

Planning Committee Agenda

Wednesday, 22 June 2016 at 6.00 pm

Council Chamber, Aquila House, Breeds Place, Hastings, TN34 3UY.

Please enter the building via the Tourist Information Centre entrance.

For further information, please contact Emily Horne on 01424 451719 or email: ehorne@hastings.gov.uk

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PLANNING COMMITTEE

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Present: Councillors Street (Chair), Scott (Vice-Chair), Sabetian (as the duly appointed substitute for Councillor Beaney), Beaver (as the duly appointed substitute for Councillor Cooke), Edwards, Dowling, Lee (as the duly appointed substitute for Councillor Clarke), Roberts, Webb (as the duly appointed substitute for Councillor Rogers) and Wincott.

92. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Beaney, Cooke and Rogers. Councillor Clarke was sat in the gallery and observed the meeting as part of his planning training.

93. DECLARATIONS OF INTEREST

The following Councillors declared their interest in the minutes as indicated:

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Dowling and Scott	96.1 - 36 Croft Road, Hastings	Personal – Knows the petitioner Mr Osborne. Member of the same club
Webb	97.2 - 3 North Street	Personal – Knows one of the objectors Mrs Gallini
Scott and Wincott	97.3 - Summerfields Business Centre, Horntye Park	Personal – Member of East Sussex Fire Authority.

94. MINUTES OF THE MEETING HELD ON 20 APRIL 2016

RESOLVED – that the minutes of the meeting held on 20 April 2016 be approved and signed by the Chair as a true record.

95. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

96. PLANNING APPLICATIONS ATTRACTING A PETITION:

96.1 **Factory and Premises, 36 Croft Road, Hastings**

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Proposal:	Retrospective temporary change of use from warehouse (B8) to tile showroom (A1) (amended description)
Application No:	HS/FA/16/00086
Existing Use:	Ancillary area to tile showroom (use Class A1) - Unauthorized
Conservation Area:	No
Listed Building	No
Public Consultation	15 letters of objection and 1 petition received

The Planning Services Manager advised of the following updates to the report.

An amendment to the report was noted under the heading 'Conclusion'. Replace the words 'it is considered acceptable anf' with 'it is considered acceptable and'. An additional informative note Number 4 was added.

A supplementary report containing an amendment to Condition 3 of the officer's report, was circulated to the Committee and published on the Council's website prior to the start of the meeting. The words 'Not at all on Sundays or Bank Holidays' to be replaced with 'At no time on Sundays or Bank Holidays' for consistency. The Planning Services Manager also explained the position regarding permitted development rights.

The petitioner, Mr Raymond Osbourne, was present and spoke against the application. He raised concern regarding the volume of traffic and parking in the area. The applicant was present in the Council Chamber but chose not to address the Planning Committee.

Councillor Wincott proposed a motion to approve the application subject to the amendment of Condition 3 and the addition of Note 4. This was seconded by Councillor Lee.

RESOLVED – (unanimously) that planning permission be granted subject to the following conditions:

1. **The development hereby permitted shall be carried out in accordance with the following approved plans:**

TCPS 619A/1, TCPS 619A/2, TCPS 619A/4, TCPS 619A Planning Statement

2. **Deliveries and waste collection to and from the premises shall not take**

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place except between the following hours:-

08:00 to 17:00 Monday - Friday

08:00 to 12:30pm Saturdays, and at no time on Sundays or Bank Holidays.

- 3. The premises shall not be used except between the following hours:-**

8 am - 5pm Monday - Friday,

8am - 12.30pm Saturdays,

At no time on Sundays or Bank Holidays.

- 4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015, the approved tile show room (A1 retail use) shall be restricted to the area marked on drawing number TCPS 619A/3 only.**

- 5. The temporary change of use from part B8 to use class A1 shall cease on 1 May 2017. The use class as approved will return back to use class B8 as of 2 May 2017.**

Reasons:

- 1. For the avoidance of doubt and in the interests of proper planning.**
- 2. To safeguard the amenity of adjoining residents.**
- 3. In the interests of the amenity of the neighbouring residential occupiers.**
- 4. In the interests of the amenity of the neighbouring residential occupiers.**
- 5. To safeguard the amenity of adjoining residents.**

Notes to the Applicant

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.**
- 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the**

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applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

3. The proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.
4. The applicant is advised that the use is carried out in a manner that is considerate to local residents in respect of the parking of vehicles.

97. PLANNING APPLICATIONS:

97.1 11-15 Sedlescombe Road North, St. Leonards on Sea

Proposal:	Change of use from A1 (Supermarket) to D2 (Bingo Hall) with coffee shop extension, extension to create lobby area, shopfront alterations, canopy & outdoor seating area.
Application No:	HS/FA/16/00040
Existing Use:	Vacant supermarket (A1 retail use)
Conservation Area:	No
Listed Building	No
Public Consultation	7 letters of objection and 1 neutral comment received

Ms S Roots, Principal Planner presented this report and advised members of an additional condition to be included regarding opening hours (Condition No. 7). Miss Roots explained that objections received were in respect of parking, noise and competition some of which could be addressed by way of condition. An additional informative note Number 6 was added regarding litter.

A supplementary report containing an additional Condition No. 6 to the officer's report was circulated to the Planning Committee and published on the Council's website prior to the start of the meeting.

Councillor Scott proposed a motion to approve the application subject to the addition of Conditions 6 and 7 & a note regarding litter. This was seconded by Councillor Lee.

RESOLVED - (unanimously) that planning permission be granted subject to the following conditions:

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- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:**

53-15-100, 53-15-200 A, 53-15-201 B.

- 3. No development shall take place above ground until details (including colour) of the materials to be used in canopy hereby permitted as part of the overall development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
- 4. Noise emitted from the proposed PA system and any other plant equipment as part of the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10dB below the minimum external background noise, at a point 1 metre outside any window of any residential property, unless and until a fixed maximum noise level is approved by the Local Planning Authority.**
- 5. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-**

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

- 6. Prior to the development hereby approved being commenced, a noise report from a suitably qualified professional shall be submitted for written approval of the Local Planning Authority.**
- 7. The Premises shall not be used except between the following hours :-**
08.00 - 12.00 Monday to Saturday
08.00 - 20.00 Sundays and Bank Holidays.

