

Planning Committee Agenda

Wednesday, 24 August 2016 at 6.00 pm

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

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

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

105. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Scott and Wincott.

106. DECLARATIONS OF INTEREST

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

Councillor	Minute	Interest
Beaney	110c – Garage between 28-30 Priory Close	Personal – she attended a meeting of Priory Close Residents Association
Cooke	110a – Shearburn Holiday Park, Barley Lane	Personal – one of the objectors is known to him
Cooke, Dowling, Roberts, Street and Webb	110b – Land adjacent, 99 West Hill Road	Personal - the applicant is known to them, as he is a former Councillor
Sabetian	110c – Garage between 28 – 30 Priory Close	Prejudicial – he lives in Priory Close, near to the application site
Street	110a – Shearburn Holiday Park, Barley Lane	Personal – he is a member of the Friends of Hastings County Park who have raised an objection.
Webb	109a – Site of former Hastings College of Arts and Technology, Archery Road	Personal – 4 of the objectors are known to him

107. MINUTES OF THE MEETING HELD ON 22 JUNE 2016

RESOLVED – that the minutes of the meeting held on 22 June 2016 be approved and signed by the Chair as a true record.

108. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

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None.

109. PLANNING APPLICATIONS ATTRACTING A PETITION:

109.1 Site of former Hastings College of Arts and Technology, Archery Road

Proposal: Conversion of Grade II listed building to create 24 residential units, demolition of all other structures and erection of 97 residential units, with associated cycle and car parking spaces, new vehicular access from Archery Road, associated landscaping and enabling works (amended description).

Application no: HS/FA/15/00175

Existing Use: Vacant site

Conservation Area: Yes – St Leonards West

Listed Building: Grade II

Public Consultation: 42 letters of objection and 1 petition received

The Planning Services Manager advised of further updates to the report. Following on from further negotiations with the applicants, the review of additional information in respect of viability and comments submitted, it was proposed that the recommendation be amended to remove the provision of financial contributions within the S106 Agreement. It was also proposed to remove the requirement for the provision of affordable housing within the S106 Agreement and add an additional condition (no 34) in respect of the provision of affordable housing.

The recommendation was therefore amended to read:

A) That 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:

The provision of a management plan for all publicly accessible open spaces and woodland areas within the site;

In the event that the Agreement is not completed by 1st November 2016 that permission be refused on the grounds that the application does not comply with Policy EN3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2028 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

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Grant Full Planning Permission subject to the following conditions:

Furthermore, it is requested that the following condition be imposed upon any planning permission granted, which will make sure the development is acceptable:

34. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework 2012 or any future guidance that replaces it. The scheme shall include:
- (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 56% of housing units which equates to 68 housing units.
 - (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing. The phasing of occupancy within the scheme for the provision of affordable housing shall include a requirement that no more than 50% occupancy of the market housing shall be allowed until 100% of the affordable housing units have been constructed.
 - (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
 - (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - (v) a signed nomination agreement setting out the Council's rights to nominate from its housing register (or another list that the Council is required to keep for the discharge of its housing responsibilities) a new tenant or tenants in respect of three of every four Dwellings which become true voids.
 - (vi) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 - (vii) details of the notice given to the Council when a vacancy of an affordable unit becomes available and when a vacancy has been filled.
 - (viii) details of liability connected with the exercise of Nomination Rights, which shall require that the loss of rent, Service Charge, for any legal or other costs or fees or any other expenses incurred by the Housing Association arising from the exercise of the Nomination Rights shall remain with, be covered by and be the responsibility of the Housing Association.

Reason: To ensure that the proposal provides an appropriate level of affordable housing provision within the development and to meet the requirements of policies H3 and C11 of the Hastings Planning Strategy Local Plan (2014).

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Further letters of objection have also been received by the Local Planning Authority since the publication of the report.

The case Officer, Mr Chris Hawkins presented the report.

Given the extant planning permission in place, the Committee was asked to consider the impact of the amendments to the scheme, rather than the principle of development or any other matter unaffected by the amendments.

The petitioner, Lee Wilson, was present and spoke against the application. He raised concerns that the proposed scheme was less sympathetic to the setting within a conservation area than the previously approved scheme.

Marcus Beale, the architect of the scheme, spoke in support of the proposal on behalf of the applicant. He commented that the proposed changes to the previously approved scheme were relatively minor and intended to make the development more manageable to maintain.

Councillor Patmore, Ward Councillor for Maze Hill, was present and spoke against the application.

After discussion, it was proposed to include an additional informative that the applicant is advised that the UPVC windows within the development shall be of a slim line form that responds positively to the character and appearance of the conservation area.

Councillor Sabetian proposed a motion to approve the application, as set out in the resolution below, including the additional condition 34 and informative 10. This was seconded by Councillor Roberts.

RESOLVED – (by 7 votes for and 3 against) that planning permission be granted subject to the following conditions: -

A) That 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:

The provision of a management plan for all publicly accessible open spaces and woodland areas within the site;

In the event that the Agreement is not completed by 1st November 2016 that permission be refused on the grounds that the application does not comply with Policy EN3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2028 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

Grant Full Planning Permission 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. 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.

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

554/005/P8; 554/006/P8; 554/010/P4; 554/038/P4; 554/053/P4;
554/056/P4; 554/059/P4; 554/047/P5; 554/004/P8; 554/009/P6;
554/011/P4; 554/013/P4; 554/048/P5; 554/049/P4; 554/050/P4; 554/051/P4/
554/052/P4; 554/051/P4; 554/052/P4/ 554/054/P4; 554/055/P3; 554/057/P4;
554/058/P4; 554/060/P3; 554/061/P3; 554/062/P3; 554/033/P4;
554/024/P1; 554/014/P2; 554/055/P1; 554/066/P1; 554/077/P3;
554/SK110/P1; 554/SK112/P1; 554/020/P1; 554/065/P1; 554/068/P1;
554/072/P1; 554/073/P1; 554/076/P3; 554/016/P1; 554/021/P1;
554/022/P1; 554/030/P1; 554/027/P1; 554/031/P1; 554/038/P3;
554/041/P2; 554/043/P2; 554/044/P2; 554/064/P2; 554/067/P1;
554/069/P1; 554/070/P2; 554/072/P1; 554/075/P1; 554/078/P1;
554/079/P2; 554/SK111/P1; 554/001/P1; 554/002/P3; 554/015/P3;
554/025/P1; 554/026/P1; 554/028/P1; 554/029/P1; 554/039/P3;
554/042/P2; 554/045/P2 together with all submitted documentation relating to the contents of these plans.

4. No development shall take place until sample boards, measuring 1.5m x 1.5m of all materials to be used on all visible external elevations and boundary walls of the new development shall be submitted to and approved in writing by the Local Planning Authority. Where relating to brick and stone sample panels, such details shall show the bond pattern and mortar pointing. The development shall be carried out in accordance with the approved details.
5. Notwithstanding the details shown on the submitted plans and having regard to Condition 4, the sample panels in respect of the brick elevations to Blocks A and B shall include details of the brick bond, window dressings and string courses formed either by brick or stone to match copings.

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6. **No development shall take place until details of the bridge from the northern end of the site to the podium, including 1:50 elevations and 1:10 sections including details of the construction of the walkway, balusters and balustrades, privacy screens and supports including samples of materials and details of finishes have been submitted to and approved in writing by the Local Planning Authority. The bridge shall thereafter be constructed in accordance with the approved plans.**

7. **No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details:**
 - a. **windows and door type variations for the proposed new development (including bin stores and garage doors), to include the manufacturers details, size, appearance, materials and finishes proposed, without trickle vents or detailing concealed trickle vents plus 1:10 elevation drawings and 1:2 or full size horizontal and vertical cross-sections through each type;**
 - b. **roof profiles, colour and finish, plus details of the abutment to the main roof slopes, 1:10 plans and 1:2 or full size section details to be provided.**
 - c. **roof mounted plant, to include details of all solar panels and photo voltaic installations proposed on visible roof slopes. Details to include information on the size and proposed location of the array, the size of each panel, its appearance, materials, finish, plus full details of any supporting framework required.**
 - d. **dormers (Block K) and other roof extensions, to include 1:10 front, side and roof elevations, plus 1:2 or full size horizontal and vertical cross-sections.**
 - e. **rainwater goods, to include proposed locations, sizes profiles, material and finishes.**
 - f. **visible external flues and extract vents, to include proposed locations, sizes, appearance, materials and finishes.**
 - g. **louvered panels (include the profile, size, materials and finish, 1:10 elevation details and 1:2 or full size horizontal and vertical sections to be provided.**

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- h. balconies on the new buildings, to include full details of the frameless glazing (glass type/colour/reflective qualities), any top rail or vertical support, fixings for the railing and the proposed materials, profile and finishes to all balcony floors. Details to be provided as 1:10 elevations and 1:2 or full size sections.**
- i. in respect of Block K full details of all new and replacement windows and external doors. Elevations shall be provided for each item at a scale of 1:10, with full size or 1:2 scale horizontal and vertical sections. Full details of all proposed door and window furniture should also be provided. Window details shall include sections through cills, heads, frames, meeting rails and opening lights, glazing bars and mullions. Doors shall include sections through fanlights, top rails, mid rail, bottom rail, panel details and frame. All new doors and windows on the listed buildings shall match an existing original example profile as agreed with the local planning authority.**
- j. in respect of Block K only, full constructional details of the proposed new rear elevation canopy and balcony, to include 1:20 elevations and roof plan, plus full size or 1:2 scale cross-sections through the canopy, and details of the materials, finishes and proposed fixing to the building. Detailed drawings shall show elevations and sections through the canopy profile, canopy ribs/supports, the railing profile and the balcony construction.**
- k. in respect of Block K full constructional details of the new rear staircase atrium. To include the proposed fixing in to the original fabric of the listed buildings, plus elevations and roof plans at 1:20 and 1:2 or full size sections through the new construction (to include profiles through the proposed brise soleil, steps and handrails), and a full palette of materials to be used in the construction (roof, walls, floors and staircase).**
- l. in respect of Block K full details of proposals for the area below the retained Victorian infill, to the rear of the main entrance area, at basement level. Details shall be provided of all structural proposals, making good works and of any new doors, windows or other new construction proposed.**
- m. in respect of Block K full details of the proposed new front wall railings and gates to include the siting, size, appearance, materials and finishes and the proposed method of fixing. Details shall include 1:10 elevation drawings and 1:2 or full size cross-sections through the top rail, baluster profile,**

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queen post profile, rear support bracket profile and a full size detail of all proposed finial types.

