

# Planning Committee Agenda

**Wednesday, 23 August 2017 at 6.00 pm**

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.  
Please enter the building via the Tourist Information Centre entrance.

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

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1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Minutes of the meeting held on 20 July 2017	1 - 34
4.	Notification of any additional urgent items	
5.	Planning Applications attracting a petition:	
(a)	The Ice House, Rock-a-Nore Road, Hastings (Ms N Ransom – Planning Officer) <a href="http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_HSTBC_DCAPR_104334">http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_HSTBC_DCAPR_104334</a>	35 - 58
(b)	Land north of 11 & 14 Shining Cliff, Hastings (Mr S Batchelor – Principal Planner) <a href="http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_HSTBC_DCAPR_103932">http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_HSTBC_DCAPR_103932</a>	59 - 74
(c)	11 St Andrews Square, Hastings (Mrs E Meppem – Senior Planner) <a href="http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_HSTBC_DCAPR_104751">http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_HSTBC_DCAPR_104751</a>	75 - 84
6.	Other Planning Applications:	
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(Miss S Roots – Principal Planner)

[http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=\\_HSTBC\\_DCAPR\\_104840](http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=_HSTBC_DCAPR_104840)

7. Planning Appeals and Delegated Decisions  
(Mrs E Evans – Planning Services Manager)

99 - 100

(a)

(b)

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

### 7. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Scott and Wincott. Absence was noted for Councillor Cartwright.

### 8. DECLARATIONS OF INTEREST

Councillor	Minute	Interest
Street	4.3 – Rocklands Private Caravan Park, Rocklands Lane, Hastings	Personal – The Council's representative on the High Weald AONB Joint Advisory Committee – they commented on application.

### 9. MINUTES OF THE MEETING HELD ON 24 MAY 2017 AND 21 JUNE 2017

**RESOLVED** – that the minutes of the meeting held on 24 May 2017 and 21 June 2017 be approved and signed by the Chair as a true record.

### 10. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

### 11. PLANNING APPLICATIONS ATTRACTING A PETITION:

#### 11.1 Land at Church Street, Hastings

Proposal: Approval of reserved matters, scale, external appearance of the buildings and the landscaping of the site, following Outline Approval HS/OA/14/00876 – Development of site to provide five dwellings

Application No: HS/DS/17/00194

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Existing Use:	Brownfield parcel of land
Conservation Area	No
Listed Building	No
Public Consultation	319 letters of objection and 1 petition received and 4 letters of support received

The Planning Services Manager, Mrs Evans, presented this report for approval of reserved matters, scale, external appearance of the buildings and the landscaping of the site, following Outline Approval HS/OA/14/00876 – Development of site to provide 5 dwellings. She advised that the ‘background’ of page 4 of the report was slightly incorrect and clarified the details of the application, as above, for the committee.

The site is located to the east of Clifton Road on both sides of Church Street. The surrounding area is predominantly residential with two-storey houses to the north, south and west and one detached property nearby.

Outline planning permission for 5 dwellings was approved in 2014. As part of that assessment, means of access and layout were considered reserving scale, external appearance and landscaping for subsequent consideration as part of a reserved matters application. This application seeks to address the reserved matters (scale, external appearance and landscaping) to enable the development to proceed.

Members were informed of several updates to the report:-

- Since the publication of the Planning Committee Agenda, a late objection from No. 2 Greville Road has raised a concern in relation to the access to the gas box on the side of the property. In response to this, the agent has amended the curtilage of Plot 1 to ensure access is retained. This is secured by condition 7.
- Additional condition 13:  
No development shall commence, including demolition, until details regarding the removal of Japanese Knotweed are submitted to and approved in writing by the Local Planning Authority. The details shall include method of removal from ground, removal from site and details of infill. The approved development shall be carried out in accordance with the approved details.
- Additional Informative 7:  
It is an offence to plant or cause Japanese knotweed to spread in the wild under the Wildlife and Countryside Act 1981 and all waste containing Japanese knotweed comes under the control of Part II of the Environmental Protection Act 1990.

Members were shown plans, photographs and elevation drawings of the application site.

The Planning Services Manager advised members that the site is brownfield land as the previous housing was demolished. The site drops from north to south by

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approximately 7 metres. The site is subject to surface water flooding secured by Condition 6 of Outline Consent HS/OA/14/00876. The site is within 250m of a landfill buffer. Although the site is allocated in the Local Plan, the housing allocation is less due to the exclusion of the triangular piece of land from this site, hence 5 dwellings instead of 6. The application is for 5 two-storey dwellings comprising 2 three-bed semi-detached and 3 two-bed detached dwellings. Each property will have 2 parking spaces, providing 10 parking spaces in total. Plots 2 and 3 will have garages. There will be a bin collection point for the residents, which is secured by Condition 8. The layout of the site has been agreed and is acceptable. No existing trees are to be retained. There had been a large number of representations received, some of which raise concerns regarding the sale of the land. The Planning Services Manager stated that the applicant owns all of the land and has filled in Certificate A, this has been checked against Land Registry records. There have been concerns regarding ecology. Ecology has been dealt with under the outline consent and is covered in Conditions 7, 8 and 9 of the outline consent. Concerns have also been raised regarding the quality of the reports and the qualifications of the individual who produced the reports. The Council are satisfied he is qualified to be able to produce a satisfactory report.

Mr Don Wise, petitioner, spoke against the application, he said the whole area of the 38 acre site has a 1,000 year old lease commencing on 17/12/1774. The present actions by the Council are illegal, selling more of this leasehold land freehold for building purposes. He referred to page 8 of the national and local list of planning requirements prepared 27 March 2015, which he said identifies the requirement for ecology information to be produced by a qualified ecologist. He said there had been no correct wildlife ecology survey or full correct report which conforms to British standards. The proposed site holds a very active badger sett which has been in existence for more than 100 years. The valley area he said is teeming with protected species of wildlife, there is clear evidence that over 80 badgers live in the Valley area. Along with bat roosts and newts breed in the pools and migrate to the high levels of the valleys. He requested the application be refused.

Mr Martin Hull, representing the applicant, spoke in support of the application. He stated that planning permission had been granted for the development and this application sought approval for details; appearance, scale and landscaping. Having reviewed the objections raised, he said those who have submitted representations do not appreciate that planning permission has been granted or that the site was allocated for housing. The majority of representations focus on matters of principle, relating to the value of the site's open space, the effect on badgers and the links to Speckled Wood. The layout and access arrangements for the proposed 5 houses have already been granted planning permission and Policy PCV04 already establishes the residential use of the land as does the outline planning permission. The Planning Services Manager confirmed there had been some concerns regarding the ownership of the land in terms of its historic sale. She said the matter was not relevant to the consideration of this application; however she had checked procedurally whether the application form had been filled in correctly. She said the application form had been filled in correctly by the person who was the applicant and owner of the land. In terms of the use of the land, she said housing on the site had been demolished many years ago and the site is allocated in the local plan as

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residential. . The Principal Solicitor advised that restrictive covenants were not a material consideration and were a private land matter.

The Planning Services Manager said the badgers would be protected by condition which will be implemented when the land is developed. She said she was satisfied the qualifications of the ecologist were relevant.

Murray Davidson, Environment and Natural Resources Manager said there had been a lot of concern regarding the qualifications of Ark Partnership. He said it is a requirement that most authorities require the Ecologist to be a member of the Chartered Institute. He said he was satisfied they were qualified and were well placed to undertake the work. He said there were no badger setts on the site itself but the badger sett is on adjacent land. The secure close boarded fence has been subject to vandalism and a hole has been cut through so badgers have moved into the site and their behaviour changed. The Police have been involved and are working with HBC and the Ecologist to ensure the badgers are protected. Conditions will ensure the badgers are safeguarded.

Councillor Beaver proposed a motion to approve the application subject to the addition of condition 13 and informative 7, as set out in the resolution below. This was seconded by Councillor Roberts.