Reasons:

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.**

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- 2. For the avoidance of doubt and in the interests of proper planning.**
- 3. To ensure a satisfactory form of development in the interests of the character and amenity of the area.**
- 4. To safeguard the amenity of adjoining and future residents.**
- 5. To safeguard the amenity of adjoining and future residents.**
- 6. In order to protect neighbouring residential amenity.**
- 7. In order to protect neighbouring residential amenity.**

Notes to the Applicant

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.**
- 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.**
- 3. If during any excavation, suspicions are aroused as to potentially contaminated land, then further scientific analysis must be undertaken.**
- 4. The applicant is advised that the premises will need to be licensed separately under the Gambling 2005 for a Bingo Hall.**
- 5. The applicant is advised that the work proposed will also be subject to building regulations. All the relevant regulations will apply, including means of escape requiring consultation with the Fire Brigade, disabled provisions and conservation of fuel and power.**
- 6. The applicant is advised that the outside seating area should be kept free of litter and rubbish associated with the use of the premises.**

97.2 3 North Street, St. Leonards on Sea

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Proposal:	Change of use of ground floor shop to single private dwelling, single storey rear extension, alterations to front elevation to remove 'shopfront' and addition of window at first and second floor. As amended by plan B080.02B received 19.01.2016 (amended description).
Application No:	HS/FA/15/00338
Existing Use:	Vacant unit
Conservation Area:	Yes – St. Leonards East
Listed Building	No
Public Consultation	4 letters of objection received at the time the report was published and 1 additional objection was received.

The Planning Services Manager advised that on 19th May 2016 the National Planning Policy Guidance was amended setting out when contributions could not be sought. These circumstances included that contributions could not be sought from developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000sqm. In light of this the Council are unable to seek an affordable housing contribution in relation to this application. The Planning Committee report had been amended and the resolution to grant permission subject to the provision of an off-site affordable housing contribution has been removed. The recommendation is now for approval subject to conditions.

A supplementary report explaining the change to government policy was circulated to the Committee and published on the Council's website prior to the start of the meeting.

Councillor Beaver proposed a motion to approve the application. This was seconded by Councillor Roberts.

RESOLVED – by (8 votes to 2) that planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
- 2. The materials to be used in the construction of the extension hereby permitted shall be those indicated on the approved plan B080.02B**
- 3. The new and replacement windows in the front elevation shall be slim-**

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line double glazed units.

4. **With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-**

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

5. **The development hereby permitted shall be carried out in accordance with the following approved plan: B080.02B.**

Reasons:

1. **This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.**
2. **To ensure that the finished extension matches the appearance of the existing dwelling.**
3. **To ensure that the finished development takes proper account of the character of the surrounding area in its use of materials in the interests of the amenity of the area.**
4. **To safeguard the amenity of adjoining residents.**
5. **For the avoidance of doubt and in the interests of proper planning.**

Notes to the Applicant

1. **Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.**
2. **Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.**
3. **The proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.**

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97.3 Summerfields Business Centre, Horntye Park, Hastings

Proposal:	Demolition of single storey offices and redevelopment of site for 10 x 3 bed dwellinghouses and 22 x 1 and 2 bed flats, access, parking and landscaping.
Application No:	HS/FA/15/00984
Existing Use:	Vacant Offices (B1)
Conservation Area:	No
Listed Building	No
Public Consultation	2 letters of objection received. Council Application.

The Planning Services Manager presented a number of updates to the report.

A supplementary report containing an amendment to Condition No. 9 (SUDS) and additional Conditions No. 28 (Site investigation – contaminants) and 29 (Dropped kerb) to the officer's report, was circulated to the Planning Committee and published on the Council's website prior to the start of the meeting. The Planning Services Manager showed members various plans and aerial views of the proposed development. The key issue was the loss of employment uses which was considered acceptable in this instance.

Councillor Wincott proposed a motion to approve the application subject to the amendment of Condition 9 and the addition of conditions 28 and 29. This was seconded by Councillor Beaver.

RESOLVED – by (9 votes to 1) that:

A) The Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure:

- financial contribution towards upgrade & maintenance of play facilities;
- financial contribution towards the upkeep of Summerfields Woods Local Nature Reserve
- financial contributions to primary schools, libraries and Public Rights of Way; and
- affordable housing

unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the

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identified development contributions. In the event that the Agreement is not completed, or the viability issue not resolved by 25 August 2016 that permission be refused on the grounds that the application does not comply with the relevant policies (policies H3, C11, EN2, EN3, EN5, EN6, and HN8) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Subject to the above:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
12489_00-00-3-3, 12489_00-01-3-4, 12489_05-01-3-3, 12489_00-01-2-1,
12489_B_15_00-2-3,12489_05-01-3-1,12489-SPR-60-01-2_2, 12489-SPR-60-02-2_2,12489_99-01-3-1,12489_99-02-3-1, 12489_20-01-2-3,
12489_B_30_00-2-1
3. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to/made available on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved and thereafter retained. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.
5. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority and thereafter

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retained.

6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping to the whole site (including the Biodiverse Garden), which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.

7. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The soft landscaping areas shown within the approved landscaping scheme shall be provided prior to occupation of any part of the development and thereafter retained.

8. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.

9. No development shall take place until details of a surface water drainage scheme have been submitted to and agreed in writing by the local planning authority. The surface water drainage scheme should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system. Where a sustainable drainage scheme is to be provided, the submitted details shall:

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- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters
- ii. be supported by a site investigation which incorporates ground water monitoring, preferably in winter, and soakage tests undertaken in accordance to BRE365 (*when infiltration is proposed*)
- iii. provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

Development shall be carried out in accordance with the approved surface water drainage scheme and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed. No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

10. Prior to occupation, a “lighting design strategy for biodiversity” for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for all bat species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without

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prior consent from the local planning authority.

11. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competent person [e.g. *an ecological clerk of works /on-site ecologist*] have been submitted to and approved in writing by the local planning authority. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
12. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

13. All ecological measures and/or works shall be carried out in accordance with the details contained in Land at Summerfields, Bohemia Road, Ecological Assessment Report by Ash Partnership dated December 2015.
14. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

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- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
15. No development shall take place above ground until full details of all boundary walls/fences/railings/enclosures have been submitted to and approved in writing by the Local Planning Authority. All such boundary walls/fences/railings/enclosures shall be erected before the building to which it relates is occupied.
16. No works or development shall take place above ground until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority. Thereafter all tree planting shall be carried out in accordance with those details and at those times.
17. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BS5837:2012: Trees in relation to design, demolition and construction, standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
18. Prior to demolition works commencing on site a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include details relating to storage compounds for plant/machinery/materials; wheel washing provision, welfare facilities and contractor parking. The development shall be implemented in accordance with the approved Traffic Management Scheme.
19. The development shall not be occupied until a turning space for service/emergency vehicles has been provided and constructed in accordance with details which have been submitted to and approved in writing by the Planning Authority and the turning space shall thereafter be retained for that use.
20. The development shall not be occupied until parking areas have been

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provided in accordance with the approved plans and the areas shall thereafter be retained for that use.