- n. in respect of Block K full details of the new porticos to be reinstated to the front elevation of the terrace. To include 1:10 front, side and roof elevations and sections, plus 1:2 or full size sections through the render mouldings. Full details shall also be provided of all the materials and finishes proposed.
- o. in respect of Block K full details of the new external staircase to the front area to Apt. 1, to include elevation and plan drawings at 1:10 and the step profile and handrail profile at 1:2 or full size, plus details of materials and finishes proposed;
- p. in respect of Block K full details of any proposed new hanging lanterns to the front elevation of the terrace. To include 1:10 elevations and sections, plus details of their fixing to the building and the materials and finishes for the lanterns.

(i) a methodology statement to be submitted and approved in writing by the local planning authority for the refurbishment of the existing lanterns which are to be rehung in a location to be agreed with the local planning authority. The methodology to include repairs to cast iron lantern and associated brackets, details of proposed replacement glass, fixing details into the masonry substrate and details of the luminaire to be inserted;

(ii) existing hanging lanterns to be carefully recorded by way of drawings which will form the template of the proposed and the details are to be submitted in the form of 1:10 plans, elevations and sections, plus details of their fixing to the building and materials and finishes.

(iii) the locations of the new hanging lanterns to be agreed with the local planning authority.

- q. in respect of Block K full details of the proposals in relation to the area of original party/garden wall that is to be retained to the rear garden area of the listed buildings. These are to include a methodology statement for the following:

(i) Any areas of existing wall to be taken down;

(ii) Reconstruction of wall including full specification for the works;

(iii) Specification for reconsolidation of existing parts of the

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wall to be retained

The methodology statement should include all means of temporary supports to facilitate the works and be accompanied by a detailed drawing showing the extent of each element of works. Should new materials be required, a sample panel showing the proposed materials, width of mortar joint and finish of joint be constructed on site for approval and thereafter maintained on site until completion of the works.

r. in respect of Block K full details of all new surface treatments to yard and garden areas, where immediately abutting the listed buildings

8. No development shall take place until the measures outlined in the submitted ecological statements and reports Updated Extended Phase 1 Habitat Survey, Updated Badger Survey and Bat Survey, by PJC Ecology, dated March 2013 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. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

(i) An appropriate scale plan showing 'wildlife protection zones' where all construction activities are restricted and where protective measures will be installed or implemented.

(ii) Details of wildlife features of importance such as ancient woodland, Sites of Nature Conservation Importance and protected species.

(iii) Details of protective measures (both physical measures

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and sensitive working practices) to avoid impacts during construction. These to include measures such as the covering of trenches and manholes, during construction; the safeguarding of badgers setts, runs and foraging area, especially relating to the throughput of construction and other vehicular traffic, timing of operational activities; the erection of protective fencing at agreed distances from sensitive habitats and wildlife areas.

- (iv) **A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed, such as the bird nesting season and other wildlife breeding seasons.**
- (v) **Persons responsible for:**
 - (a) **Compliance with legal consents relating to nature conservation;**
 - (b) **Compliance with planning conditions relating to nature conservation;**
 - (c) **Installation of physical protection measures during construction;**
 - (d) **Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;**
 - (e) **Provision of training and information about the importance of 'wildlife protection zones' to all personnel on site.**
 - (f) **Species monitoring in accordance with condition 19 below. This list to be updated whenever necessary to keep the contact list current.**

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

- 10. No development shall take place until permanent fencing and warning signs have been erected in accordance with the approved 'Wildlife Protection Plan for Construction' submitted in accordance with condition 9. All permanent fencing and warning signs will be maintained in accordance with the plan, unless otherwise approved in**

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writing by the Local Planning Authority.

11. **No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of surveying and monitoring all important and protected species found on site, such as badgers, to show the effects of the scheme during construction and for a period of ten years after the last house has been occupied. The scheme shall include:**

i) A clear statement of the proposed aims and objectives of monitoring;

ii) Details and justification for selection of baseline data and any changes or thresholds that, if occurring or reached, will trigger detailed remedial measures;

iii) Details of positive conservation targets along with any associated performance standards or success criteria that will indicate that targets have been reached;

iv) Details of the important and protected species and their places of shelter such as sett, hibernation sites, that are to be monitored;

v) Methods for sampling and analysing, including the timetable and location for field survey;

vi) Details of any legally required licences obtained from statutory agencies for the duration of the period of the construction and any changes to those licences which may be necessary during and post construction;

vii) Submission of a report on the monitoring to the local planning authority at intervals to be agreed after the commencement of construction works, or as otherwise approved in writing by the local planning authority, including a report on actual or anticipated changes in communities or populations, the reasons for the changes and any remedial measures considered to be necessary to modify the changes;

viii) Procedures to be put in place to enable the monitoring reports to be considered by the local planning authority in consultation with the developer. Should the local planning authority consider that remedial measures are necessary as a result of considering the monitoring report and any consultation responses under the above clause they shall give written notice to the developers. Within one month of receiving such written notice from the local planning authority the developers shall submit a scheme of remedial measures which shall include (but should not be limited to) the further mitigation and/or

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changes to any approved mitigation schemes and /or changes to working practices and programme of implementation for the approval of the local planning authority. The approved remedial measures shall be implemented in accordance with the approved scheme and programme unless otherwise approved in writing by the local planning authority.

12. 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. 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.
13. 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.
14. No development shall take place until full details of all boundary fences, walls and enclosures have been submitted to and approved in writing by the Local Planning Authority. All such boundary fences, walls and enclosures shall be erected before the building to which it relates is occupied.
15. 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. 16. 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

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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.

16. 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 BSI 5837 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.
17. No demolition or development shall commence on site until a Construction Management Plan setting out mitigation measures to protect against disruption caused during demolition and construction has been submitted to and approved in writing by the Local Planning Authority. The management Plan shall include:
- a) Parking for vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) Proposed methods of excavation, demolition, piling and all other construction associated with the development;
 - f) Noise and vibration monitoring arrangements for any piling that may be undertaken;
 - g) Methods of controlling dust emissions from the site
 - h) Details of wheel washing facilities and equipment to be provided during periods of demolition, excavations, earthworks and construction to be provided within the site to prevent the carrying and deposition of mud, dust or other debris on their wheels and to prevent contamination and damage to adjacent roads.

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18. **Prior to demolition works commencing on site or the commencement of development a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway authority. This shall include the size of vehicles, routing of vehicles and hours of operation (given the restrictions of the access and/or the approach road the hours of delivery/collection should avoid peak traffic flow times and the size of vehicles should be restricted).**

19.
 - (i) **detailed site investigation for the presence of contaminants, methane and carbon dioxide in soil shall be submitted to and approved by the Local Planning Authority prior to the commencement of construction works on site. Details of the investigation shall be approved by the Local Planning Authority prior to investigative works commencing. Such investigation and assessment should be carried out by suitably qualified personnel in accordance with current Government, Environment Agency and British Standard Guidance. Should any significant risks be identified by such an investigation, a remediation scheme including suitable monitoring and verification methodologies shall be agreed in writing by the Local Planning Authority.**

 - (ii) **The remediation scheme, as agreed by the Local Planning Authority, shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The remediation scheme is to include considerations and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.**

20. **The new estate roads shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as publicly maintained highway.**

21. **No development shall take place within the application site until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.**

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22. **No development shall take place within the application site until the applicant or their agents or successors in title, has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller excavation, then construction work shall cease until the applicant has secured the implementation of a programme of archaeological work in accordance with a revised written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.**

23. **There shall be no obstruction to visibility in either direction onto Archery Road within splays of 2.4 X 43 metres at the junction with the access roads into the development**

24. **The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of vehicles.**

25. **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.**

26. **Development shall be carried out in accordance with the details approved under condition 24 and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.**

27. **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.**

28. **No dwelling hereby approved shall be occupied until readily accessible storage space for refuse bins awaiting collection have been provided to the satisfaction of the Local Planning Authority.**

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- 29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby approved shall be kept available for the parking of motor vehicles at all times.**
- 30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-G shall take place on the dwellinghouses hereby permitted or within their curtilage.**
- 31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no television, radio aerial, satellite dish or other form of antenna shall be affixed on the exterior of any building forming part of the development hereby permitted.**
- 32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the flank elevations of Blocks C, D, F, G, H, L, M of the development hereby permitted.**
- 33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed forward of the principal wall of the dwellings forming Blocks C and F.**
- 34. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in**

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accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework 2012 or any future guidance that replaces it. The scheme shall include:

- (ii) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 56% of housing units which equates to 68 housing units.
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing. The phasing of occupancy within the scheme for the provision of affordable housing shall include a requirement that no more than 50% occupancy of the market housing shall be allowed until 100% of the affordable housing units have been constructed.
- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (v) a signed nomination agreement setting out the Council's rights to nominate from its housing register (or another list that the Council is required to keep for the discharge of its housing responsibilities) a new tenant or tenants in respect of three of every four Dwellings which become true voids.
- (vi) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- (vii) details of the notice given to the Council when a vacancy of an affordable unit becomes available and when a vacancy has been filled.
- (viii) details of liability connected with the exercise of Nomination Rights, which shall require that the loss of rent, Service Charge, for any legal or other costs or fees or any other expenses incurred by the Housing Association arising from the exercise of the Nomination Rights shall remain with, be covered by and be the responsibility of the Housing Association.