**RESOLVED - by (8 votes to 1 against) to approve reserved matters subject to the following conditions.**

- 1. The development hereby permitted shall be carried out in accordance with the time scales as imposed on the outline permission HS/OA/14/00876;**
- 2. The development hereby permitted, in terms of scale, external appearance of the buildings and the landscaping of the site, shall be carried out in accordance with the following approved plans and details: 1628-00, 1628-01, 1628-02, 1628-03, 1628-04, 1628-05, 1628-06, 1628-07, 1628-08, 1628-09, External Materials Schedule dated March 2017 and SuDSmart Pro Report dated November 2016;**
- 3 The refuse storage units as shown on plan 1628-08 shall be provided on site prior to occupation of the dwellings and retained thereafter;**
- 4. (i) A phase two assessment including a program of soil gas monitoring at the site in order to determine the presence or absence of any landfill gas migrating to the site is to be undertaken 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 a suitably qualified personnel in accordance with current Government,**

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**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;**

- 5. Prior to commencement of development, a detailed method statement demonstrating how it is proposed to mitigate any adverse impacts on the surrounding area from noise and dust during the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved method statement unless otherwise approved by the Council;**
- 6. 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.**
- 7. Prior to commencement of development a plan showing the amendment to the boundary treatment for Plot 1 shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall then be implemented on site in accordance with the approved details;**
- 8. Prior to commencement of development details of the proposed area for refuse bins awaiting collection shall be submitted to and approved in writing by the Local Planning Authority. This area shall then be provided prior to occupation of the dwellings hereby approved and maintained thereafter;**

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9. No development shall take place until there has been submitted to and approved by the Local Planning Authority the finalised scheme of soft landscaping, which shall include indications of any 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;
10. 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;
11. No development above ground shall take place until full details of the finalised hard landscape scheme 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); and
12. 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.
13. No development shall commence, including demolition, until details of the hard landscape scheme have been submitted to and approved in writing by the Local Planning Authority. The 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); and

### Reasons:

1. This condition is imposed in accordance with the provisions of Section



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**91 of the Town and Country Planning Act 1990;**

- 2. For the avoidance of doubt and in the interests of proper planning;**
- 3. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 4. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination;**
- 5. To safeguard the amenity of adjoining and future residents;**
- 6. To safeguard the amenity of adjoining residents;**
- 7. To safeguard the amenity of adjoining and future residents;**
- 8. To ensure a satisfactory standard of development;**
- 9. In the interests of the visual amenity;**
- 10. In the interests of the visual amenity;**
- 11. In the interests of the visual amenity; and**
- 12. In the interests of the visual amenity.**

### **Notes to the Applicant**

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;**
- 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;**
- 3. 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;**
- 4. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority;**
- 5. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)**

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**Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works; and**

- 6. The applicant is advised to contact East Sussex County Council on 01273 482254 to apply for the necessary licence if it is proposed to carry out any road closures, etc during construction.**
- 7. It is an offence to plant or cause Japanese knotweed to spread in the wild under the Wildlife and Countryside Act 1981 and all waste containing Japanese knotweed comes under the control of Part II of the Environmental Protection Act 1990**

### **11.2 96 Norman Road, St. Leonards on Sea**

Proposal:	Installation of replacement kitchen extract duct (Retrospective)
Application No:	HS/FA/17/00100
Existing Use:	Takeaway
Conservation Area	Yes – St. Leonards East
Listed Building	No
Public Consultation	91 letters of objection and 1 petition received.

The Planning Services Manager, Ms Evans, presented this report for the installation of replacement kitchen extract duct (retrospective). She said the site relates to the takeaway business which occupies the ground floor and the basement of the two-storey terrace building. The extraction fan runs from the kitchen and terminates 1.3m above the ridge line to the roof; there are limited views of the extraction fan. The previous extraction fan was damaged and removed as a result of a fire. The application is retrospective following the service of an enforcement notice. She said a number of representations had been received raising concern regarding noise produced by the fan and suggested the first floor window associated with the kitchen of the Chinese takeaway window be closed shut and blocked up. She advised this application was not for the use, but for the extraction duct and whether noise from the duct will be acceptable or not. It is not affected by whether the kitchen windows are open or closed. Enforcement require conditions to ensure the fan is not harmful to residential amenity.

Members were shown plans and photographs of the application site.

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Ms Helen Marshall, petitioner, spoke against the application, she said she had no objection to the takeaway being next door. Her concerns related to odour, noise and airborne vibration of the new extraction fan, which had affected her health and wellbeing. She said it was disappointing that the kitchen window could not be conditioned. The window, she said, creates more noise than the fan from the cookers and woks banging. The majority of properties surrounding the site are residential, there are only 2 commercial premises nearby which close at 11am. The true noise levels will be reported in 6 months. She said she was happy for the application to proceed subject to the outcome of the noise report.

The Planning Services Manager referred to the comments made by Ms Marshall. She said the previous extract duct was restricted to 35 decibels and it is conditioned on this application to enable it to operate properly. The ongoing enforcement case has been put to one side while the planning application is being assessed. She confirmed that Enforcement will check whether everything is done correctly and will keep in touch when key things take place during the course of events.

Mr Stuart Rumsey, representing the applicant, spoke in support of the application. He said the takeaway was lawful, the duct was approved in 2006 and it is in the same position as the new one. The former consent stipulated the fan should be 35 decibels and it is proposed the new extraction fan will have the same decibel output.

The Planning Services Manager responded to Mr Rumsey's comments, she said Environmental Health had no objection regarding odour. The Planning Services Manager said a number of conditions had been put in place to make duct acceptable eg condition 1 a silencer and condition 2 acoustic enclosure. She confirmed the duct will remain, but it is not the finished product.

Councillor Beaver recommended the addition of the words "produced by an independent noise consultant" to condition 8, to provide an independent view to satisfy both the petitioner and planning authority. Councillor Beaver proposed a motion to approve the application subject to amended Condition 8, as set out in the resolution below. This was seconded by Councillor Turner.

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

- 1. Specifications of an acoustic silencer to be installed within the ductwork, shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this permission. The specifications shall show the silencers positioned in front of the fan, so that the silencer is located between the fan and the terminal point of the duct. The approved details shall then be implemented within 3 months of the date of this permission unless another date is agreed in writing by the Local Planning Authority. The approved details, once implemented shall thereafter be retained and maintained;**
- 2. Specifications of the acoustic enclosure to the duct work (fitted with acoustically treated panels) shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of**

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**this permission. The approved details shall then be implemented within 3 months of the date of this permission unless another date is agreed in writing by the Local Planning Authority. The approved details, once implemented shall thereafter be retained and maintained;**

- 3. Specifications of the acoustic louvers to be installed at the terminal point of the flue shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this permission. The approved details shall then be implemented within 3 months of the date of this approval unless another date is agreed in writing by the Local Planning Authority. The approved details, once implemented shall thereafter be retained and maintained;**
- 4. Details of how the duct shall be attached to the roof/chimney shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this approval. The approved details shall then be implemented within 3 months of the date of this permission unless another date is agreed in writing by the Local Planning Authority. The approved details, once implemented shall thereafter be retained and maintained;**
- 5. Details of the anti-vibration mounts shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this approval. The approved anti vibration mounts shall be installed within 3 months of the date of this permission unless an alternative date is agreed to in writing by the Local Planning Authority. The approved details, once implemented shall thereafter be retained and maintained;**
- 6. Details of the odour control measures shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this permission. The approved scheme of measures shall be implemented within 3 months of the date of this permission unless an alternative date is agreed to in writing by the Local Planning Authority. The approved measures, once implemented shall thereafter be retained and maintained;**
- 7. Details of a maintenance plan shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this approval. The duct hereby approved shall thereafter be maintained in accordance with the approved maintenance plan;**
- 8. Six months following implementation a further detailed BS4142: 2014 noise report, produced by an independent noise consultant, shall be submitted to and approved in writing by the Local Planning Authority. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the 35dB level when measured according to British Standard BS4142: 2014, at any adjoining or nearby noise sensitive premises.  
Prior to any survey work or measurements being carried out the**

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**survey methodology including times, duration, locations and fan speeds shall be submitted to and approved in writing by the Local Planning Authority;**

- 9. Within 1 month of the installation date of the anti-vibration mounts, an investigation using a class one sound level meter and competent acoustician shall take place inside the top bedroom at 94 Norman Road, St Leonards on Sea, to determine the effectiveness of the anti-vibration mounts and any structure borne transmission.  
Prior to any survey work or measurements being carried out the survey methodology including times, duration, locations and fan speeds shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall take place with the maximum fan settings operational and the results made available in writing to the Local Planning Authority; and**
- 10. At close of business, the fans serving the kitchen extract system shall be switched off by 23:30 hrs (Sunday - Thursday) and 00:00 (Friday - Saturday), with the exception of 1st of June to 31st August where the fan shall be switched off by 01:00.**

### **Reasons:**

- 1. To safeguard the amenity of adjoining and future residents;**
- 2. To safeguard the amenity of adjoining and future residents;**
- 3. To safeguard the amenity of adjoining and future residents;**
- 4. To safeguard the amenity of adjoining and future residents;**
- 5. To safeguard the amenity of adjoining and future residents;**
- 6. To safeguard the amenity of adjoining and future residents;**
- 7. To safeguard the amenity of adjoining and future residents;**
- 8. To safeguard the amenity of adjoining and future residents;**
- 9. To safeguard the amenity of adjoining and future residents; and**
- 10. To safeguard the amenity of adjoining and future residents.**

### **Notes to the Applicant**

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;**

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- 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. It is noted that the premises is still under notice to comply with the provisions of the abatement notice served by Environmental Health on the 10th October 2016 and as a preventative measure should keep the window closed to prevent noise from the kitchen being audible outside the property or in any neighbouring residential property;**

**Failure to ensure that best practical means has been employed to prevent the egress of noise is likely to be a breach of the notice served and consideration to prosecution will be given upon witnessing of a breach of the notice. It should also be noted that a formal breach of the notice would be assessed by Duty Environmental Health Officers and only after careful consideration of the following factors such as: time, frequency, type and duration of noise and not just the mere presence of some noise. Officers will then make a professional judgement as to whether the noise is interfering with the material use of another property.**

### **11.3 Rocklands Private Caravan Park, Rocklands Lane, Hastings**

Proposal:	Discharge of Condition 4 (details of the planting scheme and soft landscaping), 6 (archaeological monitoring), 7 (foul and surface water drainage scheme) and 8 (external colour scheme) of Appeal A ref. APP/B1415/C/15/3029007 – (EN/15/00028)
Application No:	HS/CD/16/00655
Existing Use:	Caravan Park
Conservation Area	No
Listed Building	No
Public Consultation	52 letters of objection and 1 petition received.