21. The development shall not be occupied until a cycle parking area has been provided in accordance with the approved plans and the area shall thereafter be retained for that use.
22. Prior to the landscaping of the Biodiverse Gardens, details of the management and responsibility of the Biodiverse Garden to be submitted in writing and approved by the Local Planning Authority. Thereafter, management of the garden to be carried out in accordance with the approved details.
23. Prior to the commencement of development, details of appropriate climate change mitigation and adaptation measures as required by policy SC3 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028, shall be submitted to the Local Planning Authority. The development shall be carried out in accordance with the approved details and measures proposed shall be retained thereafter unless agreed in writing by the Local Planning Authority.
24. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved programme of archaeological work.
25. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 24 and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
26. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.
27. No work shall be carried out on site for the development hereby approved until a detailed management plan for reducing construction waste during the building process in the form of site management,

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waste management and project design and planning has been submitted to and approved in writing by the Local Planning Authority. The approved waste management plan shall be implemented throughout the period of work on site.

28. Prior to commencement of development, a Phase 1 desk study shall be submitted to and approved in writing by the Local Planning Authority. The Phase 1 desk study should assess all available historical and environmental information, include the findings of a site walkover and include a risk-based conceptual model of the site identifying the potential sources, pathways and receptors at the site (“preliminary risk assessment”). The requirements for a Phase 1 desk study can be found in the document Guidance for the Safe Development of Housing on Land Affected by Contamination, NHBC/EA/CIEH, R&D Publication 66: 2008. If the desk study indicates as part of a preliminary risk assessment that potential pollutant linkages are likely on the site then further intrusive investigations will be required (Phase 2 investigation) in line with CLR 11 ‘Model Procedures for the Management of Contaminated Land’ prior to the commencement of development. Where a Phase 2 survey is required, this shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the recommendations of the Phase 2 survey. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.
29. Prior to the commencement of development, details of a dropped kerb between the access road and courtyard parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure a satisfactory form of development in the interests of the visual amenity.
4. To ensure a satisfactory form of development in the interests of the visual amenity.
5. To ensure a satisfactory form of development in the interests of the visual amenity.

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- 6. To ensure a satisfactory form of development in the interests of the visual amenity.**
- 7. To ensure a satisfactory form of development in the interests of the visual amenity and in order to ensure a satisfactory level of soft landscaping within the new development.**
- 8. To safeguard the amenity of nearby residents.**
- 9. To ensure adequate drainage provision and prevent increased risk of flooding.**
- 10. To protect features of recognised nature conservation importance.**
- 11. To protect features of recognised nature conservation importance.**
- 12. To protect features of recognised nature conservation importance.**
- 13. To protect features of recognised nature conservation importance.**
- 14. In the interests of the safety and wellbeing of badgers on the site.**
- 15. To ensure a satisfactory form of development in the interests of the visual amenity.**
- 16. In the interests of the visual amenity and adequate screening to neighbouring sites.**
- 17. In the interests of the health of the trees.**
- 18. In the interests of highway safety and for the benefit and convenience of the public at large.**
- 19. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.**
- 20. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.**
- 21. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.**

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- 22. To protect and enhance the conservation and biodiversity of the garden.**
- 23. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.**
- 24. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.**
- 25. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.**
- 26. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.**
- 27. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.**
- 28. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.**
- 29. In order to secure a well planned development and in the interests of highway safety.**

Notes to the Applicant

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.**
- 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.**
- 3. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).**
- 4. Consideration should be given to the provision of a domestic sprinkler system.**

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97.4 Land at and South of Holmhurst St. Mary, The Ridge, St. Leonards on Sea

Proposal:	Redevelopment of land to the south of Holmhurst St Mary of up to 208 units with access off of The Ridge.
Application No:	HS/OA/15/00077
Existing Use:	Undeveloped
Conservation Area:	No
National Planning Policy Framework	Sections 4, 6, 7, 8, 10, 11 and 12
The Hastings Planning Strategy	DS1, FA1, SC1, SC2, SC3, SC4, SC5, SC7, EN1, EN2, EN3, EN6, EN7, EN8, H1, H2, H3, CI1, CI1, T3 and T4
Hastings Local Plan – Development Management Plan	LP1, DM1, DM3, DM4, DM5, DM6, HN1, HN4, HN7, HN8, HN9, and LRA1 48 letters of objection and 1 petition received
Public Consultation	

The Planning Services Manager advised that this application was brought before the Planning Committee in November 2015 where it was resolved to be approved subject to the completion of a Section 106 legal agreement. The legal agreement was required to be completed by 25 May 2016, but the agreement will not be finished by this time. The Council and the applicant have both worked proactively to ensure the agreement is completed soon, but given the extensive requirements and the multiple parties involved more time is required. The application was brought before Planning Committee again to request an extension for the completion of the Section 106 legal agreement until 25th August 2016.

Councillor Dowling proposed a motion to approve the application. This was seconded by Councillor Roberts.

RESOLVED – (by 7 votes to 3) that:

A) The Development Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure:

- a financial contribution towards local highway improvements;
- a Travel Plan and associated auditing contribution;

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- the provision, maintenance and management of open space and play provision;
- the maintenance, management and monitoring of trees, protected species and wildlife areas;
- a financial contribution towards Sussex Police and their infrastructure requirements;
- the repair and restoration of the Statue of Queen Anne - a Grade II* Listed Building;
- financial contributions to schools, libraries and Public Rights of Way; and
- affordable housing

unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the identified development contributions. In the event that the Agreement is not completed or the viability issue not resolved by 25 August 2016 that permission be refused on the grounds that the application does not comply with the relevant policies (policies H3, CI1, T3, EN3, EN6, EN1, and HN1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Subject to the above:

1. Approval of the details of the layout, scale and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
3. Application for 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.
4. The development hereby permitted shall be begun either before the expiration of three 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.
5. The development hereby permitted shall be carried out, in terms of access only, in accordance with the following approved plans:

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Indicative Site Layout - Rev K

6. Prior to the commencement of development, details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site, shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority. The development shall be carried out in accordance with the approved details.
7. Before house building commences, the new estate road(s) shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Planning Authority in consultation with this Authority.
8. Prior to development, including excavation works, commencing on site a Traffic Management Scheme (TMS) shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include an outline construction schedule, compound areas for plant, machinery, materials, contractor parking; routing of vehicles and details of wheel washing facilities. Given the proximity to local schools, deliveries should avoid peak periods. The development shall be carried out in accordance with the approved TMS.
9. The development hereby permitted shall not commence until details of the layout of the access roads and the specification for the construction of the access which shall include details of footways, surfaces, lighting, parking, cycle parking and emergency access onto Welton Rise, have been submitted to and approved in writing by the Local Planning Authority and the use hereby permitted shall not commence until the construction of the road link has been completed in accordance with the specification to be agreed with the Highway Authority.
10. The new estate road[s] shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.
11. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with

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details submitted and approved in relation to condition 1 (reserved matters) above. The turning space shall thereafter be retained for that use and shall not be used for any other purpose.

