

EASTBOURNE BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION TO DEVELOP LAND SUBJECT TO CONDITIONS

To: Russells Garage
c/o Mackellar Schwerdt Partnership
St Andrews Lane
Lewes
East Sussex
BN7 1UW

Decision



Location: 20 AND 22 LOTTBRIDGE DROVE, EASTBOURNE

Proposal: Change of use from Class B8 (storage and distribution) to car dealership, including showroom and workshop, extension to join the two units and external alterations to front façade.

In pursuance of their powers under the above Act, the Council as Local Planning Authority hereby permit you to develop land in accordance with the proposals set out in your application dated 29 April 2003 and shown on the plan(s) submitted therewith, subject to the conditions as specified hereunder:-

CONDITIONS

1. That the development hereby authorised shall be commenced within five years from the date of this permission.
2. That the parking layout indicated on drawing no. 8211/06, shall be available for use before the use hereby approved is commenced and shall thereafter be maintained.

The reasons for the Council's decision to grant permission for the development subject to compliance with the conditions set out above are:-

REASONS FOR CONDITIONS

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To avoid the obstruction of surrounding streets by waiting vehicles.

This permission must **not** be treated as an **approval under the Building Regulations** which may require a **separate application** and is granted subject to due compliance with the general statutory provisions in force in the Borough and nothing herein shall be regarded as dispensing with such compliance.

Access for Fire Brigade: your attention is hereby drawn to the provisions of Section 35 of the East Sussex Act 1981.

Your attention is also drawn to The Chronically Sick and Disabled Persons Act 1970 (as amended): please see attached notes.

Copies of the plan(s) and application form are returned herewith.

Dated: 16 June 2003

Head of Planning

EAST SUSSEX ACT 1981
SECTION 35

- (1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the Fire Authority, they are satisfied that the plans show:
 - (a) that there will be adequate means of access for the Fire Brigade to the building or, as the case may be, to the building as extended;
and
 - (b) that the building or, as the case may be, the extension of the building, will not render inadequate any existing means of access for the Fire Brigade to a neighbouring building.
- (2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1990 unless notice of the provisions of this section is endorsed on or accompanies the planning permission.
- (3) Section 64(2) and section 65(2) to (5) of the Act of 1936, (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the Act of 1936.
- (4) Any person aggrieved by the action of the District Council in rejecting plans under this section may appeal to a Magistrates' court.
- (5) In this section references to the adequacy or inadequacy of means of access for the Fire Brigade shall be construed as reference to a means of access adequate, or, as the case may be, inadequate for use for fire-fighting purposes by means of one or more Fire Brigades and their appliances.

NOTES
TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from: The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Telephone: 0117 372 6372. Email: enquiries@planning-inspectorate.gsi.gov.uk

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a Purchase Notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.