The Principal Planner, Ms Roots, presented this report for the discharge of condition

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4 (details of the planting scheme and soft landscaping), part of condition 6 (archaeological monitoring) and 7 (foul and surface water drainage scheme).

The site is located within the Highway Weald Area of Outstanding Natural Beauty (AONB), the Hastings Historic Core Archaeological Notification Area (ANA) and Site of Specific Scientific Interest (SSSI) Impact Risk Zone (IRZ).

Public comments received on or after 10 July, since the publication of the Planning Committee Agenda:

- Petition and further comments from Save Ecclesbourne Glen Campaign Group received on 12, 14 and 16 July 2017.
- Revised Archaeologist consultation comment received on 19 July 2017
- Revised planting scheme received on 20 July 2017.

Members were informed of several updates to the report:-

- 2<sup>nd</sup> petition from same petitioner – focuses on discharge of condition 4, the proposed planting scheme. Issues already covered from previous objections
- 3 additional objections from 1 organisation relating to planting scheme and officer report.
- Maintain that report is accurate and clarify that members have opportunity to read all objections and summarised only in officer's report
- Landscaping conditions requires details to be submitted and approved within 3 months of the date of decision
- Government guidance advises enforcement action to be taken only if unlikely to be granted planning permission
- With this in mind, not considered reasonable or proportionate to take enforcement action on a technical breach of condition until the matter discussed at Committee and a decision reached
- Revised planting plan dated July 2017 - amended details on:
  - Oak tree planting depths (30cm)
  - No planting mounds proposed
  - Removal of section related to gradients and planting of whips (not relevant, and existing soil levels maintained)
- Confirmation from County Archaeologist 14 July that further to amended landscaping plan being received – confirm works are unlikely to disturb any significant archaeological remains
- Amendment to page 39 of agenda (last sentence on page) Refers to situation prior to the inclusion of additional oak trees within the same area as holly whips although Historic England have been consulted on this and raise no objection
- Amended recommendation:  
*The discharge of conditions 4, 6 and 7 are based on the following information: Planting Schedule & Planting Maintenance and Establishment Specification (The Mayhew Consultancy Ltd, July 2017. Remainder of recommendation as set out in report*

Members were shown plans and photographs of the application site.

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The Principal Planner advised that Condition 8 (external colour scheme) of Appeal A ref. APP/B1415/C/15/3029007, (EN/15/00028) was discharged through delegated authority on 8 September 2016. Condition 6 was partly discharged at the Planning Committee meeting on 16 November 2016 in relation to the Written Scheme of Investigation. On 8 February 2017 the Planning Committee resolved to defer part 2 of condition 6 in relation to the written record of archaeological works undertaken, to take account of any potential changes to the drainage layout, and the impact this could have on archaeology. She advised that the matter had been resolved and all outstanding conditions were recommended for discharging at the same time.

The Principal Planner advised that there had been some criticism of the report which she said was inaccurate. She also said the landscaping condition attached to the Inspector's decision requires details of the landscaping scheme to be submitted to and approved within 3 months of the date of the decision. The landscaping scheme was originally submitted within 3 months, although it hasn't been approved. Government Guidance states that enforcement action can only be taken if it is likely that permission would be granted. Given the decision has not been made, she said the Council does not believe it is reasonable or proportionate to take out enforcement action at this stage on what is a technical breach until the matter has been discussed and decision reached at this meeting.

She said several revised planting plans have been received. A more recent plan received in July 2017 which showed the same planting as the previous submission, the only difference is tree planting depths, making them smaller, no planting mounds were proposed and the section on gradient and planting width was removed, which wasn't relevant. The new landscaping scheme that was uploaded in July on the Planning Portal is the main one, but it doesn't change the essence of planting that has been consulted on with the relevant authorities and discussed in the report.

The Principal Planner clarified that on page 39 of the officer's report "No new planting will occur within the Scheduled Ancient Monument (SAM)". This she said was based on the second landscaping scheme (for holly planting), and was amended to include English Oak trees on that boundary. The County Archaeologist and Historic England have been consulted and have no objection. The recommendation in the report will be updated to show the planting date is July and not June. In response to the High Weald unit comments, the applicant has added more oak trees in amongst the holly at the bottom of the site. Additional planting will be added to protect the north east area of the site.

Regarding drainage, she said there had been a lot of negotiations and work between Southern Water and the applicant since their objection regarding new connections to the sewer. Southern Water is now confident the proposals are acceptable and they are happy to allow the connection. In terms of surface water she said the site as a whole was effected by surface water flooding. As a result of the new holiday let building there is a reduction in surface water run-off, when compared to what was previously there.

The Chair advised the committee the applicant would not be attending and therefore was not present to speak.



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Mr Bob Okines, petitioner, spoke against the application, he said the report states the caravan park is screened by protected woodland which is not the case now. The view of the entire site has been opened up by landslide and by progressive thinning and removal of trees over the last decade or so. The report also states the AONB unit have no objections to the proposals, this he said is not entirely true and they agree that a long term solution is more important than a short term fix. He asked members to ask Mr Davidson how tall the new trees are going to grow during the next 3 to five years. At a previous committee meeting he said the committee were advised it was going to take many years for the trees to reach a suitable height. Furthermore, the Planning Inspectorate has recommended the planting scheme include semi-mature specimens. He said the girth should be 20cm for an oak tree to be classified as semi-mature. All of the proposed oak trees are at 8cm to 10cm in girth.

He said he did not understand why Mr Wilken (Borough Arboriculturalist) has agreed the current proposal is now acceptable. Proposals to the north of the building will only shield the view of the building from the caravan park and does not accord with the Planning Inspector's wishes that screening should be placed in the north east. The planting scheme does nothing to shield the view from Ecclesbourne Glen and Ecclesbourne Meadow. The holly at the south of the building will take many years to mature and will thicken the hedge row, but have no effect on the view. If you are minded to discharge the conditions we ask that the planting schedule meets the requirements and expectations of the Planning Inspector to screen building from all angles, and a TPO condition to protect the new trees for their future protection. He said the discharge of the drainage condition reconfirms the applicant's consultant has used the fact that the area is not suitable for soakaways as a lever to allow Southern Water to change their mind over land commissioned for use as a combined sewer. He said there was a typo in the officer's report relating to the height of the trees which states the trees will be planted at height of 8 to 10cm, he said he had not seen any reference to actual height of proposed trees in all the documentation apart from this reference. The height of the trees and perceived height relative to the building is one of the most important considerations. We ask Mr Davidson how tall are the proposed trees, not the girth.

Councillor Bacon, Ward Councillor for Old Hastings, was present and spoke against the application. He raised his concerns regarding the surrounding area. Hastings Country Park, he said, is in an AONB and is in a prestigious location of biodiversity management and one of our greatest assets to residents and tourists alike. Hastings Borough Council and we as councillors do have the responsibility to maintain and protect the stunning views and serenity of the Country Park, remembering at the centre of this the natural and not man made beauty of this area. Already due to landslips we have lost the footpaths around Ecclesbourne Glen, this has caused further visual exposure to Rocklands Caravan Park and the controversial building which does not enhance the area. It is our obligation as custodians of the Country Park to rectify this by ensuring sufficient planting is in place to screen the caravan park and bunker alike. He went on to say the proposed scheme does not provide screening of the building and caravan park which currently dominates the views of this area. He thanked the Save Ecclesbourne Glen Group for updating him and members with the photos of the current site. He expressed concern that the revised

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planting scheme was submitted at such short notice and although consultees have been notified, he questioned whether consultees had reviewed this properly. Friends of Hastings Country Park have commented and they also do oppose the discharge of conditions from the comments made.

The Planning Services Manager clarified the actual wording the Planning Inspector used with regard to Condition 4. He never said the building should not be visible, he is saying he wants details of screening and that's what we have done. The screening is to the north east of building. There is no mention in the requirements that he had for soft landscaping that the trees be semi-mature. Because of the location it is exposed to weather conditions. If you were to plant a tree that was slightly more mature you would find that after a few years it wouldn't thrive and might die. For a tree to properly survive it has to be planted from a very young age so it can grow in that condition and mature and strengthen. She said that if we plant semi-mature trees in the long term it is not an effective solution.

The Principal Planner explained the AONB unit and what happened with their objections. She said they originally objected to the application and then they objected to the type of trees and to the holly not providing enough screening. In response to that, the additional oaks were proposed and we explained they would be small to start with and they pointed out that they were more concerned with the long term effectiveness of that screening than short term and they referred to the expertise of our Borough Arboriculturalist. In respect of that they were happy with the location of the trees and the additional planting. In terms of holly on Council Land, it was picked up in the beginning, in the recommendation it does clearly state in the report that they will be asked to enter into an agreement with HBC. It has been covered. Regarding the screening of caravan park as a whole, the Inspector's decision relates to the holiday let building and not the whole caravan park.