12. The development shall not be occupied until parking area[s] have been provided in accordance with the details which have been submitted and approved in accordance with condition 1 (reserved matters) above. The parking shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
13. The development shall not be occupied until cycle parking areas have been provided in accordance with the details which have been submitted to and approved in relation to condition 1 (reserved matters) above. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
14. The development shall not be brought into use until a Traffic Regulation Order to restrict parking along Eldridge Way or an alternative measures to maintain safe passage of vehicles has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
15.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
16. The details for condition 15 above shall include details of the measures which will be undertaken to protect the public water mains sewers during the course of development.

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17. The details required for condition 15 above shall include details of management and maintenance of the SuDS system during the lifetime of the development.
18. The surface water drainage details for condition 15 above shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year (including appropriate climate change allowances) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.
19. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
20. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [1] to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.
21. Safe access to footpath Hastings 145 is to be maintained at all times during and following completion of the development.
22. Due to the alteration to footpath Hastings 145 the development shall not be brought into use until it has been formally diverted under s257 of the Town and Country Planning Act 1990.
23. The development shall not be brought into use until footpath Hastings 145, from Welton Rise to The Ridge, has been improved to an adoptable standard in accordance with details submitted to and approved in writing by the Local Planning Authority.
24. The landscaping details required by condition 1 above (reserved matters) shall include details of open space and play provision.
25. No development shall commence until a construction environmental management plan (CEMP) has been submitted to an approved in

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writing by the Local Planning Authority. The CEMP shall include details in accordance with the submitted environmental statement, which includes matters such as controlling noise, dust, hours of building work and surface water run-off. Development shall be carried out in accordance with the approved CEMP.

26. The reserved matters details submitted for conditions 1 above shall include details of appropriate climate change mitigation and adaptation measures as required by policy SC3 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028.
27. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.
28. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following;
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details and phasing agreed, unless otherwise agreed in writing by the local planning authority.

30. No development shall take place (including demolition, ground works, vegetation clearance) until an ecological design strategy (EDS) addressing, mitigation, compensation, enhancement, restoration has been submitted to and approved in writing by the Local Planning

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Authority.

The Ecological Design Strategy shall include the following;

- **Review of site potential and constraints.**
- **Detailed design(s) and/or working method(s) to achieve stated objectives.**
- **Extent and location/area of proposed works on appropriate scale maps and plans.**
- **Type and source of materials to be used where appropriate, e.g. native species of local provenance.**
- **Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.**
- **Persons responsible for implementing the works.**
- **Details of initial aftercare and long-term maintenance and management.**
- **Details for monitoring and remedial measures.**
- **Details for disposal of any wastes arising from works.**

The Ecological Design Strategy shall be implemented in accordance with the approved details and phasing and all features shall be retained in that manner thereafter.

32. **The details submitted for condition 1 (reserved matters) above shall include provision of at least 2% of the dwellings to be fully adapted for wheelchair users.**
33. **The details submitted for condition 1 (reserved matters) above shall include provision of a district heating or combined heat and power system, with possible connections to existing and allocated development, unless otherwise agreed in writing by the Local Planning Authority.**
34. **The sound insulation measures of the dwellings hereby approved (specifically the glazing and ventilation) should ensure that the internal noise levels in habitable rooms do not exceed 35 dB LAeq,16hr during the daytime and 30 dB LAeq,8hr during the daytime. Internal noise levels in bedrooms at night should also not exceed 45 dB L_{Amax},F.**
35. **The CEMP required at condition 25 above shall include an addendum report which provides details of the expected noise levels at existing residential receptors during each phase of the construction process. The significance of the predicted construction noise levels should be**

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assessed against the ABC method detailed within BS 5228-1:2009+A1:2014 “Code of practice for noise and vibration control on construction and open sites – Part 1: Noise”. Where a significant adverse impact is identified, appropriate noise mitigation measures will be detailed within and will be implemented in accordance with the approved CEMP.

Reasons:

- 1. The application is in outline only.**
- 2. The application is in outline only.**
- 3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.**
- 4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.**
- 5. For the avoidance of doubt and in the interests of proper planning.**
- 6. In the interests of highway safety.**
- 7. In the interests of highway safety and for the benefit and convenience of the public at large.**
- 8. In the interests of highway safety and to protect neighbouring residential amenities.**
- 9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.**
- 10. In the interest of highway safety and for this benefit and convenience of the public at large.**
- 11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.**
- 12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.**
- 13. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.**

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- 14. In the interests of highway safety.**
- 15. To prevent increased risk of flooding.**
- 16. To prevent increased risk of flooding.**
- 17. To prevent increased risk of flooding.**
- 18. To prevent increased risk of flooding.**
- 19. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.**
- 20. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.**
- 21. To maintain Public Rights of Way.**
- 22. To maintain Public Rights of Way.**
- 23. In the interests of pedestrian safety.**
- 24. To ensure a satisfactory form of development in the interests of the character and amenity of the area.**
- 25. In the interests of the amenity of the neighbouring residential occupiers.**
- 26. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.**
- 27. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.**
- 28. To protect features of recognised nature conservation importance.**
- 29. To prevent the spread of invasive non-native species.**
- 30. To prevent the spread of invasive non-native species.**

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- 31. In the interests of the health of the trees and the visual amenity of the area.**
- 32. To comply with condition LRA1 of the Hastings Local Plan, Development Management Plan.**
- 33. To comply with condition LRA1 of the Hastings Local Plan, Development Management Plan.**
- 34. To protect the amenity of future occupiers.**
- 35. In the interests of the amenity of the neighbouring residential occupiers.**

Notes to the Applicant

- 1 Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.**
- 2 Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.**
- 3 The developer's attention is drawn to the committee report and the consultation responses received as part of the application. Both include comments which will be necessary to take on board when developing a detailed submission.**
- 4 Consideration should be given to the provision of a domestic sprinkler system.**
- 5 This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).**

97.5 Island outside St. Leonards Warrior Square Railway Station, Kings Road, St. Leonards on Sea

Proposal: To install one KX100 style
telephone kiosk
Application No: HS/TL/16/00090

PLANNING COMMITTEE

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Existing Use:	No existing use
Conservation Area	Yes – Kings Road
Listed Building	No
Public Consultation	6 letters of objection received

The Planning Services Manager presented this report.