Reasons:

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- 1. This Condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.**
- 2. To safeguard the amenity of adjoining and future residents. (Hastings Local Plan 2004 Policies DG1 and DG3).**
- 3. For the avoidance of doubt and in the interests of proper planning.**
- 4. In the interests of the character and amenity of the St. Leonards West Conservation Area.**
- 5. In the interests of the character and amenity of the St. Leonards West Conservation Area.**
- 6. To ensure a satisfactory form of development and in the interests of the character and amenity of the St. Leonards West Conservation Area.**
- 7. In the interests of the character and amenity of the St. Leonards West Conservation Area.**
- 8. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 Policies NC8 and NC9.)**
- 9. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)**
- 10. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)**
- 11. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)**
- 12. In the interests of the character and amenity of the St. Leonards West Conservation Area.**
- 13. In the interests of the character and amenity of the St. Leonards West Conservation Area.**
- 14. In the interests of the character and amenity of the St. Leonards Conservation Area.**
- 15. In the interest of the character and amenity of the St. Leonards West Conservation Area.**

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- 16. In the interest of the character and amenity of the St. Leonards West Conservation Area.**
- 17. In the interest of the character and amenity of the St. Leonards West Conservation Area.**
- 18. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1).**
- 19. In the interests of highway safety and for the benefit and convenience of the public at large.**
- 20. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.**
- 21. In the interest of public safety.**
- 22. In view of the position of the site in an area of archaeological interest. In accordance with the aims of Policy C6 in the Hastings Local Plan 2004.**
- 23. In view of the position of the site in an area of archaeological interest. In accordance with the aims of Policy C6 in the Hastings Local Plan 2004.**
- 24. To ensure that an acceptable standard of access is provided in the interest of pedestrians safety.**
- 25. In order that the development is accessible by non-car modes and to meet the objectives of sustainable transport.**
- 26. To ensure a satisfactory form of development in the interests of the character and amenity of the area.**
- 27. To ensure a satisfactory form of development in the interests of the character and amenity of the area.**
- 28. To ensure the delivery of sustainable development in accordance with the interests of the NPPF and emerging Policy EC4 of the Development Managing Plan.**
- 29. To ensure the delivery of sustainable development in accordance with**

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the interests of the NPPF and emerging Policy EC4 of the Development Managing Plan.

- 30. To ensure the delivery of sustainable development in accordance with the interests of the NPPF and emerging Policy EC4 of the Development Managing Plan.**
- 31. In the interests of the character and amenity of the St. Leonards West Conservation Area.**
- 32. In the interests of the character and amenity of the St. Leonards West Conservation Area.**
- 33. In the interests of the character and amenity of the St. Leonards West Conservation Area.**
- 34. To ensure that the proposal provides an appropriate level of affordable housing provision within the development and to meet the requirements of Policies H3 and CI1 of the Hastings Planning Strategy Local Plan (2014).**

Notes to the Applicant

- 1. There may be badgers on the site and your attention is drawn to the provisions of the Badger Protection Act 1992. It is a criminal offence to kill or injure a badger; to damage or obstruct access to its sett; or to disturb a badger when it is occupying a sett.**
- 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. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.**
- 5. It will be necessary to enter into a Section 38 Agreement for the adoption of the roads before works commence.**

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6. Due to the nature of the highway in the vicinity of the site, construction traffic could damage the carriageway/verges. The highway authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development the applicant should contact East Sussex highways 0345 60 80 193 to arrange a photographic survey and joint inspection of the local highway network.
7. The developer should enter into a formal agreement with southern Water to provide necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688) or www.southernwater.co.uk
8. A formal application to requisition water infrastructure is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688) or www.southernwater.co.uk
9. Consideration should be given to the provision of domestic sprinkler systems within the properties.
10. The applicant is advised that the UPVC windows within the development shall be of a slim line form that responds positively to the character and appearance of the conservation area.

110. PLANNING APPLICATIONS:

110.1 Shearbarn Holiday Park, Barley Lane, Hastings

Proposal: Change of use of private syndicate fishing lake to amenity land in association with Shearbarn Holiday Park and including public fishing.
Construction of footpath.(Retrospective)

Application No: HS/FA/15/01030

Existing Use: Caravan park

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Public Consultation: 10 letters of objection received

Mrs Meppem, Assistant Planner updated the Committee on an amendment to informative number. 4 to read:

The applicant is advised that formal planning permission would be required for any additional structures or **earth works on site**, including maintenance sheds, fishing shelters etc. and any reinforcement works to the lake edge to create fishing platforms. Prior to submitting an application pre-application advice should be sought from the Local Planning Authority to ascertain the likelihood of such a proposal being considered acceptable

Additional representations had also been received since the agenda had been published. These were circulated to members of the committee.

Councillor Cooke proposed approval of the recommendations set out in the resolution below. This was seconded by Councillor Edwards.

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

1. Within six months of the date of this permission the following details shall be submitted to and approved in writing by the Local Planning Authority

- **Details of the boundary treatment along the border of the site with the Country Park**
- **Details of the fence denoting the edge of the footpath hereby approved**
- **Details of the information boards to be installed along the footpath and around the wider site**

All such boundary treatment and information boards shall be erected within a time scale agreed by the Local Planning Authority and maintained to an acceptable level thereafter.

2. The works hereby approved shall be carried out in accordance with the recommendations within the Preliminary Ecology Appraisal dated 11.05.2016 produced by The Ecology Consultancy.

3. Within six months of the date of this permission details shall be submitted to and approved in writing by the Council of the measures to

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enhance and improve the biodiversity within the reservoir in accordance with the recommendations within the Preliminary Ecology Appraisal produced by The Ecology Consultancy. The development shall then be carried out in accordance with the approved details.

- 4. At no time shall any lighting, permanent or temporary, be installed along the footpath hereby approved**
- 5. The track way hereby approved shall be for pedestrian access only except in emergency situations or for maintenance purposes.**
- 6. The development hereby permitted shall be carried out in accordance with the following approved plans and details: 37221000B, 37221002B and the preliminary ecology appraisal produced by The Ecology Consultancy date 11.05.2016.**

Reasons:

- 1. In the interests of the safety and protection of flora and fauna on the site.**
- 2. To ensure the works are carried out in accordance with Best Environmental Practice.**
- 3. To protect and enhance the biodiversity and ecological features of the site.**
- 4. In the interests of the safety and wellbeing of bats and other wildlife on the site.**
- 5. In the interests of the safety and protection of flora and fauna on the site.**
- 6. 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**

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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. A separate application, to be submitted in accordance with the Advertisement Regulations, may be required for the display of the information boards, which cannot be approved as part of this permission.
4. The applicant is advised that formal planning permission would be required for any additional structures or earth works on site, including maintenance sheds, fishing shelters etc. and any reinforcement works to the lake edge to create fishing platforms. Prior to submitting an application pre-application should be sought from the Local Planning Authority to ascertain the likelihood of such a proposal being considered acceptable.

110.2 Land adjacent, 99 West Hill Road, St Leonards on Sea

Proposal:	Erection of detached house with two parking spaces
Application No:	HS/FA/15/00511
Existing Use:	Residential Curtilage
Conservation Area:	Yes - Grosvenor Gardens
Listed Building:	No
Public Consultation:	28 letters of objection, 1 petition and 1 letter of support received

Mrs Meppem, Assistant Planner, presented the application.

On 13 May 2016, an order was issued by the Court of Appeal which gave legal effect to a policy set out in the Written Ministerial Statement of 28 November 2014. As a result, the Council was no longer able to seek an affordable housing contribution in relation to this application.

The application was the same as previously agreed by the Committee at its meetings on 25 November 2015 and 23 February 2016, with the exception of an amendment to the affordable housing paragraph and the deletion of a resolution to grant permission subject to an affordable housing contribution.

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

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by Councillor Rogers.

RESOLVED – (unanimously) that full 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. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the proposed dwelling 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.
3. 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.
4. 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.
5. 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 (e.g. furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing

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functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

6. The development shall not be occupied until the 2 parking areas have been provided in accordance with the submitted plan (Drawing No.DRWG/DH/03). Thereafter the parking areas shall be retained for that use and shall not be used other than for the parking of motor vehicles.
7. The development shall not be occupied until cycle parking areas have been provided in accordance with the submitted plan (Drawing No. DRWG/DH/04).
8. No development shall take place until the investigations outlined in paragraph 6.1 of the submitted Land Stability Assessment by GabrielGeo Consulting, dated 5th October 2015 have been carried out and the resulting report and/or plans submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved report/plans.
9. 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.
10. During the construction phase the following Ecology requirements shall be adhered to;

Mammals

- Gaps should be left beneath any perimeter fencing to allow free access for foraging mammals.
- Any trenches left open overnight should incorporate a ramp – such as a scaffolding plank – to allow any trapped wildlife to escape.

Nesting birds

- The timing of any construction activity should recognise the possibility that nesting birds might be present. Disturbance should

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therefore be avoided during the recognised bird nesting season which ranges from the beginning of March to the end of July.

Reptiles

– All vegetation should be regularly maintained at a short height - or removed - to prevent the development of habitat which is favourable to reptiles.

– Site clearance of vegetation should be done with care, and in such a way as to enable any reptiles that might be present to be safely driven towards retained or adjacent habitat.

– Piles of debris, including logs, tiles, rubbish and vegetation all have the potential to be colonised by reptiles; such material should not be allowed to accumulate. If such debris does appear it should be removed off site by dismantling it carefully by hand, which will then allow any reptiles that may be present to escape.

– Compost heaps, or piles of vegetation waiting to be burnt, can provide a favourable habitat, particularly to hedgehogs and slow worms. Any dismantling of such heaps should be done by hand and with care, to ensure that any animals or reptiles they may contain are not injured. If possible, alternative compost heaps should be established elsewhere on the site to ensure that a continuity of habitat is retained.

11. (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 dwelling hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwelling 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.
-
12. The surface water management proposals formulated for the detailed design stage should be supported by detailed hydraulic calculations showing a 'like for like' discharge rate between the existing and proposed scenarios during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events.

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13. The development hereby permitted shall be carried out in accordance with the following approved plans and details: DRWG/DH/01, 02, 03, 04, 05. JC/KD/01A and Land Stability Assessment carried out by GabrielGeo Consulting dated 5th October 2015.