Mr Davidson said the question was not about mature trees, but what trees will survive in that hostile environment. He said it would be better to grow smaller trees that will grow bigger.

Councillor Dowling proposed a motion to approve the application as set out in the resolution below subject to the amendment of the date of the planting scheme to July 2017. This was seconded by Councillor Roberts.

**RESOLVED** – by (7 votes to 2 against) that the following conditions be fully discharged:

**Condition 4 (details of the planting scheme and soft landscaping)**

**"Details of the planting and soft landscaping scheme to the north-east of the building and on the south and west boundaries shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision. The details 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**

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establishment); schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme"

### **Condition 6 (archaeological monitoring)**

**"No further groundworks required to complete the development shall take place until the implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority."**

### **Condition 7 (foul and surface water drainage scheme)**

**"A foul and surface water drainage scheme submitted to and approved in writing by the Local Planning Authority shall be implemented in accordance with the approved details prior to first occupation".**

**The discharge of conditions 4, 6 and 7 are based on the following information:**

- **Planting Schedule & Planting Maintenance and Establishment Specification (The Mayhew Consultancy Ltd, July 2017)**
- **Drainage Layout Plan (Drawing: 11.396/03E)**
- **Written Scheme of Investigation for Archaeological Monitoring (Archaeology South-East, August 2016)**
- **Archaeological Watching Brief Report (Archaeology South-East, December 2016)**

**The applicant is advised that should changes to the scheme, not currently identified in the application, be made in light of any subsequent revisions to drainage or relevant ground works that may occur through the building regulation process, conditions 6 and 7 will no longer be deemed to be discharge and a further application will be required.**

**The applicant is also advised that they will need to enter into an agreement with Hastings Borough Council to enter and carry out landscaping works on land within their ownership.**

**The committee took a five minute comfort break.**

## **11.4 Little Acres Farm, Frederick Road, Hastings**

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Proposal:	Erection of 32 dwellings, formation of vehicular and pedestrian access, parking spaces and associated landscaping (Amended description)
Application No:	HS/FA/17/00003
Existing Use:	Residential
Conservation Area:	No
Listed Building	No
Public Consultation	14 letters of objection and 1 petition received.

This item was deferred at the last meeting held on 21 June 2017, to enable officers to consider the last minute changes made by the applicant and consult with the Council's Legal Department.

The Planning Services Manager, Ms Evans, presented this report for the erection of 32 dwellings, formation of vehicular and pedestrian access, parking spaces and associated landscaping (amended description).

Since the publication of the Planning Committee Agenda, an additional waste consultation comment was received on 30 June 2017 and uploaded on 17 July 2017.

Members were informed of several updates to the report:-

- Reasons for conditions – no .11  
'In the interests of highway safety'
- Condition 13 should read  
'Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.'

Members were shown plans and photographs of the application site.

The Planning Services Manager, Ms Evans, advised the site is allocated in the Local Plan with the possible net capacity of 29 dwellings. Planning permission was granted in 2010 in outline for 30 residential units. 2011 reserved matters permission was granted relating to an outline consent. In 2015 various conditions were discharged relating to the outline consent. At the last Planning Committee meeting in June, members considered the modifications to the outline consent to remove the requirement for affordable housing. This extant scheme was previously approved, and it is live and is capable of being implemented. One of the key changes is the access road has been shifted up into the site. Furthermore, the applicant has spent time

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improving the quality of the design of homes more so than the previous application. The scheme also includes a lot more landscaping. The policy requirement for affordable housing is 25%. The viability scheme submitted showed the site was not capable of providing affordable housing. It showed that only £95,000 could be put to affordable housing. That report was assessed independently and the assessment concurred with the viability report, so there are no objections in planning terms on that aspect. The two additional units proposed will result in approximately 10 additional vehicle movements a day. No objections have been received from consultees.

Mr Ingleton, petitioner, spoke against the application, he said development is governed by the Hastings Local Plan 2015 approved by Full Council. The site is allocated for residential development, land west of Frederick Road for 25 dwellings including affordable housing provision for 25%. 32 houses is a 28% increase over the local plan to get an additional 7 houses on the site and will not provide any social housing. The density of this application is 54 dwellings per hectare, almost twice the local plan of 30 dwellings per hectare in residential areas. The only way to achieve this is to provide a dense terrace development of 2, 3 and 4-storey. He said this dense development provides few pavements, few front gardens and poor road layout which will not be adopted. It is not in keeping with the surrounding area which are 2 storey dwellings. This scheme is 2, 3 and 4 storeys high. Policy H2 housing mix makes dense terrace blocks, not architect designed. There was no pre-application public consultation. This is a major and controversial application which will provide inner-city development which is too dense and too high against the interests of the local community. The proposed development will set a precedent for the development of the Ore Valley community. This proposed development is not worthy of the area of Hastings.

Mr Mike Pickup, representing the applicant, spoke in support of the application. He said the site already has planning permission for 30 dwellings. The application was submitted in December 2016 and has undergone various amendments to the scheme. None of the residents immediately around the site have objected to the scheme or on the petition. Since the petition was submitted the following changes have been made to the scheme:- the previously approved accommodation at 2<sup>nd</sup> floor level for 6 units have been removed; the eaves height has been reduced; all houses now have symmetrical roof pitches and the windows on 6 of the units have since been deleted; the elevational treatment to side and rear elevations visible from the road frontages have been improved and the 3 proposed units at top of site have been repositioned to minimise visual impact to the nearest properties in Frederick Road; The front elevation of plot 32 has also been enhanced to provide an improved focal point at the end of the proposed estate road, compared to the approved scheme, 23 of the units would have offices to encourage homeworking to reduce car use; The amount of hard landscaping has been reduced and replaced by additional soft landscape planting; The local play area has been reduced by 25% and this has been repositioned to a more prominent central position within the housing layout; 15 additional car spaces have been provided in accordance with Highway Authority standards. The parking layout and provision is much more cohesive with a reduced amount of courtyard parking; the housing design layout to work better with the site's falling ground levels; he said none of the consultees have raised objection. All houses will have suitable amenity space.

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Councillor Charman, Ward Councillor for Tressell, was present and spoke against the application. She raised concerns regarding the quality of the scheme which she said was not good quality. The density and quality of life features low and will provide bigger profits for developer and less happy homes for people. The discharge of social housing alleviates social responsibility from developers; we have a social housing crisis mounting. With a contribution of £95,000, realistically what can we do with this very small amount of money, we can't afford to buy one property. She said if this scheme is approved, a road is built early on through the Cookson Closeentry which is not used to deliver any goods and that all goods are delivered via Frederick Road, otherwise we will receive complaints.

The Planning Services Manager clarified a number of points, in regard to density she said Policy H1 is for residential development for at least 40 houses per hectare. 40 is not the maximum it is the minimum. Density in itself is not the determining factor, it is the implications that arise from it i.e. harm to residential amenity. The application was assessed and the development not found to be harmful. None of consultation responses raise objections. The applicant has spent time amending the scheme; reducing roof bulk, this is an attractive residential development. A lot of the front dormers were bulky and have been removed. No. 32 will be ahead of the driveway into site and is an attractive focal point. The side elevations have been improved so they are not just blank walls. The materials used are interesting and varied to break up the look and make the development more attractive. In terms of the impact on the character of the area and residential amenity, we haven't identified a problem. Regarding the comment on pre-application public consultation, there is no requirement for the developer to enter into consultation so they have not failed. Regarding quality, it is covered by condition 4 for materials to be approved. Regarding deliveries in Frederick Road, if the Councillors are not happy with arrangement we can consult and reconsider. She asked members to bear in mind that Highways made no objection, the extant scheme approved that layout, the current application is for just 2 more houses. As to the access off Frederick Road the Planning Services Manager said they did not look at whether that access would be used for vehicle traffic, it was not considered. The width of the proposed driveway is 5m, however the other access from Frederick Road is not as wide and this could be a problem in terms of providing a suitable vehicular access.

Councillor Sabetian proposed a motion to approve the application subject to the revised wording of condition 13 and the reason for condition 11 and, as set out in the resolution below. This was seconded by Councillor Clarke.