Councillor Roberts proposed a motion to approve the application. This was seconded by Councillor Beaver.

RESOLVED – (by 7 votes to 3) that Prior Approval be given subject to the following conditions:

1. The development must be completed on or before 30 May 2018.
2. The development shall be carried out in accordance with the details approved.

Reasons:

1. In accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015
2. In accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Notes to the Applicant

1. **Statement of positive engagement:** In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
2. Prior to the display of any advertisements on the approved telephone kiosk, you are advised to make sure they are displayed in accordance with the Advertisement Regulations. Planning permission may be required.

98. PLANNING APPEALS AND DELEGATED DECISIONS

PLANNING COMMITTEE

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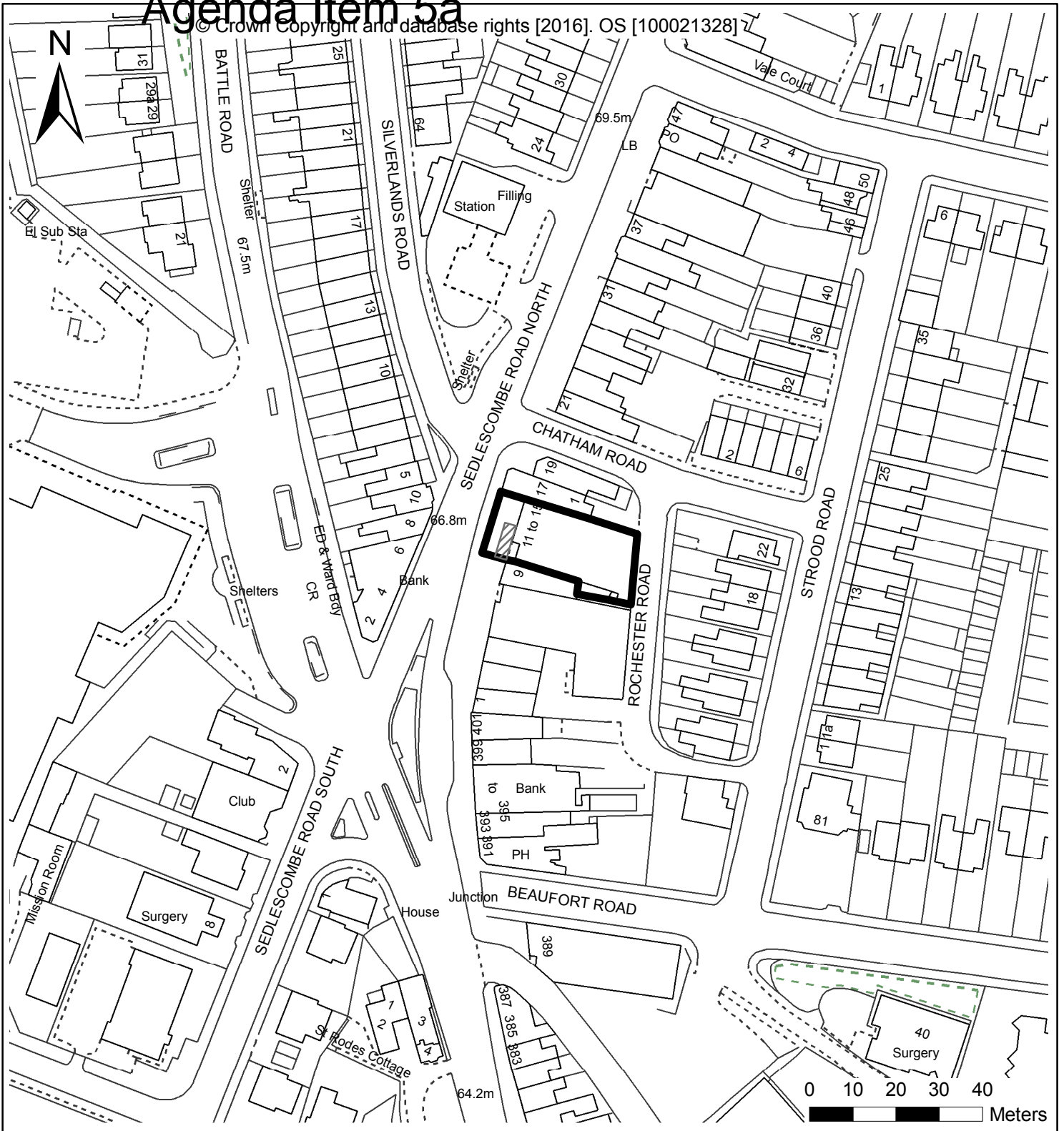
The Planning Services Manager reported that 1 appeal had been dismissed. She also reported on the number of delegated decisions.

All matters had arisen between 11th April to 13th May 2016.

(The Chair declared the meeting closed at 8.04 pm)

Agenda Item 5a

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11-15 Sedlescombe Road North
St Leonards-on-sea
TN37 7DA

Change of use from A1(Supermarket) to D2(Bingo Hall) with coffee shop extension, extension to create lobby area, shopfront alterations, canopy & outdoor seating area.



Assistant Director Housing & Built Environment
 Hastings Borough Council,
 Aquila House, Breeds Place,
 Hastings, East Sussex TN34 3UY
 Tel: 01424 451090
 email: dcenquiries@hastings.gov.uk

Date: May 2016

Scale: 1:1,250

Application No. HS/FA/16/00040

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Report to: PLANNING COMMITTEE

Date: 22 June 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: 11-15 Sedlescombe Road North, St Leonards-on-sea, TN37 7DA

Proposal: Change of use from A1(Supermarket) to D2(Bingo Hall) with coffee shop extension, extension to create lobby area, shopfront alterations, canopy & outdoor seating area.

Application No: HS/FA/16/00040

Recommendation: Grant Full Planning Permission

Ward: SILVERHILL
File No: SE50009V
Applicant: Mr Hargreaves per Vector Planning & Design Ltd
Innovation Centre Highfield Drive
Churchfields, St Leonards on Sea, East Sussex. TN38 9UH

Interest: Freeholder/Leaseholder
Existing Use: Vacant supermarket (A1 retail use)

Policies
Conservation Area: No
Listed Building: No

Public Consultation
Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 7, 1 neutral comment
Petitions Received: 0

Application Status: Not Delegated

Notes

Neighbours Expire: 06 April 2016 Members Expire: 06 April 2016 or same as advert expiry if later.