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 development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area.
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.
6. In the interests of the amenity of the neighbouring residential occupiers.
7. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
8. To protect future residents and users of the development in the interests of Health and Safety.
9. To safeguard the amenity of adjoining residents.
10. In the interests of the safety and wellbeing of potential wildlife on the site.
11. To prevent increased risk of flooding.
12. To prevent increased risk of flooding.

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- 13. 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. East Sussex County Council, must be consulted regarding the provision of a vehicular pavement crossing to Highway Authority's standard of specification and construction and at the applicant's expense.
Contact: highways@eastsussex.gov.uk 0345 6080 193.**
- 4. 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.**
- 5. In the event that any sewers are found within the site the applicant is advised to contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Telephone 01962 858688) or www.southernwater.co.uk.**
- 6. Consideration should be given to the provision of a domestic sprinkler system.**

110.3 Garage between 28 - 30 Priory Close, Hastings

Proposal:	Outline - Demolition of garage and erection of a dwelling
Application No:	HS/OA/15/01019
Existing Use:	Vehicle garages
Conservation Area:	No

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Listed Building: No

Public Consultation: 3 letters of objection received

Councillor Sabetian, having declared a prejudicial interest in this application, left the chamber during the debate.

The Planning Services Manager advised of further updates to the report. Condition 5, as set out in the resolution below, as this requires development to be built in accordance with submitted plans however the application is outline and some of the plans are illustrative. Conditions 1 and 2 require reserved matters to be submitted which include layout, scale and external appearance. Therefore the condition was amended as follows:

Condition no. 5:

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

487/B7A and 487/OS

Informative 7, which stated that the permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), 15 December 2015, was removed.

The application was for outline planning permission for the demolition of an existing double garage and its replacement with a new single storey detached dwelling. The Planning Services Manager gave an overview of the relevant Planning history in relation to the site. One of the trees on the site is protected by a Tree Preservation Order; however, the arboriculture report states that it will be possible for the development to proceed.

Councillor Edwards proposed motion to approve the application. This was seconded by Councillor Cooke.

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

- 1. Approval of the details of the layout, scale and external appearance of the building(s), the means of access thereto 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**

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above, relating to the scale, design and external appearance of any buildings to be erected, the means of access to the site 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 accordance with the following approved plans:

487/B7A and 487/OS**
- 6. The development shall not be occupied until parking areas have been provided in accordance with the submitted drawing no.487/B1 and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.**
- 7. The development shall not be occupied until a cycle parking area has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.**
- 8. The development shall not be occupied until details of readily accessible external storage space for refuse bins awaiting collection has been submitted to and approved in writing by the Local Planning Authority. The refuse storage shall be provided in accordance with the approved details prior to any occupation.**
- 9. (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 and thereafter maintained.**

(ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of the dwelling hereby approved shall occur until those works have been completed and

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thereafter maintained

(iii) No occupation of the dwelling 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 and thereafter maintained.

10. The reserved matters details submitted for conditions 1 & 2 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. The details 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 and thereafter maintained.

11. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband and thereafter maintained.

12. 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.

13. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads.

14. 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,

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noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.

15. 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.
16. 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 boundary treatment, finished levels or contours; means of enclosure; car parking layouts pedestrian access; hard surfacing materials; 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.
17. 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.
18. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling 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.
19. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping in conjunction with a roof plan, specifically in relation to the approved green roof, which shall include planting plans, written specifications, schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an

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implementation and maintenance programme and thereafter maintained.

20. No development shall take place until all measures outlined in section 4 of the submitted Arboricultural Survey prepared by PJC Consultancy Ltd, dated 12 January 2016 have been fully implemented.
21. No development shall take place until a plan has been submitted to and approved by the Local Planning Authority showing a minimum built-in storage area of 2m² has been incorporated within the approved dwelling.

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. To ensure an adequate level of off-street parking to serve the development.
7. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
8. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
9. To prevent increased risk of flooding.
10. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.
11. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.

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- 12. To safeguard the amenity of adjoining residents.**
- 13. In the interests of highway safety and for the benefit and convenience of the public at large.**
- 14. To ensure a satisfactory form of development in the interests of the visual amenity.**
- 15. To ensure a satisfactory form of development in the interests of the visual amenity.**
- 16. To ensure a satisfactory form of development in the interests of the visual amenity.**
- 17. To ensure a satisfactory form of development in the interests of the visual amenity.**
- 18. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1).**
- 19. To ensure a satisfactory form of development in the interests of the visual amenity.**
- 20. To ensure good arboricultural practice.**
- 21. To ensure satisfactory storage space is provided for future 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. A formal application for connection to the public foul sewerage system may be required in order to service this development, please contact Southern Water, Southern House, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.**
- 3. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.**

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4. **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.
5. **All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 3 metres of the public water main without the consent of Southern Water.**
6. **Consideration should be given to the provision of a domestic sprinkler system.**

110.4 Land adjoining Lidham Farmhouse, Rye Road, Hastings

Proposal:	Erection of two storey dwelling
Application No:	HS/OA/15/00719
Existing Use:	Curtilage of existing residential dwelling
Conservation Area:	No
Listed Building:	No
Public Consultation:	3 letters of objection received

The Planning Services Manager presented this application which was for outline planning permission for the erection of a detached two storey dwelling. As all matters are reserved, the applicant is seeking approval for the principle of the development only and would submit full details of the scheme if and when they receive outline planning permission.

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

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

1. **Approval of the details of the layout, scale and external appearance of the building(s), the means of access thereto and the landscaping of the**

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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, the means of access to the site, parking, cycle storage 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 accordance with the following approved plans:**

111/154/sk01, 02A.
- 6. No dwelling hereby approved shall be occupied until readily accessible external storage space for refuse bins awaiting collection has been provided to the satisfaction of the Local Planning Authority.**
- 7. (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, in consultation with Southern Water.**

(ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of the dwelling hereby approved shall occur until those works have been completed.

(iii) No occupation of the dwelling 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.

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8. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water:

1. The exact position of sewers (to be determined on site) before the layout of the proposed development is finalised
2. The measures undertaken to protect public sewers

Development shall be carried out in accordance with the details approved prior to the commencement of development.

9. The reserved matters details submitted for conditions 1 and 2 above shall include details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 of the Hastings Planning Strategy 2014. The details 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.
10. Before the development hereby approved is occupied, provision shall be made for the ability to connect to fibre based broadband.
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. During any form or earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site. Details of this equipment should be submitted to and approved in writing by the Local Planning authority prior to the commencement of development.
13. 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

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development. New soft landscaping details shall include planting plans (including replacement trees for those lost); 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.

14. 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.
15. 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; 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.
16. 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.
17. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the dwelling 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.
18. No development shall take place until the measures outlined in the submitted Phase 1 Ecological Report (November 2015) prepared by

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Wildlife Splash Limited have been fully implemented, unless:

- (i) the programme for such measures is otherwise specified within that document, 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.**

19. 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.

Reasons:

- 1. The application is in outline only.**
- 2. The application is in outline only.**

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- 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 the visual amenity of the area.**
- 7. To prevent increased risk of flooding.**
- 8. To prevent increased risk of flooding.**
- 9. To ensure a satisfactory standard of development in accordance with Policy SC3 of the Hastings Planning Strategy 2014.**
- 10. To ensure a satisfactory standard of development in accordance with Policy SC1 of the Hastings Planning Strategy 2014.**
- 11. To safeguard the amenity of adjoining residents.**
- 12. To prevent contamination and damage to the adjacent roads.**
- 13. In the interests of the visual amenity.**
- 14. In the interests of the visual amenity.**
- 15. To ensure a satisfactory form of development in the interests of the visual amenity.**
- 16. To ensure a satisfactory form of development in the interests of the visual amenity.**
- 17. In the interests of the visual amenity of the area.**
- 18. To protect features of recognised nature conservation importance.**
- 19. To protect features of recognised nature conservation importance.**

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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. A formal application for connection to the public foul sewerage system may be required in order to service this development, please contact Southern Water, Southern House, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.
4. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.
5. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 3 metres of the public water main without the consent of Southern Water. No new soakaways should be located within 5m of public sewer.
6. Consideration should be given to the provision of a domestic sprinkler system.
7. The applicant is advised to consult the Environment Agency regarding the use of a sewerage treatment plant, which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the works to ensure its long term effectiveness.

111. PLANNING APPEALS AND DELEGATED DECISIONS

The Planning Services Manager submitted a report which informed the Committee of any planning appeals that have been lodged, any decisions received from the Planning Inspectorate and the number of delegated decisions made between 13 June and 15 July 2016. The report was noted.

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(The Chair declared the meeting closed at. 8.03 pm)

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Agenda Item 5a

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**Land adjacent to 71 West Hill Road
St Leonards-on-sea**

Erection of 2 No. 3 bedroom semi-detached dwelling houses



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: Aug 2016

Scale: 1:1,250

Application No. HS/FA/15/00809

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Report to: PLANNING COMMITTEE

Date: 24 August 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: 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

Recommendation: Grant Full Planning Permission

Ward: ASHDOWN
File No: WE85000X
Applicant: St George Land Limited per Alan Phillips Architects 31 Montefiore Road Brighton & Hove, East Sussex. BN3 1RD

Interest: Freeholder
Existing Use: Vacant land

Policies
Conservation Area: Yes - Grosvenor Gardens
Listed Building: No

Public Consultation
Adj. Properties: Yes
Advertisement: Yes - Conservation Area
Letters of Objection: 35
Petitions Received: 1
Letters of Support: 2

Application Status: Not delegated - Petition received

Summary

The application site relates to land adjacent to Sussex Steps and 71 West Hill Road. It is directly opposite 56 & 58 West Hill Road. The site is an undeveloped piece of likely former private garden space. The site adjoining an area of informal private open space.

The proposal is for the erection of a semidetached pair of single storey houses. The building is built into the land and is only visible above ground level on the northern, West Hill Road side by no more than 1.6m. The building has a modern and interesting appearance with a curved frontage and cantilevered rear patio area.