**RESOLVED – by (6 votes to 3 against) that:-**

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

- **A financial contribution towards the provision of offsite affordable housing**

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In the event that the Agreement is not completed by 20 October 2017 that permission be refused on the grounds that the application does not comply with Policy H3 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) Grant permission subject to the above and 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:**

**5211/LP, 5211/BP/C, 5211/BP1, 5211/EX, 5211/COMPS/A, 5211/1/C, 5211/2/D, 5211/6A, 5211/7A, 5211/8B, 5211/9A, 5211/10A, 5211/11A, 5211/12A, 5211/13A, 5211/14A, 5211/15/C, 5211/17/A, 5211/18, tw/1 606457/100 S7**

- 3. 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.**

- 4. No development above ground shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings (including treatment of garage 'void' areas) hereby permitted have been submitted to or displayed on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;**
- 5. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,**
  - the anticipated number, frequency and types of vehicles used during construction,**
  - the method of access and egress and routeing of vehicles during construction,**
  - the parking of vehicles by site operatives and visitors,**

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- the loading and unloading of plant, materials and waste,
  - the storage of plant and materials used in construction of the development,
  - the erection and maintenance of security hoarding,
  - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - details of public engagement both prior to and during construction works.
6. Means of vehicular access to the site shall be from Tuppeney Close only.
  7. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
  8. The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.
  9. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
  10. No part of the development shall be occupied until the vehicle turning space and footway/cycleway link to Frederick Road has been constructed within the site in accordance with the approved plans. The spaces shall thereafter be retained at all times for those uses and shall not be obstructed.
  11. No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense prior to occupation of the approved dwellings.
  12. No part of the development shall be occupied until a suitable vehicle access arrangement has been provided for property 11 Tuppeney Close, in accordance with the approved plans.
  13. Development shall not commence until a drainage strategy detailing



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**the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.**

- 14. No development shall take place until the measures outlined in the submitted ecological statements and reports Little Acres Farm, Frederick Road, Ore, East Sussex Ecological Assessment Report by Ash Partnership dated February 2017 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 schemes, or programmes of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.**
- 15. Prior to commencement of development a detailed surface water drainage strategy (as outlined in JMLA Drainage Assessment Report (Ref tw/160457/jml)) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:**
  - (a) Surface water runoff from the proposed development to be limited to 4.3l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features;**
  - (b) How surface water flows exceeding the capacity of the surface water drainage features will be managed safely;**
  - (c) A maintenance and management plan for the entire drainage system which clearly states who will be responsible for managing all aspects of the surface water drainage system, including piped drains. These responsibility arrangements must remain in place throughout the lifetime of the development;**
  - (d) Evidence (including photographs) showing that the drainage system has been constructed as per the approved detailed drainage designs.**

**Works shall be carried out in accordance with these approved details.**

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- 16. All works shall be carried out in accordance with advice contained within the Ground Contamination Risk Assessment Report by Ashdown Site Investigation Limited dated June 2015 and 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. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval prior to continuation of those works. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed remediation details;**
- 17. The approved dwellings shall not be occupied until full details of all boundary walls/fencing have been submitted to and approved in writing by the Local Planning Authority. All such boundary walls/fences shall be erected before the building to which it relates is occupied;**
- 18. The windows on the 1st and 2nd floor side east elevation flank wall of plot 32 shall remain obscure glazed at all times;**
- 19. 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;**
- 20. 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;**
- 21. No development, other than above ground demolition, 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 means of enclosure; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc);**

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- 22. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority; and**
- 23. Prior to occupation of the approved dwellings, to prepare and submit to the Council a scheme detailing the laying out, long term maintenance, management and ownership for the play area and open space to be approved in writing by the local planning authority. The scheme should include a plan of the site indicating the siting and layout of the play area and open space. The scheme should also include rights of access and such other services as are necessary for the use and enjoyment of the play area and open space for the purpose of constructing, inspecting, repairing, replacing and maintaining any fencing or furniture thereon. The play area and open space shall be laid out in accordance with the approved scheme prior to the occupation of any dwellings hereby approved.**

### **Reasons:**

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. For the avoidance of doubt and in the interests of proper planning;**
- 3. To safeguard the amenity of adjoining residents;**
- 4. In the interests of the visual amenity;**
- 5. In the interests of highway safety and the amenities of the area;**
- 6. In the interests of road safety;**
- 7. To ensure adequate parking for the development;**
- 8. To ensure adequate off-street provision of parking in the interests of amenity and highway safety;**
- 9. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies;**
- 10. In the interests of road safety;**
- 11. In the interests of highway safety;**
- 12. In the interests of road safety;**

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- 13. To ensure that no property is occupied until adequate access and drainage facilities have been provided;**
- 14. To protect features of recognised nature conservation importance;**
- 15. To ensure surface water from the development is managed safely;**
- 16. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination;**
- 17. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 18. To safeguard the amenity and privacy of residents at 203 and 205 Frederick Road;**
- 19. To ensure a satisfactory form of development in the interests of the visual amenity;**
- 20. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 21. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 22. To ensure a satisfactory form of development in the interests of the character and amenity of the area; and**
- 23. To ensure a satisfactory form of development in the interests of the character and amenity of the area.**

### **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. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk);**
- 4. Any play equipment must conform to BSEN1176;**
- 5. The developer is advised to contact Asset protection London South**

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East at [AssetProtection@networkrail.co.uk](mailto:AssetProtection@networkrail.co.uk) prior to any works commencing on site to discuss their proposals in relation to the underlying tunnel, and to enable approval of any relevant works;

6. If during development and excavations any suspicions become evident or are aroused as to the potential or presence for any contaminated land, then works should immediately cease and a contaminated land assessment / ground investigation report be carried out which should then be submitted to and approved in writing by the Local Planning Authority prior to the work, associated with the permission hereby granted, commencing; and
7. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.

### 12. OTHER PLANNING APPLICATIONS:

#### 12.1 Filsham Nurseries, 37 Charles Road West, St. Leonards on Sea

Proposal:	Demolition of existing buildings and ancillary buildings. Erection of 7no residential units, landscape and parking.
Application No:	HS/FA/16/00412
Existing Use:	Redundant garden nursery
Conservation Area:	No
Listed Building	No
Public Consultation	10 letters of objection received

The Principal Planner, Ms Roots, presented this report for demolition of existing buildings and ancillary buildings and the erection of 7 residential units, landscaping and parking.

Members were shown plans and photographs of the application site.

The Principal Planner explained the site was in a residential area characterised by large detached/semi-detached properties with Amherst Tennis Club to the rear. She

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said the site was overgrown and the buildings were unused and in need of repair, they will be demolished as part of the application. The site is affected by surface water flooding, however these issues have been addressed by the surface water drainage information submitted as part of the application. She said the site area for this application was smaller than the previous application and the number of units reduced from 10 to 7 units. The site is allocated for 9 units in the local plan, but in a slightly different site area.

She explained the alterations to the application:- Plot 1 had been redesigned to be in keeping with the surrounding area and had been reduced from 2 dwellings to 1. The dwellings on Plots 2 & 5 will have a more modern appearance. She said the County Highway Authority confirmed the parking proposed will produce a lot less traffic than the previous scheme. Most of the objections have been overcome.

Councillor Beaver proposed a motion to approve the application as set out in the resolution below. This was seconded by Councillor Rogers.

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

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;**
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:**
  - 15.071.010**
  - 15.071.011**
  - 15.071.020**
  - 15.071.021**
  - 15.071.032 (Rev B)**
  - 15.071.030 (Rev E)**
  - 15.071.050 (Rev D)**
  - 15.071.051 (Rev D)**
  - 15.071.052 (Rev B)**
  - 15.071.053 (Rev B)**
  - 16-415-TPP (Rev B)**
  - Indicative Landscape Plan 02.06.17**
- 3. 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.**
- 4. Windows in the upper floor of the east side elevation of Plot 6 shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent**

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and be permanently fixed shut and non-opening below 1.8 metres from finished floor level. Plot 6 shall not be occupied until the obscure glass is installed, and once installed, the windows shall be permanently maintained in that condition;

5. No part of the development shall be occupied until such time as the vehicular access, vehicle turning space and resident/visitor parking spaces have been constructed in accordance with plans and details hereby approved. The areas shall therefore be retained for those uses, and shall not be used for any other purposes;
6. No part of the development shall be occupied until such time as the existing vehicular access onto Charles Road West has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority;
7. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway;
8. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles;
9. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
  - the anticipated number, frequency and types of vehicles used during construction,
  - the method of access and egress and routing of vehicles during construction,
  - the parking of vehicles by site operatives and visitors,
  - the loading and unloading of plant, materials and waste,
  - the storage of plant and materials used in construction of the development,
  - the erection and maintenance of security hoarding,
  - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the

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**public highway (including the provision of temporary Traffic Regulation Orders),**

- details of public engagement both prior to and during construction works.**
- 10. No part of the development shall be occupied until a dropped kerb (including tactile paving) across Charles Road West at the junction with The Green has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority;**
  - 11. No development above ground shall take place (other than demolition) 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 artefact's and structures including refuse storage areas and forms of lighting (eg refuse or other proposed and existing functional services above and below ground (eg power, communications cables, pipelines etc. indicating lines, manholes, supports etc);**
  - 12. 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;**
  - 13. No development shall take place (other than demolition) until there has been a submission 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;**
  - 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;**



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- 15. No development shall take place until the measures outlined in the submitted ecological statements and reports 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.**