Advert Expires: 08 April 2016

Neighbours Checked on site: Y

Objection letters read: Y

Site Visited: 20 April 2016

Summary

This application was previously presented to Planning Committee on 25 May 2016, where it was resolved to grant planning permission for the change of use from A1 (Supermarket) to D1 (Bingo Hall) with a coffee shop extension, extension to create lobby area, shopfront alterations, canopy and outdoor seating area. Before the decision was issued, the applicant expressed concern regarding the proposed opening hours condition, particularly in relation to Sunday opening times. The original condition proposed restricted hours to use of the Bingo Hall to 08:00 to 24:00 Monday to Saturday and 08:00 to 20:00 on Sundays and Bank Holidays.

The applicant cannot accept this condition in relation to Sunday opening hours due to the nature of the proposed use and the length of time required for an evening bingo session. The evening session includes a national, interactive, game where approximately 600 operators join in together. The application is therefore being re-presented at Planning Committee with amended hours of operation as follows:

Bingo Hall

08:00 - 24:00 Monday to Sunday and Bank Holidays

Coffee Shop

08:00 - 20:00 Monday to Sunday (including Bank Holidays)

Both Sussex Police and Environmental Health (noise) have been consulted on this change to opening hours and raise no objection.

The report below is identical to that previously considered at Planning Committee, with the exception of additional consultee comments added in respect of Sussex Police and Environmental Health comments, a description of proposed hours of use, and an informative regarding litter as recommended at the previous committee. Conditions restricting the revised hours of use have also been added.

Site and Surrounding Area

The site comprises a ground floor commercial property within Silverhill District Shopping Centre as defined by the Hastings Local Plan Policies Map. The upper floors are in residential use and occupied, although currently subject to enforcement investigation. The front elevation of the hairdressers, adjacent to the site, (no. 17 Sedlescombe Road North) projects approximately 5.5m in front of the front elevation of the application site, with the retail unit to the south continuing the same, set back, frontage line.

Rochester Road runs along the rear of the premises, providing access for services. Residential properties predominantly surround the defined shopping area with the roads most immediately affected being Chatham Road and Strood Road to the rear, and Silverlands Road, opposite.

A large Asda supermarket is also located a short distance away.

The site is constrained by:

- Historic landfill buffer zone
- Site of Specific Scientific Interest (SSSI) Impact Risk Zone (IRZ)

Proposed development

It is proposed to change the use of the existing vacant supermarket (A1) to a bingo hall (D2) use, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). In addition to the change of use, the applicant proposes an extension to the front of the building at ground floor level to create a coffee shop and lobby area, together with shopfront alterations and an outdoor seating area on the existing pavement with canopy above. Pre-decision amended plans were received to increase the amount of glazing in the front and side elevation of the new coffee shop, to help retain the shopfront appearance of the building, avoid an interruption in the shopping frontage and provide an improvement to the streetscene.

The coffee shop and lobby addition will extend 2.8m from the front elevation, covering 8.2m of the existing shopfront. A gap of 6.3m will remain from the side elevation of 17 Sedlescombe Road North (Clippers Hairdressers) to the north of the site. The extension is proposed as 2.3m in height, with the canopy above extending an additional 1.4m up to its highest point, between the top of the existing shop front fascia and the first floor windows. The canopy will overhang part of the proposed outdoor seating area.

2 rows of outdoor seating are to be provided to the front of the building on the existing pavement area. This seating will be enclosed by planters sited approximately 3m in front of the new coffee shop and extending to the side elevation of 17 Sedlescombe Road North.

Inside the building, fixed seating and tables to serve 122 people are provided in the main hall along with a stage and book sales area. Towards the rear of the building, a lounge, catering/bar, fruit machine and storage area are also provided.

Bin storage is provided to the rear of the building, with new steps to ground level to serve the reformed rear access door being provided.

Coffee shop opening hours are suggested as:
Monday to Sunday (including Bank Holidays) 08:00 to 20:00

Bingo Hall opening hours are suggested as:
Monday to Sunday and Bank Holidays 08:00 to 24:00

The application is supported by the following documents:

- Existing and proposed elevations and floor plans
- Proposed roof plan
- Planning Statement
- Transport Report
- Sectional detail of deck and sound proofing
- Waste minimisation statement

Relevant Planning History

HS/FA/14/00516

Alterations to fenestration of west and east elevations at first floor including new windows.

GTD 28/07/2014

HS/PA/13/00493

Change of use from offices to residential
PERMISSION NOT REQUIRED 19/09/2013

HS/FA/12/00862	Conversion of part of first floor to 2 x 2 bed flats REF 21/12/2012
HS/FA/12/00583	Extension of accommodation to form second floor comprising of 2 x 2 bed flats and 1 x 1 bed flat GTD 12/09/2012
HS/FA/00/00622	New automatic sliding door at front of store and alterations to existing shopfront GTD 26/10/2000
HS/FA/66/00198 (11 Sedlescombe Road North)	Use of shop as betting office (renewal of previous permission) GTD 10/03/1966
HS/FA/64/00150 (11 Sedlescombe Road North)	Extension of period of use of betting shop GTD 18/12/1964

Development Plan Policies and Proposals

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering Planning Applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

Policy SA2 - Other Shopping Areas

Hastings Local Plan – Planning Strategy (2014)

Policy FA2 - Strategic Policy for Central Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy E3 - Town, District and Local Centres

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the Development Plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 23 refers to planning policies needing to be positive, promoting competitive town

centre environments and setting out policies for the management and growth of centres over the plan period.

Paragraph 32 states that 'Development should only be prevented on or refused on transport grounds where the residual cumulative impacts of development are severe'.

Consultation comments

Highway Authority - No objections

The Highway Authority do not consider that there are sufficient grounds for refusal of permission on highway issues in this instance and note that the former use as a supermarket is likely to have generated a greater number of visitors per day than the proposed bingo hall. Whilst they acknowledge that during peak periods (consistent with visitors to the bingo hall arriving and leaving at similar times), parking demand is likely to be more than currently experienced, visitors to the bingo hall are likely to require more long term parking than supermarket users and, as such, are more likely to park their vehicles in a suitable location further from the site or alternatively arrive on foot or by public transport. In that regard, the Highway Authority point out that the site is in a sustainable and accessible location, well located in terms of public transport and access from the Town Centre. Bus services continue throughout the evening and, therefore, provide an alternative to travelling to and from the site by car.

Licensing - No objection

No adverse comments to make in respect of the application. The applicant is advised that the premises will need to be licensed separately under the Gambling 2005 for a Bingo Hall before it can be operated legally.

Building Control - No objection

Building Control confirm that the works proposed will also be subject to building regulations as a change of use to a public building so all the relevant regulations will apply including means of escape requiring consultation with the Fire Brigade, disabled provisions and conservation of fuel and power.