The main considerations are the impact on the character and appearance of the conservation area, the impact upon neighbouring residential amenities, the quality of the accommodation proposed, land stability issues, parking and highway safety related matters, impacts on ecology, and drainage.

The building has an interesting and distinctive design, but also very subservient. This combination will ensure that the building is not an incongruous feature that detracts from local character but one that maintains the significance of the conservation area.

The low-level single-storey design will ensure that there are no impacts on neighbouring residential amenities.

The applicant has demonstrated a good standard of accommodation with good property sizes, levels of light, decent outlook, parking provision and storage.

The applicant has also provided sufficient information to show that the development is acceptable in terms of land stability issues, parking and highway safety related matters, impacts on ecology, and drainage.

Taking these considerations into account, the proposed development is therefore recommended for approval subject to conditions.

The Site and its Location

The site is located on the southern side of West Hill Road, opposite 56 & 58 West Hill Road. It consists of a vacant plot of land surrounded by a dwarf wall and hedges which evidences the likely previous use of the land as a private garden. The site is within the Grosvenor Crescent Conservation area and adjoins an area of open, undeveloped space to the west, Sussex Steps to the east (a disused public right of way leading to Caves Road) and the cliff face to the south. Beyond Sussex Steps is 71 West Hill Road which is a large two storey building that has been divided into flats. To the south west the site adjoins a pair of small cottages - 77 & 79 West Hill Road which are positioned at a lower level, closer to the cliff face. A property known as Sol-e-mar can be found to the southeast.

The surrounding area is predominantly residential and consists of a mixture of two and two and a half storey pairs of semi detached Victorian properties as well as some larger buildings. These properties create a distinctive street pattern and retain a number of traditional features which gives the area a locally distinct historic character and appearance.

The site itself has become overgrown and has an unkempt appearance which detracts from the tidier, formal character of the local Victorian architecture.

Constraints:

- The site is within an area susceptible to groundwater flooding.
- The site is within a Site of Special Scientific Interest Impact Risk Zone (SSSI IRZ).
- Part of the site falls within the extent of a previously identified badger sett. The sett entrance, if it still exists, fell outside of the site.
- The cliffs to the south of the site are designated as the Caves Road Cliffs Local Wildlife Area.

Details of the Proposal and Other Background Information

The application is for the erection of a semidetached pair of 3-bedroom houses. The proposal is unusual in that the houses are built into the land so when viewed from West Hill Road street level the pair are no higher than the proposed new front boundary wall which ranges from 1.1m to 1.6m tall. From the ground level immediately at the front of the property the building will measure 1.6m tall.

The houses are single storey with a flat roof, include 2 off-street parking spaces per unit, cycle parking, disabled access (via a platform lift), refuse storage, side patio space, rear cantilevered patio space, and a small amount of rear garden area. The submitted drawings indicate that the boundary wall will extend around the full perimeter of the site.

The design of the house is intentionally modern - which in part is a reflection of the constraints of the site and the need to overcome many of the previously identified issues in an inventive and adaptive way.

Other relevant information includes:

- The site, as part of the wider adjacent open undeveloped space, was included in an application for local listing as a non-designated heritage asset. The application was recently refused as the open space was not considered sufficiently significant or special for listing.
- Planning permission was recently granted for the erection of a similarly modern and unintrusive house on a plot at the opposite end of this open undeveloped space on West Hill Road - land adjacent 99 West Hill Road. Planning permission reference HS/FA/15/00511 which was granted on 27 July 2016.
- The more open space adjacent to this application site has been subject to applications in the past which have been dismissed at appeal. The main reasons for dismissal being the impact upon the character of the area due to the loss of the visual break between buildings, the loss of views, and the undesirable precedent that would be set for further development in this 'gap'. Although the previous decisions also make reference to the loss of views for local residents, that is not a material consideration given that the protection of private views is not in the public interest.

Previous Site History

HS/FA/14/00661 Erection of 2 No. 4 Bedroom Semi-Detached Dwelling Houses
Withdrawn 24 October 2014

HS/FA/13/00939 Erection of 2 x 4 Bedroom Semi-Detached Dwelling Houses
Withdrawn 16 January 2014

The previous applications were withdrawn due to concerns about the impact of the development on the character and appearance of the area and the impact on neighbouring residential amenities. There were also concerns about the quality of the information submitted in relation to ground stability given the site's location near to a cliff face. These concerns have also been repeatedly raised over the last 5 years in various pre-application discussions. In essence the concerns raised were that the developments proposed were too conventional for this unconventional site. They would have resulted in schemes that didn't respect the local historic architecture or have regard to the neighbouring gardens to the south which are at a lower level than the site. This latest application attempts to overcome those concerns.

Development Plan Policies

Hastings Local Plan – The Hastings Planning Strategy (2014)

FA2 - Strategic Policy for Central Area
SC1 - Overall Strategy for Managing Change in a Sustainable Way
SC3 - Promoting Sustainable and Green Design
SC4 - Working Towards Zero Carbon Development
SC7 - Flood Risk
EN1 - Built and Historic Environment
EN2 - Green Infrastructure Network
EN3 - Nature Conservation and Improvement of Biodiversity
EN6 - Local Wildlife Sites
H1 - Housing Density
H2 - Housing Mix
T3 - Sustainable Transport

Hastings Local Plan – Development Management (2015)

LP1 - Considering Planning Applications
DM1 - Design Principles
DM3 - General Amenity
DM4 - General Access
DM5 - Ground Conditions
DM6 - Pollution and Hazards
HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)
HN8 - Biodiversity and Green Space

Other Policies/Guidance

SPD - Parking Provision in New Developments
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.

The following sections of the NPPF are considered particularly relevant to this application:

- Section 7 - Requiring good design
- Section 11 - Conserving and enhancing the natural environment
- Section 12 - Conserving and enhancing the historic environment

Details of Consultations

The **Conservation Consultant** has raised no objection to the proposal. They reference the various inappropriate proposals that have preceded this application but state the current design is thought provoking and acceptable in principle. They have advised in the past that a single property would likely be acceptable on site and, whilst the proposal has come forward as two properties, the building design means it will be read as one property so is acceptable.

Important issues raised in the past include the retention and improvement of a front boundary wall. The applicant has achieved this as well as proposing a low-level building that does not compete with this element. It also remains visually unintrusive in the context of the adjoining open space.

In order to ensure that the building is read as one property, the Conservation Consultant emphasises the importance of there being limited visual demarcation of the properties at its northern end - essentially the hard landscaped area in front of the property. This can be controlled by condition but the applicant has already shown an open parking area with no physical boundaries between the two properties. Other elements, such as the cycle parking and bin storage, which could be construed as demarcating the properties, can easily be moved to the lower side levels out of view.

The Conservation Consultant highlights the importance of high quality materials and notes that the initial drawings are lacking in terms of details of roof coverings, rainwater goods and potential flues and vents. Since these comments, the applicant has clarified that a sedum roof is proposed and that there will be no penetrations through the roof. This is acceptable and can be controlled by condition.

The Conservation Consultant otherwise comments that the design and access statement is lacking in any detailed assessment of the impact on the significance of heritage assets. That said it is considered that there is sufficient information in the application to make this assessment.

The **Building Control Manager** has raised no objection and otherwise provides some feedback regarding building regulation considerations.

The **Waste & Streetscene Services Officer** has not raised an objection.

The **Housing Needs & Enabling Manager** has not raised an objection. However, due to the changes in affordable housing policy that have occurred since this application was submitted (i.e. affordable housing contributions can no longer be sought on developments of 10 units or less - NPPG Paragraph: 031 Reference ID: 23b-031-20160519), no affordable housing is being requested and as such no comments are required.

Southern Water has raised no objection subject to informatives for the applicant regarding foul drainage and information on surface water drainage.

The **Environment & Natural Resources Manager** has not raised an objection.

The **Borough Arboriculturalist** has raised no objection.

There have been **35 objections** and a **petition (195 signatures)** received against this application. Concerns include:

- Loss of a historic local green space.
- Impact on local character and the conservation area.
- Projection beyond existing rear building line.
- Design of boundary treatments.
- Impact on neighbouring amenities.
- Impact on local wildlife.
- Setting a precedent for further development.
- Unstable land.
- Highway safety and insufficient parking.
- Drainage provision.
- Site is not 'brownfield'.
- Views into conservation area will be harmed.
- Inadequate garden provision
- Need and consideration of the development of brownfield sites first.

There have been **2 supporters** of the application. Reasons for support include:

- Intelligent use of land that responds well to constraints and local context.
- Design is contemporary but subservient so fits well into streetscene.
- Private views will not be compromised.
- High quality development should be encouraged.
- Sustainable development should be encouraged.

Planning Considerations

Principle

The site is in a sustainable location and the application is therefore in accordance with policy LP1 Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other considerations and local plan policies.

The main considerations are the impact on the character and appearance of the conservation area, the impact upon neighbouring residential amenities, the quality of the accommodation proposed, land stability issues, parking and highway safety related matters, impacts on ecology, and drainage.

Many residents have made reference to a loss of 'open space' and specifically reference policies EN8 of the Planning Strategy and HN10 of the Development Management Plan. These policies seek protection and enhancement of the town's open spaces and amenity green spaces as identified on the Policies Map. The application site is not an identified amenity green space, and as such, Policy HN10 is not applicable in this instance. Neither is this space publicly accessible, so cannot be used informally, like the adjacent space. The development of this site does not result in the loss of open space and is therefore being considered on its own merits.

Impact on the character and appearance of the conservation area

This site is within the Grosvenor Gardens Conservation Area. There is a statutory duty to consider the preservation or enhancement of the conservation area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). The duty is also reflected in the NPPF and Local Plan policies EN1 (Planning Strategy) and HN1 (Development Management Plan), which require applications to sustain or enhance the significance of conservation areas as designated heritage assets.

The significance of the Grosvenor Gardens Conservation Area is drawn from its substantial and often uniform Victorian architecture, although there are a number of individually impressive buildings such as those at the former Eversfield Hospital site. In this location the significance of the conservation area also draws on the natural setting of Caves Road cliffs which offers an interesting contrast to the strong rhythm of built form. Narrowing the local character further it could be said, and has been stated in past applications affecting that land, that the gap between 71 West Hill Road and 99 West Hill Road creates an interesting visual break with views out to sea which add the significance of the conservation area.