**The submitted ecological statements and reports referred to are:**

- Reptile Survey (Greenspace Ecological Solutions, January 2017)**
  - Bat Emergence Survey (Greenspace Ecological Solutions, January 2017)**
  - Extended Phase 1 Habitat and Bat Scoping Survey (Greenspace Ecological Solutions, June 2016)**
  - Tree Survey Report (Rev B) (Canopy Consultancy, April 2017)**
- 16. No development shall take place (including any demolition, ground works, site clearance) until a method statement for creation of new wildlife features such as bat roosts and structures and for the roof stripping and full and partial demolition of buildings have been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:**
- a) purpose and objectives for the proposed works;**
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);**
  - c) extent and location of proposed works shown on appropriate scale maps and plans;**
  - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;**
  - e) persons responsible for implementing the works;**

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- f) initial after care and long-term maintenance;**
- g) disposal of any wastes arising from works.**

**The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.**

- 17. The demolition of any buildings or parts thereof, as specified in the application, shall not in any circumstances commence unless the local planning authority has been provided with either:**
  - a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or**
  - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.**
- 18. (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.**

### **Reasons:**

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. For the avoidance of doubt and in the interests of proper planning;**
- 3. To safeguard the amenity of adjoining and future residents;**
- 4. To safeguard the amenity of adjoining and future residents;**
- 5. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety;**

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- 6. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety;**
- 7. In the interests of road safety;**
- 8. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies;**
- 9. In the interests of highway safety and the amenities of the area;**
- 10. To enhance alternative travel options to the use of the car in accordance with current sustainable transport policies;**
- 11. To ensure a satisfactory standard of development;**
- 12. To ensure a satisfactory standard of development;**
- 13. To ensure a satisfactory standard of development;**
- 14. To ensure a satisfactory standard of development;**
- 15. To protect features of recognised nature conservation importance;**
- 16. To protect features of recognised nature conservation importance;**
- 17. To protect features of recognised nature conservation importance; and**
- 18. To ensure a satisfactory standard of development.**

### **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 off-site works (dropped kerbs/remedial works to footway) and construction of the new access will also need to be carried out under the appropriate license. The applicant should contact ESCC on 01273 482254 to apply for a license to ensure the construction is up to an acceptable standard;**
- 4. Consideration should be given to the provision of a domestic sprinkler system;**

## **PLANNING COMMITTEE**

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5. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk);
6. The applicant is advised that Plots 1-6 should do not meet the minimum floorspace requirements for a 2 bedroomed, 4 person dwelling, and the smaller bedroom of each should only provide 1 bedspace. These dwellings should therefore provide 2 bedroomed, 3 person accommodation; and
7. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.

### **13. PLANNING APPEALS AND DELEGATED DECISIONS**

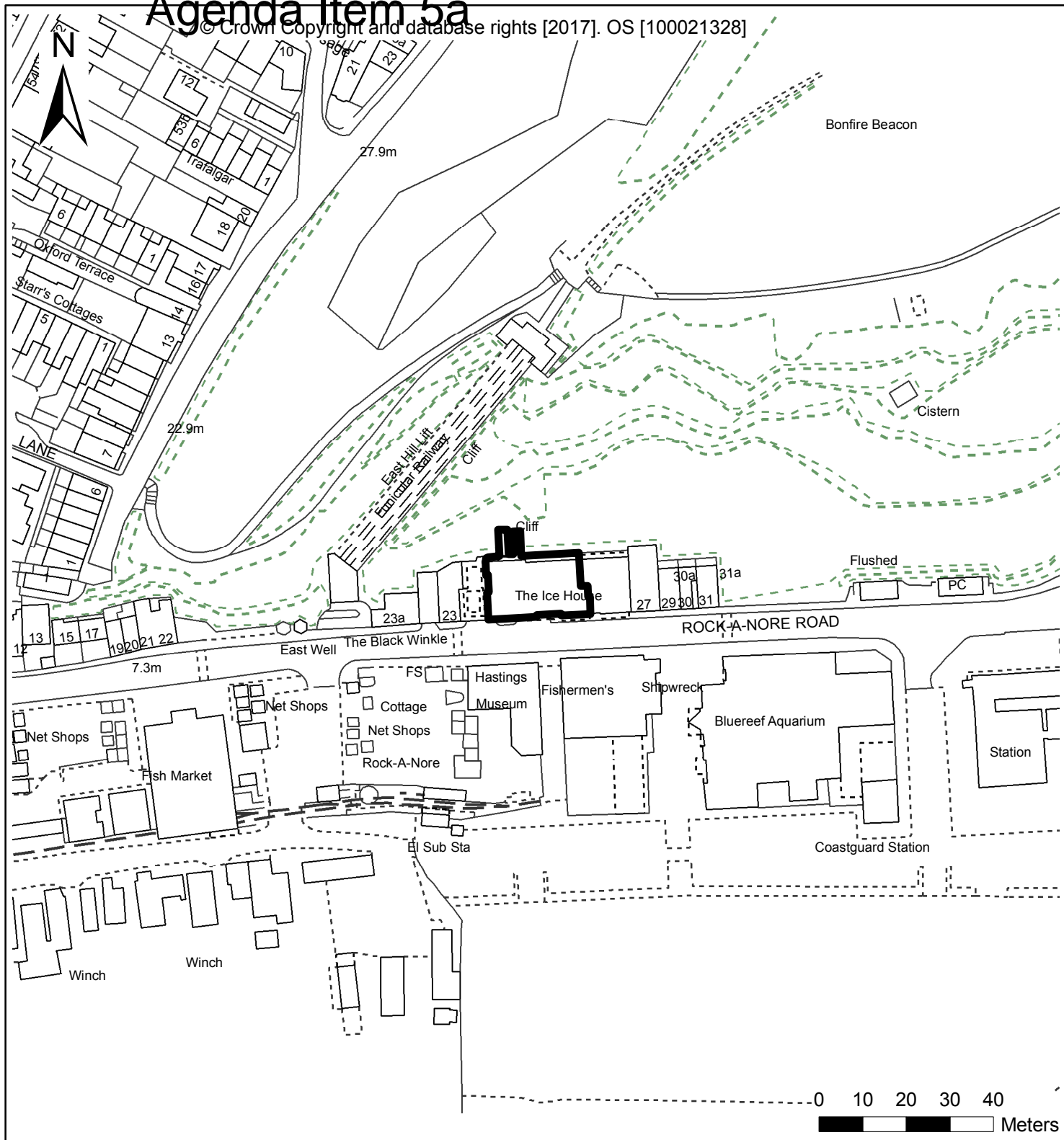
The Planning Services Manager reported that no planning appeals had been received; dismissed or allowed. She also reported on the number of delegated decisions.

All matters had arisen between 12 June to 7 July 2017.

The report was noted.

(The Chair declared the meeting closed at. 9.10 pm)

# Agenda Item 5a



**The Ice House  
Rock-a-Nore Road  
Hastings  
TN34 3DW**

Use of the ground and basement floors of Block A, Block B and part Block C for a mix of D1 Doctors Surgery medical facility and A3 Restaurant use and the upper floors of Block A for D1 Doctors Surgery medical consulting rooms and associated office use.



Assistant Director Housing & Built Environment  
Hastings Borough Council,  
Muriel Matters House, Breeds Place,  
Hastings, East Sussex TN34 3UY  
Tel: 01424 451090  
email: [dccenquiries@hastings.gov.uk](mailto:dccenquiries@hastings.gov.uk)

Date: Aug 2017

Scale: 1:1,250

Application No. HS/FA/16/01010

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<b>Report to:</b>	PLANNING COMMITTEE
<b>Date of Meeting:</b>	23 August 2017
<b>Report from:</b>	Assistant Director of Housing and Built Environment
<b>Application Address:</b>	The Ice House, Rock-a-Nore Road, Hastings, TN34 3DW
<b>Proposal:</b>	Use of the ground and basement floors of Block A, Block B and part Block C for a mix of D1 Doctors Surgery medical facility and A3 Restaurant use and the upper floors of Block A for D1 Doctors Surgery medical consulting rooms and associated office use.
<b>Application No:</b>	HS/FA/16/01010
<b>Recommendation:</b>	REFUSE PERMISSION
<b>Ward:</b>	OLD HASTINGS
<b>Conservation Area:</b>	Yes - Old Town
<b>Listed Building:</b>	No
<b>Applicant:</b>	Hastings old Town Surgery per APD (Arthurs Planning and Development) Bine Farmhouse Bines Road Partridge Green, United Kingdom. RH13 8EQ
<b>Interest:</b>	
<b>Existing Use:</b>	
<b>Public Consultation</b>	
Site Notice:	Yes
Press Advertisement:	Yes - Conservation Area
Letters of Objection:	7
Petitions of Objection Received:	0
Letters of Support:	17
Petitions of Support Received:	1
Neutral comments received	2
<b>Application Status:</b>	Not delegated - 5 or more letters of objection received

**Background:**

Planning permission was refused on the 8th September 2016 for change of use of the Former Ice House Hotel and Restaurant to Doctor Surgery (D1 use) under planning reference HS/FA/16/00416. Reasons for refusal were loss of visitor accommodation in a Seafront location, lack of car parking and insufficient waste storage.

The application form for the current application HS/FA/16/01010 was completed incorrectly. As such it was necessary to make the application invalid. The application was re-validated when the correct application form was received. A further period of consultation was undertaken. The petition of support and letters of representation received both before and after invalidation and revalidation have been taken into consideration.

