

## PLANNING COMMITTEE

24 AUGUST 2016

Present: Councillors Street (Chair), Sabetian, Beaney, Clarke, Cooke, Edwards, Dowling, Roberts, Rogers and Wincott

### 112. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Scott.

### 113. DECLARATIONS OF INTEREST

Councillor	Minute	Interest
Beaney	117.1 – 26 Beauharrow Road	Personal – purchased house from the owner and he was also the previous landlord of a bar she used to go to.

### 114. MINUTES OF THE MEETING HELD ON 27 JULY 2016

**RESOLVED** – that the minutes of the meeting held on 27 July 2016 be approved and signed by the Chair as a true record.

### 115. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

### 116. PLANNING APPLICATIONS ATTRACTING A PETITION:

#### 116.1 Land adjacent to 71 West Hill Road, St. Leonards on Sea

Proposal:	Erection of 2 No. 3 bedroom semi-detached dwelling houses.
Application No:	HS/FA/15/00809
Existing Use:	Vacant land
Conservation Area:	Yes – Grosvenor Gardens
Listed Building	No
Public Consultation	35 letters of objection; 1 petition received and 2 letters of support received

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The Senior Planner presented this report and advised of an amendment to page 47 of the report, the site is in 'Ward: Maze Hill', not 'Ashdown' as was quoted in the report.

He also confirmed that nominations for local listings are considered by the Council's Local Listing Assessment Panel. The Panel is responsible for making recommendations as to whether or not an asset should be included on the list of locally important heritage assets. The Panel's recommendations are subsequently ratified by the Lead Member, Councillor Poole and the Director of Operational Services, Simon Hubbard. In the case of this nomination, the recommendation of the Panel not to confirm the asset as locally important heritage asset has not yet been ratified.

Marien May, Petitioner spoke against the scheme. She referred to the history of the site and raised concern regarding the land stability issues.

The applicant had been invited to attend, but sent apologies.

Members discussed this item at length.

Councillor Wincott proposed a motion to approve the application, as set out in the resolution below. This was seconded by Councillor Beaney.

**RESOLVED** - (by 7 votes to 3) 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 development hereby permitted shall be carried out in accordance with the following approved plans:  
  
WHR.01, 02, 03, 04, 05A, 06, 07A, 08, 09, 10 and 11
3. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted 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. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, 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.

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5. 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.
6. No development above ground 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. 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.
7. 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.
8. No development shall take place until the measures outlined in the submitted ecological statements and reports (Preliminary Ecology Assessment and Reptile Survey by Skilled Ecology Consultancy Ltd, dated November 2014 and May 2014 respectively) have been fully implemented, unless:
  - (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;
  - (ii) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.
9. ) Construction of the development shall not commence until details

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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.

- ) 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.
10. No development shall take place until a full and adequate site investigation and soils report with regard to land stability has been submitted to and approved in writing by the Local Planning Authority. The report shall include detailed mitigation measures to address any identified stability issues and development shall be carried out in accordance with the approved details.
11. 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.
12. No development shall occur until details of appropriate climate change mitigation and adaptation measures as required by policy SC3 and SC4 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
13. Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 or as may be subsequently amended or re-enacted no:
- enlargement, improvement or other alteration to the property shall take place;
  - chimney, flue or soil and vent pipes shall be installed; and
  - curtilage buildings shall be erected without the grant of an additional planning permission.

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### **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. In the interests of the character and amenity of the Grosvenor Gardens Conservation Area.**
- 4. In the interests of the visual amenity and to ensure the recommendations of the Preliminary Ecological Assessment (dated November 2013) and the Reptile Survey (dated May 2014) by Skilled Ecology Consultancy Ltd are incorporated into the landscaping scheme.**
- 5. In the interests of the visual amenity and to ensure the landscaping recommendations of the Preliminary Ecological Assessment (dated November 2013) and the Reptile Survey (dated May 2014) by Skilled Ecology Consultancy Ltd are provided.**
- 6. To ensure an adequate development in terms of parking provision and in the interests of the character and amenity of the Grosvenor Gardens Conservation Area.**
- 7. To ensure an adequate development in terms of parking provision and in the interests of the character and amenity of the Grosvenor Gardens Conservation Area.**
- 8. To protect and enhance features of recognised nature conservation importance.**
- 9. To prevent increased risk of flooding.**
- 10. To ensure that the construction takes account of the local ground conditions and the sloping nature of the site.**
- 11. To safeguard the amenity of adjoining residents.**
- 12. To ensure the development complies with policies SC3 and SC4 of the Hastings Local Plan: The Hastings Planning Strategy.**
- 13. In the interests of the character and amenity of the Grosvenor Gardens Conservation Area, to protect features of ecological importance and to ensure the stability of the site is not adversely affected.**

### **Notes to the Applicant**

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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 applicant is advised that drainage associated with wastewater or sewage must be separate to, and not connected with, surface water drainage unless otherwise approved. Drainage misconnections can pollute rivers and beaches in Hastings. You must ensure that drainage from your properties does not cause pollution. Enforcement action could be taken to resolve this under the Building Act 1984. Drainage misconnections for new development which allow or cause pollution would also be contrary to Building Regulations. You are advised therefore to check your property is connected correctly and any plans for additional drainage connect to the correct foul or surface water system. You can get further advice on identifying your drainage and repairing misconnections at <http://www.connectright.org.uk/>.
4. Consideration should be given to the provision of a domestic sprinkler system.
5. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).
6. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

### 117. PLANNING APPLICATIONS

#### 117.1 26 Beauharrow Road, St. Leonards on Sea

Proposal: Variation of conditions 7 (approved plans), 12 (access plans), 13 (turning space plans) and removal of condition 21 (plans) of planning permission HS/FA/15/00071 - amendments to positioning of dwelling and additional information

Application No: HS/FA/15/00993

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Existing Use:	Previous garden land
Conservation Area:	No
Listed Building	No
Public Consultation	5 letters of objection received

The Senior Planner presented this report and advised that this application sought to vary the conditions of planning permission HS/FA/15/00071, for the erection of 3 x 5 bedroom houses with detached garages within the garden area. The application was to vary conditions 7 (approved plans); 12 (access plans), 13 (turning space plans); and removal of condition 21 (plans).