It should be noted that the undeveloped space between nos.71 and 99 is not significant on its own, hence the recent refusal to add the area to the local list of non-designated heritage assets but, when viewed as a whole, it does nonetheless contribute positively to the character of the Grosvenor Gardens Conservation Area.

The difficulty with proposals on this site in the past is that they have been too conventional. Trying to incorporate a two or three storey building with a pitched roof is ultimately going to be difficult. This is because the surrounding architecture has such a strong identity that anything other than a pastiche is going to struggle to work. The open nature of the land between nos.71 and 99 also creates a challenge for any design, particularly a pastiche design, as any conventional residential scale is likely to look incongruous in this particular part of West Hill Road. Conventional schemes often end up harming the significance of the conservation area.

In order to overcome these design concerns the applicant has taken a more alternative approach to the prevalent building design of the conservation area. As described above, this proposal is for a single storey building that will be built into the land, which although mostly flat, falls away quite steeply at its southern end towards the gardens of 77 & 79 West Hill Road and the cliff edge. Because it is built into the land, the building is no more than 1.6m tall when viewed from street level on West Hill Road. The intention of the building, in terms of scale, is to remain unassuming and this is important given the location of the development.

Whilst the building is set back into the land, it will still be more prominent than that approved at land adjacent to 99 West Hill Road which is intended to not be visible from West Hill Road. As the building will still be partially visible the applicant has also proposed an interesting design. As stated above, the Conservation Consultant describes the proposed houses as thought provoking. It is considered that the reason for this is the interesting approach to the use of the site, the use of space within the building, and the measures that have been put in place to ensure the building works in this location.

The building also has some obvious sustainability benefits, particularly with regard to the use of a green sedum roof and sustainable drainage systems. The application is lacking in other details which would help with a carbon footprint reduction but these can be secured by condition in accordance with policies SC3 and SC4 of the Hastings Planning Strategy.

The applicant proposes a brick built building with aluminium windows and it will have a flat sedum roof. The use of brick is a link to the neighbouring 71 West Hill Road and local vernacular but the flat roof and aluminium windows will add an interesting contrast to the prevalent use of pitched slated roofs and timber windows. The contrast seems intentional and reflects the building's departure from local character, to ensure it isn't viewed as a watered down version of surrounding architecture, but rather as a building that has taken an interesting but respectful approach to the site's constraints.

One of the key views will be that of the semicircular glazed windows on the front (northern) elevation. This curved frontage sets the building apart from local architecture. The contrast will be subtle, though, given that little of the building will be visible above ground and it is distinctive. This is a good example of distinctive architecture that adds interest to its surroundings rather than a pastiche design that poorly reflects local character. To ensure the building has a high quality finish a condition covering the submission of materials for approval is recommended.

The submitted drawings indicate a boundary wall around the perimeter of the site. It is not entirely clear what this means in terms of the existing side boundary wall with Sussex Steps or how much of the existing vegetation will be retained along the western side boundary or the rear (southern) boundary. To ensure the boundary treatment is also of a high quality finish and strikes the right balance between built form and natural screening, a condition covering boundary details is recommended.

Conditions otherwise relating to soft and hard landscaping should ensure that both the Conservation Consultant's concerns about quality and property demarcation are addressed as well as adequate levels of planting to address matters of ecology and screening.

Considering the building within the streetscene and wider conservation area it should be noted that due to the height of the proposed houses, obvious views of the development are limited to those when immediately in front of the site on West Hill Road and along the remaining accessible part of Sussex Steps, the glimpse of the site along Caves Road when viewed from the junction with Marina, and when standing much further westwards in and around Grosvenor Gardens themselves. The building will still not be prominent in these views and as such does not detract from the character of the area.

The building will otherwise be obscured or not visible due to:

- vegetation on the neighbouring open land obscuring views into the site;
- the site being blocked out by existing development along West Hill Road when approaching from either direction;
- the site falling behind the ridge line of properties along Marina; and
- the site being set back from the cliff face so as not to be visible when standing along the section of Caves Road which runs parallel along the cliff's base.

Although the building being discreet does not make it acceptable by default, coupled with its interesting design which works with the site's constraints the proposed development is considered to preserve the character of the conservation area and will not cause harm to its significance or setting. The proposed development is considered acceptable in terms of policies SC1 and EN1 of the Hastings Planning Strategy, and DM1 and HN1 of the Development Management Plan. The proposal also preserves the character of the conservation area in accordance with the 1990 Act.

Lastly, the development is not considered too dense as it is only for two dwellings within a reasonable plot. The density is less than the surrounding residential properties as many of the Victorian properties have been converted into flats which gives the area a high residential density. The development is also considered to add to local housing mix in a positive way by proposing more family accommodation in an area that has a mixture of dwellings, flats and older people's housing. Considering this the development is considered to comply with policies H1 and H2.

Impact on neighbouring residential amenities

Given the height of the building, which is no taller than the ground floor window cills of 71 West Hill Road the property will have no impact on the amenities no. 71 or properties to the north. West Hill Road is significantly higher than the properties on Caves Road and Marina but, given the distances between the proposed houses and properties below the cliff - the closest being over 40m away, it is not considered that the amenities of these properties will be impacted.

The proposed development does adjoin the garden area of 77 West Hill Road but, due to the change in levels between the application site and this garden area, the low-level single-storey design of the proposed houses and the screening from existing and proposed boundary treatments, there will be no harm to the amenities of this property. There will be no harm to the property to the southeast, known as Sol-e-mar, for similar reasons.

The application is considered to comply with policy DM3 in respect of neighbouring amenities.

Standard of the accommodation proposed

The applicant has demonstrated that a good standard of accommodation will be achieved. All rooms will benefit from adequate levels of daylight and sunlight, and whilst the northern bedrooms will only benefit from high level windows, the outlook from the property overall is very good given the location and the south facing views out to sea with no obstructions.

Policy DM3 encourages developments to achieve a minimum amount of floorspace. Since policy DM3 was adopted, criterion (f) has now been replaced by the Government's *Technical housing standards – nationally described space standard*. The national standards are very similar to those in the existing Local Plan but they include more variations on the number of people per dwelling. In this instance the applicant is proposing 2 x three-bedroom five-person households. The minimum floor space for a single storey unit of this size is 86m². The proposal exceeds this as the dwellings are 95m² each. The dwellings are therefore of an acceptable size.

Policy DM3 also requires developments to achieve gardens of at least 10m in length, usually to the rear. The applicant has achieved this in this instance by providing a rear patio area and some more informal garden space. Although the southern end of the garden may be unusable due to the slope of the site and the need for some ecological provisions, this lack of useable space is more than offset by the side patio areas that each house would benefit from. Garden provision is therefore considered acceptable.

The applicant has otherwise demonstrated that there is adequate space for refuse storage and parking (discussed in further detail below). The proposal therefore offers a good standard of accommodation and complies with policy DM3.

Land stability

Land stability is one of the main concerns raised by local residents. The local history of stability is well known given the closure of Sussex Steps, the continued threat of falling cliff debris to properties in Caves Road and the apparent issues experienced by some properties on West Hill Road. With that in mind the applicant was asked to undertake a land stability assessment.

The assessment initially submitted with this application (by Land Science) is the same as that submitted with previous applications. At the time of the previous applications the assessment was not considered sufficient, as identified by the geo-technical consultant hired by the Council - GabrielGeo Consulting. The applicant was reminded of the inadequacy of the Land Science assessment so the applicant approached GabrielGeo Consulting to provide a revised assessment for this application.

Whilst some local residents have noted that the new assessment still does not include any testing of the site in order to explicitly understand its geological make up, GabrielGeo Consulting have proven to be competent when dealing with land stability issues. The conclusion of their assessment explains the likely geological make up of the area, the possible regression of the cliff and the likely timescales for this, the types of land movement likely to occur, and the types of mitigation likely to be acceptable now and into the future. Ultimately they conclude that "while regression of the cliff might affect the site within the lifetime of the proposed houses, the depth affected is likely to be relatively shallow so the stability of these houses could be ensured by using the proposed cantilever system with properly engineered deep foundations. In addition, when the need arises, there is sufficient space within the rear garden for construction of retaining structures or ground treatment works in order to stabilize the slope above the rock band."

With this in mind I am satisfied that the applicant has demonstrated that actual or potential instability could be overcome but this will need to be subject to conditions requiring further investigation of the land to ensure the most appropriate foundations and instability mitigation measures are used. The proposals are considered to comply with policy DM5 and paragraphs 109, 120 and 121 NPPF. Further guidance on assessing land stability in applications can be found in the National Planning Practice Guidance, and this proposal is considered to follow the assessment flow chart found at Paragraph: 012 Reference ID: 45-012-20140306.

Whilst the applicant has demonstrated that land stability issues are likely to be overcome, it should be noted that in accordance with paragraph 120 of the NPPF "where a site is affected by...land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

Parking and highway safety

The proposed development includes two allocated vehicle spaces per property. The *East Sussex County Council Parking Demand Calculator* suggests that a development of this size should include 4.49 parking spaces. A shortfall of less than half a space is not considered significant in this instance. There are known parking pressures along West Hill Road, particularly at its narrower sections, but this small shortfall is quite capable of being made up on street which, upon site visit is not at capacity and can accommodate some additional on-street parking. Additionally, the development is close to West St Leonards railway station and local bus services. These material factors are sufficient to justify the slight shortfall in off-street parking and are in accordance with guidance as laid out in the supplementary planning document *Parking Provision in New Developments*.

The proposal also includes 2 cycle parking spaces, which is in accordance with the SPD, and the access maintains an adequate visibility splay to ensure safe ingress and egress.

The proposed development is considered to provide adequate parking and will not be detrimental to highway safety. The proposal is in accordance with Policies T3 of the Planning Strategy and DM4 of the Development Management Plan.

Ecology

Given the undeveloped nature of the site and its proximity to the Caves Road Cliffs Local Wildlife Site (LWS), the potential for protected species is high. The application has therefore been accompanied by an initial ecology survey and a more detailed reptile survey.