**1. Site and Surrounding Area**

The site comprises development approved under planning permission HS/FA/06/00978 for the demolition of existing buildings and construction of a 6 storey building plus basement comprising blocks A, B, C & D. The permission included a restaurant at ground floor with hotel and residential apartments above described as:

"Demolition of Ice and Tan House. Construction of four blocks composed of a hotel (block A), restaurant use (A3 use) and 14 apartments (blocks B,C,D)".

The approved development commenced and the apartments are occupied. As such the hotel use is part of the current lawful use of the building. A proportion of the ground floor and the basement level extending below Blocks A, B and C and all of Block A remain unoccupied.

The building is 6 storeys plus basement standing at the foot of East Cliff below Hastings Country Park on the north side of Rock-a Nore Road.

Rock-a-Nore-Road is a narrow no-through road accessed from the main A259 running along the sea-front between the town centre and the shore. At its (east) top end there is the entrance to two large seafront pay and display car-parks managed by Hastings Borough Council (HBC). The road to the front of the application property has parking restrictions and double yellow lines to both sides. Rock-a-Nore Road lies on the seaward side of the A259 which cuts it off from the Town Centre.

Along Rock-a-Nore Road there are existing tourist businesses including the Fisherman's Museum (Grade II Listed Building), the Shipwreck Museum, the Blue Reef Aquarium, the Jerwood Art Gallery (Stade), East Cliff Railway (Grade II Listed Building) tourist attraction and the Historic Net & Tackle Stores (Grade II) clustered on the beach head. There are also a number of seafood restaurants, some residential dwellings and tourist shops some of which are heritage assets. The cliffs form a natural barrier behind Rock-a-Nore Road and the East Cliff Railway provides access to the green areas and Country Park at the top of the cliffs.

There is no bus service along Rock-a-Nore Road, but there are bus services along the sea-front main A259 road some 380m distance from the application site.

The pavement to the front of the building on the north side of Rock-a-Nore Road is narrow (some 1.5m width) and has an uneven surface. On the south side it is wider (approximately 2m width).



The site and surroundings are part of the town's Cultural Quarter subject to policy CQ1 which recognises the importance of cultural activities to the local economy and takes into account the effect of any development proposals on existing cultural activities which it expects to be protected. It encourages development which assists further expansion of their role as centres for cultural and related leisure and business activities and supports development that enhances the Cultural Quarter attraction to visitors.

The site lies within the Seafront area identified on Hastings Local Plan policies map as subject to spatial policy FA6 - Strategic Policy for the Seafront. Hastings Planning Strategy seeks to regenerate Hastings and Bexhill using the seafront as the area's best asset where tourism and environmental improvements are of prime importance and encourages new visitor accommodation along the seafront and the development of all year round tourist attractions.

The site lies to the west of the Old Town within the Old Town Conservation Area.

### Constraints

Site is susceptible to Superficial Deposits Flooding;

1 in 1000 year surface water flood;

Within Hastings Old Town Conservation Area.

Within Hastings Historic Core Archaeological Notification Area

SSSI Impact Risk Zone 5786 (thresholds not exceeded)

AONB High Weald Area of Outstanding Natural Beauty

## **2. Proposed development**

The application proposes use of the ground and basement floors of Block A, Block B and part Block C for a mix of D1 Doctors Surgery medical facility, a gym and A3 Restaurant use. The upper floors of Block A for would be used for medical consulting rooms and associated office use and staff rest room.

The application relates only to the hotel and restaurant within the building, leaving the residential apartments approved under application HS/FA/06/00978 unaffected. The existing approved restaurant use (A3) will be retained on the ground and lower ground floor albeit within a smaller space dedicated to that use with an in-house pharmacy and reception area for patients now proposed at ground floor level. Doctor consulting rooms would be on the floors above ground level (18 x consulting / examination rooms and 1 x treatment room).

There would be a staff rest / conference room on the 5th floor.

Basement level of blocks A & B would be a mixed use of fitness gym /studio, disposal hold and storage area and restaurant toilets. The gym /studio at lower ground level would be used for patient rehabilitation and possibly occupational therapy for outpatients.

Health care practitioners proposed such as the physio and dieticians will be available on an ad-hoc basis with the objective of creating a one-stop health centre with a range of specialist services available on site to include physio-rehab room, pre/post-natal care and improved general medical practitioner services.

The new health centre plans to initially have 4 doctors (3 full-time and 2 part-time), 2 advanced care practitioners and 4 nurses 0.5 physio therapists and 0.5 dieticians (Total 11 full time equivalent (FTE)). However 18 consulting rooms are proposed therefore it is possible the number of staff will increase. The exact number of staff for the 18 consulting rooms has not been provided by the applicant.

The proposed opening hours are restaurant use (A3) 8:00 to 22:00 Monday to Sunday including Bank Holidays and Medical facilities D1 uses 8:00 to 22:00 Monday to Friday.

**Proposed associated external changes to the building:**

- The proposed external changes would place the former recessed glazed screen entrance forward of its approved position by approximately 1.25 metres leaving it slightly set back behind the cantilevered pane of the upper elevations.
- The ground floor frontage of the approved restaurant would be designed with full length glazing to fold back to open the restaurant to the street.
- The west flank elevation that is currently windowless would have square windows inserted to floors two to five plus a vertical window inserted into all floors above ground level.

**The application is supported by the following documents:**

Planning Design & Access Statement (including Heritage Considerations)

Supplementary Technical Note Floor Area Schedule

Reeves Transport Planning Statement

Reeves Transport Planning Supplementary Technical Note

Patient Origin Postcode Data Map; and

Submitted Confidential information: \_

Addenda to Planning, Design and Access Statement

Darby Mountbank assessment of viability 14th August 2016 and associated correspondence

Applicants response to District Valuation Report dated 8th February 2017

Supporting Marketing Information

**Relevant Planning History**

HS/FA/16/00416 Use of Basement, Lower Ground Floor, and Ground Floor of Blocks A and B, including first - fifth floors of Block A for a mixed use comprising D1(Doctors Surgery with ancillary medical facilities including consulting rooms, dental consultant room and pharmacy), D2 (Gym/Dance Studio) and A3 (restaurant). Refused. 08.09.2016.

HS/FA/12/00201 Proposed east elevation windows to 4th floor and 5th floor apartments. Granted 06.06.12

HS/FA/10/00746 Amendments to existing planning consent:- HS/FA/06/00978 (construction of hotel & 14 flats). Granted 24.12.10

1. Building height - increase on height of ridge line.
2. Hotel Front elevation window - design change to windows.
3. Design change to sliding doors to blocks B,C & D.
4. West elevation paint finish - colour change.
5. Hotels and restaurant front terrace - glazed screen to be moveable.
6. Louvred panel either side of garage door.
7. Rainwater pipes exposed on front elevation.

HS/FA/08/00214	Amendment to planning permission HS/FA/06/978 including: 1. Extension of existing basement to Ice House to provide service areas. 2. Infill space between blocks A & B at roof level. 3. Extend rear wall of hotel closer to rear retaining wall. 4. Change front elevation kitchen window to Block B to a sliding door. Granted 23.06.08
HS/FA/06/00978	Demolition of Tan House and Ice House. Construction of hotel and 14 flats Granted 30.04.07
HS/FA/05/00872	Add additional floor (4th floor) to building, providing further 3 x 2 bedroom flats at 2nd floor level (additional to 6 no. maisonettes and 3 no. flats approved under ref HS/FA/05/00505. Refused 25.01.06
HS/FA/05/00505	Conversion of Ice House to form 6 maisonettes and 3 flats behind retained and refurbished facade, including new windows and roof extension. Granted 15.08.05
HS/CA/04/00684	Demolition of existing restaurant and redevelopment of site to provide 2 x shop units and 4 x3 bedroom maisonettes Granted 10.09.04
HS/OA/04/00635	Demolition of existing restaurant and redevelopment of site to provide 2 x shop units and 4 x 3 bedroom maisonettes. Granted 10.09.04
HS/LB/03/00119	To reinstate the original entrance and roof to the Ice House. GTD
HS/FA/96/00062	Change of use from vacant garage to restaurant with flat above GTD
HS/FA/94/00618	Change of use from Motor business use to residential. Use of ground floor as shop. Siting of caravan for use as fortune tellers business. GTD
S/FA/88/01368	Use of forecourt as open market GTD

## **National and Local Policies**

### Hastings Local Plan – Planning Strategy (2014)

Objective 7: Making best use of the Seafront and promoting tourism;

Policy FA5 - Strategic Policy for Eastern Area

Policy FA6 - Strategic Policy for The Seafront

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

Policy SC7- Flood Risk

Policy DS3- Location of Retail Development

Policy E4- Tourism and Visitors

Policy EN1-Built and Historic Environment

Policy T3- Sustainable Transport

Policy T4- Travel Plans

### Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy HC3– Community Facilities

Policy HN1– Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

Policy HN2 – Changing Doors, Windows and Roofs in Conservation Areas

Policy CQ1– Cultural Quarters

### Other Policies/Guidance

Supplementary Planning Document (SPD) Retention of Visitor Accommodation (adopted December 2015).