Environmental Health (contaminated land) - No objection and informative note recommended

Environmental Health identify that the main area of concern in respect of contaminated land would have been the former Marshal Tufflex site (now Asda). The other small pockets of land identified as being potentially contaminated include a laundry and other areas already developed and, as such, it is not considered that a requirement to undertake a contaminated land assessment is necessary. An informative has however been recommended that requires further scientific analysis to be undertaken should any suspicions with regard to potential contamination be aroused as a result of excavation.

Environmental Health (noise) - No objection

Whilst there is no basic objection to the proposal, there is a lack of detail regarding plant requirements such as air conditioning. Environmental Health also note that sound proofing and hours of operation during the construction phase are key issues that need to be addressed given the residential units above the premises. Environmental Health agree to the amended opening hours, subject to the submission an acceptable noise report, required by condition.

Planning Policy - No objection

Notes that the loss of A1 retail use will not result in non-A1 uses exceeding the threshold set by Policy SA2 of the Development Management Plan. They do note however, that the scale and concentration of non-retail units within this area of Silverhill will be a significant consideration.

Sussex Police - No objection

Request that opening hours are made a condition of approval.

Representations

7 letters of objection and 1 neutral comment have been received following neighbour consultation. The concerns raised include:

- Increased parking demand and lack of available on street parking
- Non-compliance with Parking Provision in New Development Supplementary Planning Document (SPD)
- Bingo and slot machines are already provided for elsewhere in the town
- It is not necessary to have any more coffee shops or cafes in Silverhill. This will impact on existing trade.
- Loss of public bench
- Reduction in pavement depth and the impact this will have on the character of the area and safety of pedestrians
- Increase in litter
- Increased noise levels and how they will be addressed
- Fire safety

These issues are addressed in the main body of the report, below.

Determining Issues

Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan – Planning Strategy (2014) and paragraph 14 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with reasonable/good access to public transport, shops, services and facilities and, as such, the development is considered acceptable in principle subject to other local plan policies.

Loss of existing retail use

The application premises is located in the district shopping area of Silverhill, as defined by Policy E3 of the Hastings Planning Strategy 2014 and Policy SA2 of the Development Management Plan 2015. Criterion a) of Policy SA2 identifies that non-A1 uses must not exceed 45% of the overall number of uses in the shopping area. It also states that the proposed change of use should not result in an excessive concentration of such uses that would cause a significant interruption in the shopping frontage, reducing its attractiveness and causing harm to the vitality and viability of the centre as a whole (Criterion b).

The Council's Shopping Survey shows that there are 4 x A3 and 7 x A5 uses (out of a total of 41 surveyed) present in the district shopping area as at September 2015. The survey also shows that proposed change of use would result in non-A1 uses being 41.5% of total uses in Silverhill, falling within the threshold of 45% set by Policy SA2. Therefore, whilst it is acknowledged that the proposed coffee shop may provide competition with existing uses of a similar nature, the addition of another A3 use in this area will not be contrary to policy and it is not considered to cause significant harm to the vitality or viability of the shopping area as a whole. It should also be noted that whilst objections regarding competition are noted and the Council is sympathetic to the concerns raised in this regard, competition between businesses is not a material consideration in determining planning applications. Taking these issues into account, criterion a) of Policy SA2 is therefore complied with.

In respect of criterion b) of Policy SA2, A1 uses (including one vacant retail unit) operate in numbers 7-19 Sedlescombe Road North inclusive. Whilst the application relates to a large unit in this block of shop units, the change of use of one shop in a block of 4 is not considered to cause a significant interruption in the shopping frontage. Furthermore, amended elevations have been submitted to show more glazed areas to the front elevation as would be expected in a shopping area, thereby allowing for the proposed elevations to site more seamlessly into this shopping location and prevent interruption. Criterion b) of Policy SA2 is therefore complied with. Issues regarding the appearance of the shopping frontage as set out in Policy SA2 are discussed below in terms of the character and appearance of the area.

Employment

Information in the submitted transport report details that approximately 8 people will be employed as a result of this development - similar to that in the previous supermarket. The change of use is not, therefore, likely to have a detrimental effect on employment levels and is in accordance with Policy SC1 of the Planning Strategy in relation to providing access to employment.

Impact on the character and appearance of area

The application proposes alterations to the existing shopfront to provide a new door leading directly to the main bingo hall on the left of the front elevation. This section of the front elevation will retain its open and glazed shopfront appearance, similar to that existing. Pre-decision amendments have also been received that propose further glazing to the front and side elevation of the new front extension to ensure the glazed appearance is continued across the width of the shopfront, helping to retain the character and appearance of the existing shop frontage as far as possible.

The canopy will project 2.6m out from the 1st floor, covering the depth of the proposed front extension only. The second row of proposed seating nearest the road will remain uncovered. Whilst similar canopies are not evident in the nearby area, it is not considered that this addition will cause significant harm to the appearance of the streetscene given the varying styles of shopfront and the general appearance of this district centre.

It has been suggested by objectors that the proposed development will impact negatively on the village character of the area. The work undertaken to improve the appearance of the front of the building by maintaining the appearance of the original shopfront as much as possible, taken together with the seating areas and planters proposed, are considered to be an improvement to the appearance of the existing shopfront which is obscured by advertising throughout. The proposal is, therefore, considered to be in accordance with both policies SA2 and DM1 of the Development Management Plan and work towards maintaining an attractive streetscape.

Policy E3 of the Hastings Planning Strategy makes specific reference to promoting the re-use of vacant buildings in town, district and local centres. Bringing this vacant building back into a continued use will positively contribute to achieving this element of policy.

Impact on Neighbouring Residential Amenities

The proposed change of use to a bingo hall is likely to have some impact on neighbouring residential properties as a result of entertainment and other associated noise. Consultation comments considered that the application lacked detail in terms of the use of extractor fans, air conditioning and air handling units, which in turn meant that it would not be possible to fully assess whether the soundproofing information provided is adequate. It has since been confirmed by the agent that no alteration to the existing air conditioning systems is proposed and no new air handling units, extractor fans or chiller units will be required. It is, therefore considered that, subject to a condition limiting the maximum noise levels from the proposed PA system or other plant equipment, the impact on the residential units above and nearby will be adequately mitigated. Similarly, noise from car parking is unlikely to increase as a result of the proposed change of use as it is unlikely that the actual numbers of cars parking in the nearby area will be a greater number than for the existing supermarket (see parking comments below).