The initial ecology survey found no evidence of protected species on site. The site has habitat that is suitable for some protected species but due to the quality of some of the vegetation or the lack of natural features, such as ponds, additional surveys were not considered necessary for the likes of badgers, bats or amphibians. Additional surveys were required for reptiles as the potential for on-site presence was high.

The reptile survey identified slow worms and common lizards on site but recommends that species translocation is carried out prior to development, reptile exclusion and other mitigation measures are put in place during development and that the garden area is enhanced to support returning populations into the future.

The initial ecology survey also makes a number of recommendations for protecting ecology during construction and enhancing ecology post development (i.e. with the provision of bat and bird boxes and natural enhancements to the garden area).

Overall the proposed development is considered of low risk to protected species and will not harm the LWS. Subject to adequate protection during development and enhancement post development (which can be secured by conditions), the proposal complies with policies EN3, EN6 and HN8.

Drainage

The applicant indicates on the application form that the development will be served by soakaways and the main sewer system. To ensure that the surface water proposals were adequate the applicant was asked to complete the County Council's *SuDS Decision Support Tool for Small Scale Development*.

The support tool identified that the area may be susceptible to ground instability and that there are issues with the infiltration potential due to the local geology. Ground stability matters are addressed above but given the advice of the support tool, the applicant was advised that infiltration drainage - such as soakaways - was unlikely to be acceptable. The applicant has therefore changed the drainage to permeable paving and a geocellular system. Both of these options more than mitigate the water attenuation required for the site and negate the need for further infiltration testing as the proposed drainage methods use different methods of controlling the flow of surface water.

The applicant failed to reference the use of a green roof in their calculations however. Even with the green roof missing from the drainage support tool, the measures in place more than cope with the volume of water attenuation needed but, it can be reasonably assumed that, if the green roof were added into the calculations, the surface water management of the site

would exceed requirements.

Given the measures proposed, the development is not considered to cause surface or groundwater flooding issues and complies with policy SC7 of the Planning Strategy. Specific drainage details based on the support tool calculations can be secured by condition.

Southern Water raise no objection to the foul drainage proposals.

Air Quality and Emissions

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. No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions and conditions are attached which require details of surface and foul water drainage. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015)

Other site constraints

The proposed site is within an SSSI IRZ. However, the scale of the development, which is minor, means that no further assessment of the impact on the Borough's SSSIs is required.

Conclusion

Taking account of the above considerations, it is considered that the proposal will not cause harm to the significance or setting of the Grosvenor Crescent Conservation Area, or harm residential amenities. The quality of accommodation and external space provided has been demonstrated as being acceptable and on balance, in line with minimum standards, and ecology and drainage issues have been satisfactorily explored. The proposal is therefore considered to comply with the development plan in accordance with Section 38 (6) of the Page 37 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 proposal also preserves the character and appearance of the conservation area in accordance with the 1990 Act.

The proposal is therefore recommended for approval.

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:

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.
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.
 - (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.
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.

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

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.
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.

Officer to Contact

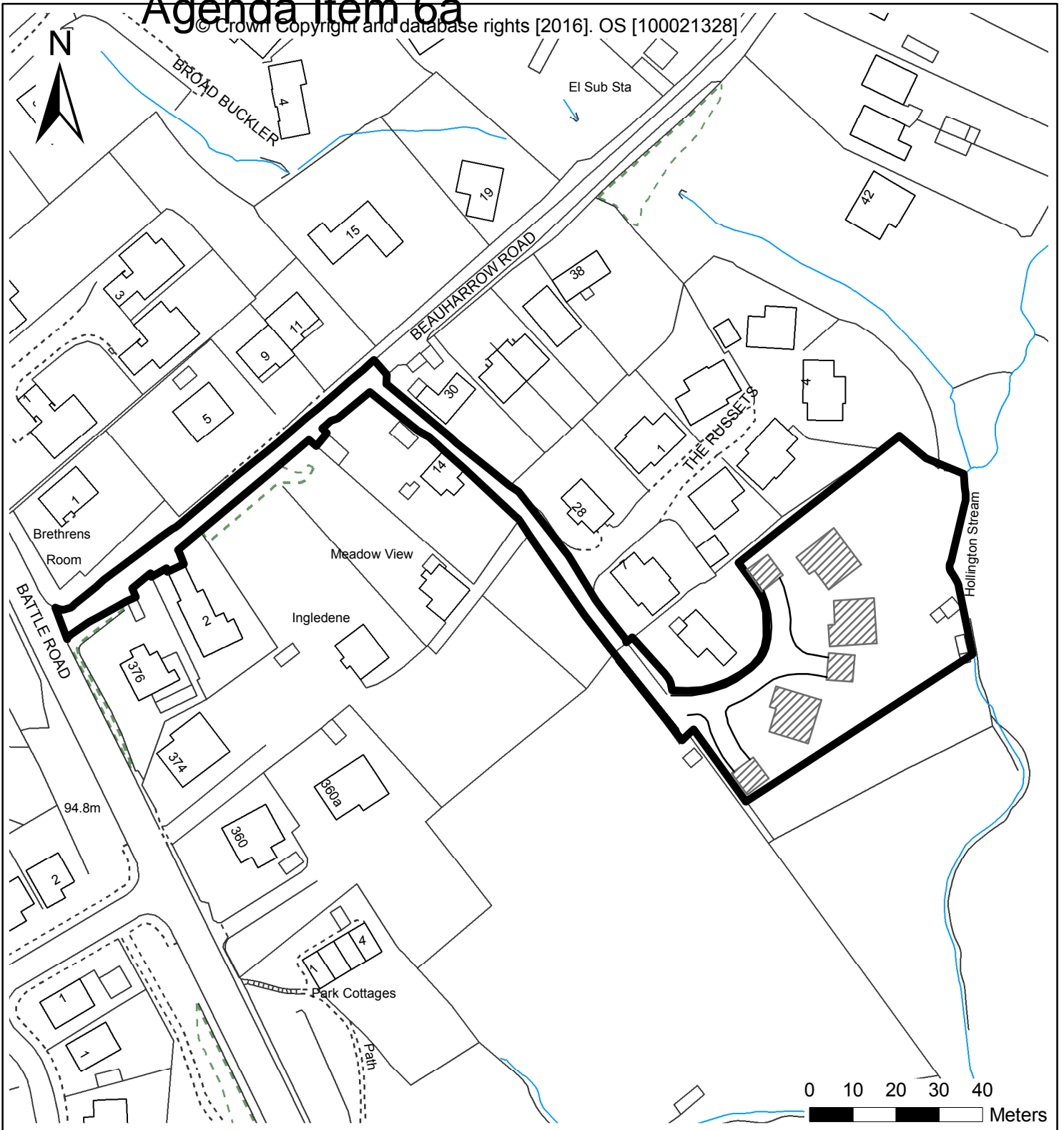
Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/FA/15/00809 including all letters and documents

Agenda Item 6a

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**26 Beauharrow Road
St Leonards-on-sea
TN37 7BL**

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



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Date: Aug 2016

Scale: 1:1,250

Application No. HS/FA/15/00993

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Report to: PLANNING COMMITTEE

Date: 24 August 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: 26 Beauharrow Road, St Leonards-on-sea, TN37 7BL

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

Recommendation: Grant Full Planning Permission

Ward: ASHDOWN

File No: BE28026

Applicant: Beauharrow Developments Ltd. per Town & Country Planning Solutions Sandhills Farmhouse Bodle Street Green Hailsham BN27 4QU

Interest: Freeholder

Existing Use: Previous garden land

Policies

Conservation Area: No

Listed Building: No

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 5

Petitions Received: 0

Application Status: Not delegated - More than 2 letters of objection received

Summary

Planning permission was granted for the erection of 3 x 5 bedroom houses with detached garages within the garden area of 26 Beauharrow Road under reference HS/FA/15/00071 on 02 July 2015. Since that permission was granted the applicant has reviewed their proposals and now wishes to slightly alter the development as follows:

- Plot 1 - Changes to internal layout with associated fenestration changes only. The size, footprint and position of the dwelling remain unchanged from the original consent.
- Plot 1 garage - Slight change to rear elevation details showing window separated from door. The size, footprint and position of the garage remains unchanged from the original consent.
- Plot 2 - Changes to internal layout with associated fenestration changes. Size and footprint of building remain the same but building has been rotated 14° clockwise and is in a slightly different position (to the west of its approved position).
- Plot 2 garage - Slight change to rear elevation details showing window separated from door. The size and footprint of the garage remain unchanged from the original consent but the garage has been slightly rotated and moved 2m to the west.
- Plot 3 - Changes to internal layout with associated fenestration changes. Size and footprint of building remain the same but building has been rotated 28° clockwise and is in a slightly different position (to the north of its approved position).
- Plot 3 garage - Slight change to rear elevation details showing window separated from door. The size, footprint and position of the garage remain unchanged from the original consent.

The applicant has applied for these changes as a minor material amendment, which means they have applied to vary condition 7 of the existing planning permission listing the approved drawings. Effectively they are applying to change the current list of approved drawings for those showing the proposed changes. The applicant has also applied to amend conditions 12 and 13, to make sure they refer to the correct amended drawings, and to remove condition 21 as they no longer consider it relevant.

The main considerations with regard to these changes are whether the proposals will result in any material difference to the impact on the character and appearance of the area and to neighbouring residential amenities.

As explained below, given that the changes are very slight and do not significantly change the appearance or position of the buildings, the previous assessment about the impact upon the character and appearance of the area remains valid. The proposed development is still considered acceptable and will provide attractive homes that will relate well to the layout, scale and design of houses in this section of Beauharrow Road.

The relationship with neighbouring amenities also remains mostly the same, particularly for plots 1 and 2 which have changed very little. Plot 3 has been rotated such that it is orientated more towards the existing house, 26 Beauharrow Road. However, plot 3 is not directly orientated towards no.26 (facing on to the front garden/driveway), it will be set lower given the change in levels across the site, and it is separated from the existing house by at least approximately 15m. Taking this all into account it is not considered that the proposed changes will cause any harm to neighbouring amenities.

