHIRE.**

The Council's Planning Policy Manager raised objections on the grounds that the proposal is considered to create undue harm to the character of the area and residential amenity.

The Environment Agency recommended that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood resilient and resistant measures. The Local Highway Manager raised no objections to the proposal.

Seventeen letters of objection were reported from local residents. Residents of Beltring Terrace, Ms A Suffolk and Mr Nolan addressed the Committee against the proposal. Concerns were raised regarding the impact of the development on the character of the surrounding area, parking, an increased risk of flooding and the close proximity of the development which may prevent the ability to maintain the neighbouring property.

The applicant, Mr Dowding responded and stated that the scheme had been amended to address the concerns raised. He considered that the development would enhance the area and advised that no objections had been raised by the Local Highway Manager in terms of parking.

**RESOLVED: (Unanimous)** That permission be refused on the grounds that by reason of the scale and layout of proposed development and the detailed design and appearance of the proposed buildings the proposals are inconsistent with the character and appearance of the surrounding residential area and are therefore contrary to saved policies.

In coming to this decision to refuse permission, the Local Planning Authority have 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, namely the proposed over development of the site and the detailed design of the proposed buildings, do not appear capable of resolution without major revision to the proposal.

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

**7 St Andrews School, 72 Meads Street. Application ID: 140288 (PPP).**

**Erection of a new sports hall (including changing facilities. WCs, office, storage and dance studio) located on existing playing field – MEADS.**

A number of local residents raised objections to the proposal on highway grounds in terms of parking and congestion. A public consultation had been held at the pre-application stage following which a number of modifications had been made to the scheme.

The Design Review Panel had considered the scheme and a number of requested amendments had been made. The Conservation Area Advisory Group at its meeting 1 April 2014 raised no objections in principle to the provision of a sports hall, and considered that it would be an improvement to the facilities. Some concerns remained regarding the overall height and the design. The County Archaeological Advisor, Highways and the Environment Agency raised no objections to the proposal subject to conditions.

The Council's Specialist Advisor for Design and Conservation advised that any building should respond to the topography and character of the conservation area to which it is sited. The Council's Specialist Advisor for Planning Policy raised no objections to the proposal. The Council's Specialist Tree Advisor raised no objections subject to conditions to safeguard existing trees during construction.

**RESOLVED: (Unanimous)** That permission be granted subject to the completion of a Unilateral undertaking relating to employment initiatives and to conditions 1) Time for commencement; 2) In accordance with approved plans; 3) Scheme for the implementation of archaeological works; 4) Use shall not be brought into use until the site investigation and post archaeological investigation assessment has been supplied; 5) Unsuspected contamination is encountered; 6) Foul and surface water disposal; 7) Tree protection; 8) Samples of external materials; 9) Construction method statement (including information over excavated spoil and routing and locaton for its disposal; 10) Access way details location and external finishing; 11) Car parking layout including disabled parking spaces; 12) Service trenches details; 13) Site office/site compound; 14) Wheel washing facilities.

**8 The Parkfield, Lindfield Road. Application ID: 140359 (NMC) 140309 (PPP) 140307 (ADV) 140544 (VOC).**

**(a) Application for non-material amendments to application ref: 120604 for the proposed change of use of public house (A4) to retail (A1) together with demolition of existing single storey extension and erection of two single storey extensions (Ref: 140359); (b) Advertisement consent for a Totem Advert (Ref: 140306); (c) Advertisement consent for Various signage (Ref: 140307); (d) Planning permission for installation of plant (Ref: 140309); (e) Application for variation of a condition of planning application Ref 120604 relating to landscaping and external finishes (Ref: 140544) – RATTON.**

The application related to previous applications which were granted on appeal in relation to the change of use from a public house to a retail unit, which was also subject to a lawful development certificate (Ref: 120585).

**RESOLVED: (Unanimous) (1)** Permission be granted in respect of 140359 (NMC).

**(2)** That advertisement consent be refused in respect of 40306 (ADV) on the grounds that the proposed totem sign by virtue of its location, size and design would be detrimental to the visual amenity of the area contrary to saved policies UHT1, UHT4, UHT12 of the Eastbourne Borough Plan (Saved policies 2007) and policies B2 and D10A of the Eastbourne Core Strategy Local Plan (2013) and the National Planning Policy Framework (2012).

**(3)** That advertisement consent be approved in respect of 140307 (ADV) with standard conditions, approved drawings and condition in relation to hours of illumination limited to no later than 23:00 or after the premises are closed to the public (whichever is the earlier).

**(4)** That permission be granted in respect of 140309 (PPP) subject to conditions (1) Time Limit; (2) approved drawings; (3) Rating Noise level condition.

**(5)** That in respect of 140544 permission be granted for a variation of application 120604 relating to landscaping and external finishes.

**9 2 Upwick Road. Application ID: 140155.**

**Application for approval of details reserved by condition of original permission (EB/2011/0193(FP)) and EB/2012/0753(FP)) - OLD TOWN.**

Two applications for the redevelopment of the site at 2 Upwick Road for the erection of 6 houses, with car parking and landscaping had been approved on appeal. The current application sought approval of details reserved by condition attached to the original permissions granted.

East Sussex County Council Highways raised no objections subject to the wheel washing water not dispersing over the public highway.

Mr Cline addressed the Committee against the proposal and stated a complaint had been submitted to the Local Government Ombudsman regarding the planning process for the application. He also raised concerns regarding the accuracy of some of the drawings submitted and the support of the boundary wall.

Mr J Pearce addressed the Committee on behalf of the applicant and made reference to the extensive consultation undertaken with officers and appeal Inspector.

The Committee was advised that the Local Government Ombudsman complaint was not relevant to the application. With regard to the width of the accessway serving the site, the appeal Inspector had taken independent site measurements and based their determination on the measurements taken, which accorded with the submitted details.

(NB: Councillor Ungar withdrew from the room whilst this item was considered. Councillor Murray took the Chair).

**RESOLVED: (Unanimous)** In respect of 140155 that the details reserved by condition of original permission (EB/2011/0193(FP)) be approved: Condition 3: Samples of external materials; Condition 8: Protective fencing for trees; Condition 9: Details of wheel washing for construction traffic; Condition 11: Details of access road and turning area (including details of: finished surfacing materials, gradient and drainage).

**(2)** In respect of 140156, that the details reserved by condition of original permission (EB/2012/0753(FP)) be approved: Condition 3: samples of external materials; Condition 7: Protective fencing for trees; Condition 8: Facilities for cleaning wheels of construction traffic; Condition 10: Details of access road and turning area (including: finished surfacing materials, gradient, kerb radii, drainage, stepped access to No. 2 Upwick Road).

**10 South Downs National Park Authority Planning Applications.**

None were reported.

The meeting closed at 8.50 pm

**Councillor Ungar (Chairman)**