Pedestrian flow and car parking

The application has no parking on site and no parking is proposed on site. The situation in this respect, therefore, remains unchanged. Several objections have been received relating to car parking and the lack of provision. The Highway Authority have not objected to the proposal on these grounds given that the site's location is both sustainable and accessible and the likely parking habits of the bingo hall users, i.e. that patrons are more likely to park more in appropriate locations further away from the premises in light of the longer stays, rather than just stopping nearby to 'pop in' to the supermarket. Whilst reference has also been made to the parking Supplementary Planning Document and the requirements for new spaces within, an assessment has been made in terms of this application on its own merits, which takes into account the accessible location of the site and the existing/previous use of the building which would also have generated a demand for parking. The recommendation is, therefore, made that the new proposal will not have a significant impact on the existing parking pressures in the area.

Taking these points into consideration, in addition to paragraph 32 of the National Planning Policy Framework which states that 'Development should only be prevented on or refused on transport grounds where the residual cumulative impacts of development are severe', it is considered that the proposal is not contrary to either the NPPF or Policy DM4 of the Development Management Plan, and that a refusal of permission on highway grounds could not be justified in this instance.

The application proposes a large seating area on the existing pavement fronting the application site and concern has been raised regarding the resultant lack of pavement space in front of the site. The seating area will not project further forward than the existing front elevation of the adjacent premises at 17 Sedlescombe Road North and will still allow for 3m of pavement width in front of the planters. It is generally advised by the Highway Authority that a footway has a minimum width of 2m, which will still be exceeded despite the seating area being in place. Taking this into account, it is considered that adequate pavement space will remain, which will be adequate to serve the footfall of the shopping area. The position of the front elevation of no. 17 Sedlescombe Road North is such that the proposed seating area will not cause an obstruction in the flow of pedestrian movement.

Waste

A waste minimisation statement has been provided with the application which sets out how construction and demolition waste will be disposed of and recycled as far as possible. Existing bin storage at the rear of the property will be utilised to accommodate the waste generated from the bingo hall use. These details are considered adequate to alleviate concerns raised from objections regarding waste generation and are considered to be in accordance with Policy DM3 of the Development Management Plan with regard to waste and waste storage. An informative note has also been recommended that advises the applicant that the outside seating area should be kept free of litter and rubbish associated with the use of the premises.

Public realm

This application relates to the change of use and the proposed front extension, together with other associated alterations. The location of the public bench as mentioned in an objection does not form part of the application and is not affected by the proposed development in terms of affected floorspace.

Fire safety

Comments made regarding fire safety will be addressed through Building Regulations and an informative has been recommended to this effect.

Other site constraints

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. The development will not give rise to ground or surface water pollutions and consultation with Environmental Health Officers has also resulted in no further action being needed at this stage in respect of the sites location in a historic landfill buffer zone. The development is therefore in accordance with Policies DM5 and DM6 of the Hastings Development Management Plan (2015).

In accordance with approved guidelines, the development is not of a significant scale to warrant further consultation in respect of its location within the SSSI IRZ.

Conclusion

Taking account of the considerations above, it is considered that on balance, the level of harm caused by the proposed change of use is not so significant as to justify refusal in this instance. The proposal will bring an empty premises back into viable use, contributing positively to the vitality of this designated shopping area and also providing new employment in both the coffee shop and the bingo hall. Effort has been made to approve the appearance of the building frontage, ensuring that the appearance of the shopping area is maintained and enhanced. It is, therefore, considered that these proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Recommendation

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

53-15-100, 53-15-200 A, 53-15-201 B.
3. No development shall take place above ground until details (including colour) of the materials to be used in canopy hereby permitted as part of the overall development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Noise emitted from the proposed PA system and any other plant equipment as part of the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10dB below the minimum external background noise, at a point 1 metre outside any window of any residential property, unless and until a fixed maximum noise level is approved by the Local Planning Authority.
5. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.
6. Prior to the development hereby approved being commenced, a noise report from a suitably qualified professional shall be submitted for written approval by the Local Planning Authority.
7. The bingo hall shall not be used except between the following hours:-

08:00 to 24:00 Monday - Sundays or Bank Holidays
8. The coffee shop shall not be used except between the following hours:-

08:00 to 20:00 Monday - Sunday (including Bank Holidays)

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
4. To safeguard the amenity of adjoining and future residents.
5. To safeguard the amenity of adjoining and future residents.
6. To order to protect neighbouring residential amenity.
7. In order to protect local residential amenity.
8. In order to protect local residential amenity.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. If during any excavation, suspicions are aroused as to potentially contaminated land, then further scientific analysis must be undertaken.
4. The applicant is advised that the premises will need to be licensed separately under the Gambling 2005 for a Bingo Hall.
5. The applicant is advised that the work proposed will also be subject to building regulations. All the relevant regulations will apply, including means of escape requiring consultation with the Fire Brigade, disabled provisions and conservation of fuel and power.
6. The applicant is advised that the outside seating area should be kept free of litter and rubbish associated with the use of the premises.

Officer to Contact

Miss S Roots, Telephone 01424 783329

Background Papers

Application No: HS/FA/16/00040 including all letters and documents

Agenda Item 6

Agenda Item: 6

Report to: Planning Committee

Date: 22 June 2016

Report from: Planning Services Manager

Title of report: **PLANNING APPEALS & DELEGATED DECISIONS**

Purpose of report: To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 16 May to 10 June 2016

Recommendations: That the report be noted

Address/ Application Number	Proposal	PSM's Rec.	Where the decision was made	Type of Appeal
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The following appeals have been received:

1 New Road, Hastings, TN35 5HA HS/FA/15/00530	Proposed new dwelling	Refuse Planning Permission	Delegated	Planning
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The following appeals against non-determination have been received:

Land to the rear of 14 Beauharrow & 372 Battle Road, St Leonards-on-Sea TN37 7BJ HS/FA/15/1038	Construction of 3 x detached houses with associated garages/parking	Not yet determined	Not yet determined	Planning
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The following appeals have been dismissed:

The Malvern, Malvern Way, Hastings, TN34 3PX HS/FA/15/00844	Remove condition 5 (hard landscaping) & 7 (soft landscaping) of planning decision HS/FA/08/00076	Refuse Planning Permission	Delegated	Planning
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The following appeals against Enforcement Notice have been dismissed:

Rocklands Private Caravan Park, Rocklands Lane, Hastings, TN35 5DY EN/15/00028	Without planning permission the construction of a two storey building	Authorise S172 enforcement action	Delegated	Enforcement
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Type of Delegated Decision	Number of Decisions
Granted	55
Refused	1
Withdrawn by Applicant	1
Prior Approval Refused	1

Background Papers:

Various correspondence with Planning Inspectorate

Report written by:

Naiomi Sargant - Tel: (01424) 783264 Email: dcenquiries@hastings.gov.uk