The proposed amendments do not increase the size of the units nor will they alter the existing description of the development. As such they are considered to comply with guidance on amendments in the Council's Planning Improvement Implementation Plan (PIIP) and therefore can be considered as minor material amendments.

Given that the changes are acceptable in terms of neighbouring amenities and the character of the area the application is recommended for approval.

The Site and its Location

The site consists of the garden area of 26 Beauharrow Road which is accessed via a private drive leading southwards from Beauharrow Road. Following the original grant of planning permission last year, and the subsequent discharge of pre-commencement conditions (HS/CD/16/00116), some earthworks have been carried out on the site.

The site adjoins 28 Beauharrow Road to the north-west which has recently been developed with 7 houses now known as The Russets. The area to the rear is designated as ancient woodland and the area to the south-east is designated as a Local Wildlife Site. The area opposite the site is currently vacant but has planning permission for a single dwelling (HS/FA/14/00590). The land opposite also forms part of a wider site and an appeal for the refusal of a scheme of 4 houses on that site has recently been dismissed (HS/FA/14/01026). Another application (HS/FA/15/01038) for three houses on the same land is currently also being dealt with at the appeal stage.

The area is predominantly residential and consists of a variety of detached houses, bungalows and some semi detached dwellings. Relatively large levels of trees and other vegetation can also be found in the area which gives it a semi rural type character and appearance.

Details of the Proposal and Other Background Information

Planning permission was granted for the erection of 3 x 5 bedroom houses with detached garages within the garden area of 26 Beauharrow Road under reference HS/FA/15/00071 on 02 July 2015. Since that permission was granted the applicant has reviewed their proposals and now wishes to slightly alter the development as follows:

- Plot 1 - Changes to internal layout with associated fenestration changes only. The size, footprint and position of the dwelling remain unchanged from the original consent.
- Plot 1 garage - Slight change to rear elevation details showing window separated from door. The size, footprint and position of the garage remains unchanged from the original consent.
- Plot 2 - Changes to internal layout with associated fenestration changes. Size and footprint of building remain the same but building has been rotated 14° clockwise and is in a slightly different position (to the west of its approved position).
- Plot 2 garage - Slight change to rear elevation details showing window separated from door. The size and footprint of the garage remain unchanged from the original consent but the garage has been slightly rotated and moved 2m to the west.
- Plot 3 - Changes to internal layout with associated fenestration changes. Size and footprint of building remain the same but building has been rotated 28° clockwise and is in a slightly different position (to the north of its approved position).
- Plot 3 garage - Slight change to rear elevation details showing window separated from door. The size, footprint and position of the garage remain unchanged from the original consent.

The applicant has applied for these changes as a minor material amendment, which means they have applied to vary condition 7 of the existing planning permission listing the approved drawings. Effectively they are applying to change the current list of approved drawings for those showing the proposed changes. The applicant has also applied to amend conditions 12 and 13 to make sure they refer to the correct amended drawings and to remove condition 21 as they no longer consider it relevant.

The proposed amendments do not increase the size of the units nor will they alter the existing description of the development. There is no statutory definition of a 'minor material amendment' but according to National Planning Practice Guidance (Paragraph: 017 Reference ID: 17a-017-20140306) an amendment is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. Given the discussion below, these amendments are considered to fall within that context and, as they comply with guidance on amendments in the Council's Planning Improvement Implementation Plan (PIIP), it is considered that they can be dealt with as minor material amendments.

Previous Site History

HS/FA/15/00071 Erection of three detached houses and garages

Development Plan Policies and Proposals

Hastings Local Plan – Development Management Plan (2015)

LP1 - Considering Planning Applications

DM1 - Design Principles

DM3 - General Amenity

Hastings Local Plan – Planning Strategy (2014)

SC1 - Overall Strategy for Managing Change in a Sustainable Way

National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

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.

NPPG guidance 'flexible options for planning permissions' (ID: 17a) is also relevant as this explains the procedures for dealing with minor material amendments which is discussed above

Details of Consultations

The **Borough Arboriculturalist** has not raised at an objection.

5 letters of objection have been received. Concerns include:

- whether the proposal is a minor material amendment;
- the safety and sufficiency of the access;
- increased traffic and parking pressures; and
- problems will manoeuvring vehicles.

As explained above, it is considered that the proposed changes are considered to be minor material amendments given their scale and compliance with the Council's PIIP.

The other objections relate to highway and access related matters which were assessed as part of the original application. In this instance, the applicant has applied to amend the position of the houses and garages only with no changes to the access, parking or turning areas. Section 73 (including minor amendment) applications should only consider the conditions subject of the application. In this instance the changes to condition 7, 12, 13 and 21 relate to the design and layout of the houses only and therefore the reassessment of highway related matters is not considered appropriate. These objections are not considered relevant in this instance.

The applicant submitted a response to these objections addressing them in a similar manner to that outlined above.

Planning Considerations

As explained above, the acceptability of the development of the site for three detached houses was considered as part of planning permission HS/FA/15/00071. The principal of developing the site, the acceptability of the detailed design and the impact upon the local area (i.e. impact on local character, neighbouring amenities, ecology, trees, etc.) have all been dealt with and are not being considered again as part of this application. This is an application for a minor material amendment and therefore, the main consideration is with regard to the changes proposed only. In this instance the changes relate to the repositioning of dwellings, as well as some changes to their internal layout and appearance. Based on the type and scale of the proposed changes the only material considerations relevant are the impact of the changes on the character and the appearance of the area and the impact on neighbouring residential amenities.

Impact upon the character and appearance of the area

The changes are slight and do not significantly change the appearance or position of the buildings. For clarity the changes include:

- Plot 1 - Changes to internal layout with associated fenestration changes only. The size, footprint and position of the dwelling remain unchanged from the original consent.
- Plot 1 garage - Slight change to rear elevation details showing window separated from door. The size, footprint and position of the garage remain unchanged from the original consent.
- Plot 2 - Changes to internal layout with associated fenestration changes. Size and footprint of building remain the same but building has been rotated 14° clockwise and is in a slightly different position (to the west of its approved position).

- Plot 2 garage - Slight change to rear elevation details showing window separated from door. The size and footprint of the garage remain unchanged from the original consent but the garage has been slightly rotated and moved 2m to the west.
- Plot 3 - Changes to internal layout with associated fenestration changes. Size and footprint of building remain the same but building has been rotated 28° clockwise and is in a slightly different position (to the north of its approved position).
- Plot 3 garage - Slight change to rear elevation details showing window separated from door. The size, footprint and position of the garage remain unchanged from the original consent.

With regard to the fenestration changes to the buildings, these mostly affect the side and rear elevations where the internal layout changes have resulted in changes to the position of the windows. Comparing the current approved drawings with the proposed amendments the changes make the rear elevations look more rationalised, as the applicant has reduced the number of windows, and the applicant has maintained obscure glazed windows in the side elevations.

Although some have suggested that the changes are very significant and more than 'minor', it must be reiterated that there is no definition of a minor amendment in planning terms and it is considered that the changes proposed in this instance will result in a very similar development to that originally approved. The proposal maintains three dwellings along a curved cul-de-sac road and the dwellings are the same size and scale as that previously approved. The previous assessment about the impact upon the character and appearance of the area remains valid and, therefore, the proposed development is still considered acceptable. It will provide attractive homes that will relate well to the layout, scale and design of houses in this section of Beauharrow Road.

Impact upon neighbouring residential amenities

The relationship with neighbouring amenities remains mostly the same, particularly for plots 1 and 2 which have changed very little in their relationship with existing houses. Plot 3 has been rotated such that it is orientated more towards the existing house, 26 Beauharrow Road. However, plot 3 is not directly orientated towards no.26 (facing on to the front garden/driveway area), it will be set lower given the change in levels across the site, and it is separated from the existing house by at least approximately 14-15m. Taking this all into account it is not considered that the proposed changes will cause any harm to neighbouring amenities and the previous assessment in relation to impact on neighbours remains valid and relevant.

Other

Conditions 12 and 13 make reference to the approved plans and require the access and turning spaces within the development to be approved. The amendments maintain the access and maintain turning spaces within the scheme but conditions 12 and 13 should also be amended to ensure they now refer to the most up-to-date drawing.

The applicant has also applied for the removal condition 21. This condition was imposed as the dwelling drawings submitted with the previous application did not match with layout drawing. As individual drawings have now been provided for all dwellings and these dwelling match the footprint details on the layout drawings condition 21 is no longer relevant and can be removed.

As the result of issuing a decision involving minor material amendment is that a new planning permission is issued, all other conditions have also been reviewed and updated as necessary. The revised conditions are shown recommended below.

Conclusion

These proposals comply with the development plan in accordance with Section 38 (6) of the Page 37 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 amendments are therefore recommended for approval.

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 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 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.

(iii) 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 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 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. (Hastings 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.
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.

Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/FA/15/00993 including all letters and documents

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Agenda Item 7

Agenda Item 7

Report to: Planning Committee

Date: 24 August 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 18 July to 12 August 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:

49 Gillsmans Park, St Leonards-on- Sea, TN38 0SN HS/FA/16/00129	Proposed fence to enclose rear garden	Refusal of planning permission	Delegated	Planning
The Former Malvern Public House, Malvern Way, Hastings HS/FA/15/00709	Extension to previously converted public house to create 5 flats	Non- Determination within time allowed	Delegated	Planning

9A North Road, St Leonards-on- sea, TN37 6RD HS/FA/15/00686	Change of use from storage to dwelling	Refusal of planning permission	Delegated	Planning
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The following appeals have been dismissed:

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 have been allowed:

Nothing to report

Type of Delegated Decision	Number of Decisions
Granted	77
Prior Approval Not Required	1
General PD (Approval)	1
Refused	6
Prior Approval Refused	1
Raise No Objection	1
Withdrawn by Applicant	3

Background Papers:

Various correspondences with Planning Inspectorate

Report written by:

Rossella De Tommaso - Tel: (01424) 783264 Email: dconquiries@hastings.gov.uk