Councillor Edwards proposed a motion to approve the application, as set out in the resolution below. This was seconded by Councillor Roberts.

**RESOLVED** - (unanimously) 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 planning permission HS/FA/15/00071.**
- 2. Construction traffic must not damage the through routes to the site. Any reinstatement works required must be approved in writing and carried out to the satisfaction of the Local Planning Authority.**
- 3. No development shall take place until the recommended measures outlined in the ecological and arboricultural statements and reports (Tree Survey Arboricultural Impact Assessment & Tree protection Plan Land at 26 Beauharrow Road St Leonards on Sea TN37 7BL by The Mayhew Consultancy Ltd Dated June 2014 and Ecological Appraisal Land at 26 Beauharrow Road St Leonards on Sea TN37 7BL by The Mayhew Consultancy Ltd Dated June 2014) submitted with planning permission HS/FA/15/00071 have been fully implemented, unless:**
  - (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the time scales contained therein or;**
  - (ii) unless the scheme(s), or programme(s) of measures contained within the ecological and arboricultural statements and**

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reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

4. All planting seeding or turfing comprised in the soft landscaping scheme approved under application HS/CD/16/00116 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.
5. 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 "BS 5837:2012 - Trees in relation to design, demolition and construction. - Recommendations" 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.
6. The development hereby permitted shall be carried out in accordance with the following approved plans: 14.582/02E, 14.582/03, 14.582/10, 14.582/11 and 14.582/12
7. Development shall be carried out in accordance with the materials approved under application HS/CD/16/00116.
8. All hard landscape works shall be carried out in accordance with the details approved under application HS/CD/16/00116. 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.
9.
  - (i) Development shall be carried out in accordance with the foul and surface water drainage details approved under application HS/CD/16/00116 and no occupation of any of the dwellings hereby approved shall occur until those works have been completed.
  - (ii) No occupation of any of the dwellings 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. The reconstructed access road shall be in the position shown on the



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submitted plan (drawing no. 14.582/02E) and all works undertaken shall be executed and completed to the satisfaction of the Local Planning Authority prior to any occupation of the development.

11. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the submitted plan (drawing no. 14.582/02E) and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.
12. The development shall be carried out in accordance with the Traffic Management Scheme approved under application HS/CD/16/00116.
13. The development shall be carried out in accordance with the climate change mitigation and adaptation measures details approved under application HS/CD/16/00116.
14. Before the development hereby approved is occupied provision shall be made in each property for connection to fibre-based broadband infrastructure.
15. 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.
16. The windows in the first floor side elevations of the proposed dwellings shown serving bathrooms or an en suite shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.8 metres from finished floor level.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building works within the rear garden areas (for example outbuildings) shall take place without the grant of an additional planning permission.
18. All boundary treatments (including any fencing, walls or enclosures) shall be erected in accordance with the details approved under application HS/CD/16/00116 before the building to which it relates is occupied.
19. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing

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**equipment should be provided within the site, in accordance with details approved under application HS/CD/16/00116, to prevent contamination and damage to the adjacent roads.**

### **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 a satisfactory form of development in the interests of the character and amenity of the area. (Hasting Local Plan 2004 - Policy DG1).**
- 3. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)**
- 4. To ensure a satisfactory form of development in the interests of the visual amenity.**
- 5. To protect features of recognised nature conservation importance and the character and appearance of the area.**
- 6. For the avoidance of doubt and in the interests of proper planning.**
- 7. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)**
- 8. In the interests of the visual amenity and to protect neighbouring residential amenities.**
- 9. To prevent increased risk of flooding.**
- 10. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.**
- 11. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.**
- 12. In the interests of highway safety and for the benefit and convenience of the public at large.**
- 13. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.**
- 14. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.**
- 15. To safeguard the amenity of adjoining residents.**

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16. In the interests of the amenity of the neighbouring residential occupiers.
17. To protect the wildlife corridor.
18. To safeguard the amenity of adjoining residents.
19. In the interests of highway safety and for the benefit and convenience of the public at large.

### 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.

### 118. PLANNING APPEALS AND DELEGATED DECISIONS

The Senior Planner reported that 3 planning appeals had been received; 1 appeal had been dismissed. He also reported on the number of delegated decisions.

All matters had arisen between 18<sup>th</sup> July to 12<sup>th</sup> August 2016.

He explained that since the agenda had been published, an appeal decision had been received for Land to the rear of 14 Beauharrow and 372 Battle Road, St. Leonards on Sea (HS/FA/15/01038). The appeal against non-determination was Allowed on 18<sup>th</sup> August 2016. Planning permission would have been granted, had the Council been in a position to determine it.

(The Chair declared the meeting closed at. 7.07 pm)