Supplementary Planning Document (SPD) Parking Provision in New Developments (October 2013)

Hastings Culture- Led Regeneration Strategy for Hasting 2016-2021

Hastings Cultural Regeneration Strategy 2010 -15

### 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.

NPPF requires LPF to be consistent with and accord with national Policy and a number of paragraphs of the NPPF are relevant to this proposal including :

Paragraphs 7, 8, 11, 12, 14, 17, 19, 20, 21, 23, 70, 126, 131, 160, 197.

## **3. Consultations comments**

### **Marketing and Tourism Officer - Objection**

Their comments are unchanged from earlier application HS/FA/16/00416:

The change of use, if approved, will result in the loss of hotel accommodation. In view of the importance of serviced visitor accommodation to the town's economy, there is a presumption against the loss of serviced accommodation subject to economic viability considerations. The relevant planning policies are: Policies E4 and FA6 of the Hastings Planning Strategy (2014), although other Local Plan policies will also be relevant.

Key policy issues in relation to this planning application are the location of the proposed development and the importance of visitor accommodation in this locality and the retention of existing high quality visitor accommodation within the town. This Council attaches significant importance to the retention of serviced visitor accommodation in the town and the application is not supported by Tourism and Marketing.

### **Highways - No Objection subject to Agreement**

Highways note that the proposal will generate additional traffic along Rock-a-Nore Road but comment that this is not new traffic on the local network noting the existing surgery nearby. They do not consider the additional traffic on the road network to be of a level that warrants refusal.

ESCC Highways Authority recommend a minimum of 13 car parking spaces to be provided within the Rock-a-Nore Seafront car park (7 for doctors and 6 for patients, 3 of which would be disabled parking spaces). Should provision of secure patient parking in the public car park not be feasible they do not consider this would be reason for refusal.

Highways advise that a Travel Plan Statement is required and a new pedestrian crossing with dropped kerbs and tactile paving be provided on Rock-a-Nore Road (exact position to be agreed). All off-site works will require a road safety audit. They consider it likely that these relatively minor works could be carried out under a licence rather than requiring a S278 Highway Agreement.

Highways comment that whilst the development is not ideal for ambulance access in the event of an emergency it would be possible without causing major traffic inconvenience.

Highways draw attention to the extant hotel use and advise that car parking approved for that use should be taken into consideration.

#### Hastings Borough Council Parking Management - **Object**

HBC Parking Management Team note that the proposal relies on parking in the Rock-a-Nore seafront car park which is managed by Hastings Borough Council. Parking Management have agreed to provide 7 parking spaces for doctors to be controlled through a bollard system. However the requirement of 6 parking spaces for patients could not be operated through a bollard system. While they are willing for 6 places to be used by patients the Parking Management Team will not mark out or sign 'patient reserved' places as they would not be feasible to effectively manage. The suggestion that 6 patient spaces can be provided effectively in this way to support the function of the proposed surgery is therefore in question.

#### Conservation Officer - **No Objection**

Comments are unchanged since the previous application:

The scheme drawings show only relatively minor external changes to the existing building neutral in their impact and will not harm the significance of the surrounding conservation area or harm the setting of any adjacent listed buildings. The Officer recommends planning conditions to be attached.

#### Waste - **No Objection**

Further to submission of the waste management details submitted June 2017 in the Addenda to the earlier Planning, Design and Access Statement, Waste have no objections.

#### Licensing - **No Objection subject to Informative**

No further comment from previous application HS/FA/16/00416 that from a licensing perspective, the A3 restaurant will require a premises licence under the Licensing Act 2003 to authorise the sale by retail of alcohol for consumption on the premises, under the 28 day consultation process. Rock-a-Nore Road is not within the Old Town saturation policy / cumulative impact zone.

#### Environmental Health - Food safety - **No Objection subject to Informative**

They provide advisory comments that may be attached to any decision to approve as an informative. They have no further comment from previous application HS/FA/16/00416 when

they considered that the legislative requirements are met as regards toilet facilities and, therefore, they were able to support the application and had no adverse comments to make.

Environmental Health- Noise - **No Objection subject to Informative**

No further comment from previous application HS/FA/16/00416 when they raised no objection to the proposed development subject to submission of details of noise attenuation and extraction schemes. The Officer proposed a number of planning conditions that it would be necessary to attach to any decision for planning approval.

Building Control - **Comment**

Building control confirmed that the notification dates for the development approved under HS/FA/06/00978 were:

Commencement 10.04.2008

Completion 12.01.2009

## **4. Representations**

26 representations received from 23 different properties.

7 x letters of Objection Received (from 7 different properties) raising the following concerns:

- Loss of existing surgery on Roebuck Road
- Rock-a-Nore Road not served by public transport / access for patients/ narrow pavements
- Rock-a Nore Road has parking restrictions/ lack of parking.
- As a disabled patient the move would cause access difficulties
- Development would cause traffic congestion / gridlock to the already busy Rock-a-Nore Road and main sea-front car park.
- Likely nuisance parking on double yellow lines / lack of patient drop-off point.
- Patients being dropped off and collected along Rock-a-Nore Road causing traffic delays
- Adverse impact on tourist access and tourist economy/ Application entirely inappropriate to the main visitor attractions.
- Detriment to local businesses on Rock-a-Nore Road from increased traffic congestion / and decrease in visitor car-parking spaces.
- Proposed Doctor Surgery Use not in-keeping with the vision for the area as a focus for cultural activity (Policy CQ1).

17 x Letters of support received (from 14 different properties) for the following reasons:

- Inadequate disabled parking at existing Roebuck Surgery - Hastings Old Town Surgery has two designated disabled parking spaces directly outside the surgery and this is by far inadequate and sometimes they are taken up by other users resulting in a long walk when you have mobility problems.
- Difficult for wheelchair access at existing Roebuck Surgery
- Roebuck Surgery is out-of-date and no longer suitable for all facilities required of a modern health practice. There is no possibility of refurbishment.
- Rock-a-Nore proposal only viable alternative to existing out-of-date Roebuck Surgery

- Need for new medical facility for Old Town Residents / improvement to Health Care facilities /Health & Welfare of Local Residents
- Proposal will improve provision of healthcare in Old Town.
- More GPs and services will mean they may be able to offer weekend service
- Current Roebuck Surgery needs to move and Rock-a-Nore Road would be an ideal location close to Old Town.
- Modern well equipped medical centre exactly the kind of facility town ought to aim for.
- Health care takes priority over an empty hotel shell and would reduce pressure on A&E.
- Rock-a-Nore proposal will keep new surgery in the locale
- Rock-a-Nore proposal easily accessible (particularly to residents living on the east side of the Bourne)
- Rock-a-Nore proposal the pavements provide for disabled and mobility vehicles with bus stops both sides of the road and a stagecoach service to Conquest Hospital.
- Rock-a-Nore north side section of public footpath is a disgrace, particularly to people with restricted mobility and the proposal contains an offer to help improve this.
- Better parking for patients than at Roebuck Surgery
- Parking problems can easily be resolved through use of the sea-front car park.
- Visitor numbers likely to be at their highest at weekends with doctors surgery likely to be closed at weekends so visitor parking is not a valid argument.
- Unlike a hotel, there will be little need for extensive car parking facilities
- Proposed change will increase footfall for local businesses, patients may use surrounding businesses whilst being there.
- No commercial concern is interested in converting the building into a viable hotel it has stood vacant for years.

2 x Letters of General Comment received neither objecting to nor supporting application:

- Actual building would be fine
- New medical centre positive
- The pavement would have to be improved along Rock-a-Nore Road
- The traffic situation along Rock-a-Nore Road would have to be resolved
- There would need to be clear access and egress when an ambulance called
- Would there be designated car parking places for patients and medical staff?
- Concern over traffic fumes from queuing cars
- The plans as submitted are not an improvement on the current Roebuck Surgery building, they show fewer consulting rooms (11 + a treatment room) than at the present surgery, less waiting area and no increase in toilet facilities. Unclear how the lift would accommodate number of patients (at average patient appointment time of 10 minutes) over 5 floors and how building would be safe re fire evacuation and overcrowding.

A petition signed by 1,632 people received:

The petition is an objection to the refusal of the previous planning application HS/FA/16/00416 and states that the revised application HS/FA/16/01010 (this application) should be approved.

Reasons given are:

- That loss of hotel bed spaces is not a valid reason for refusal;
- a) That the proposal for a modern health centre serves a higher objective than tourism policies.

## **5. Determining Issues**

The main issues in determining this proposed use as a surgery are:

- b) Loss of existing use - Hotel and visitor accommodation;
  - Proposed Use;
  - Accessibility;
  - Highway safety
  - Parking for this proposed change of use and the number of parking spaces required. The impact car parking demand generated would have on the sea-front parking available to visitor parking supporting the local tourism businesses.
  - Highway issues - accessibility for patients and emergency ambulance via Rock-a-Nore Road.
  - Heritage - Impact on the character of the Old Town Conservation Area from any external changes to the building.
  - Waste management issues - whether the waste storage and collection proposed would be suitable to the restaurant use and GP surgery requirements.

### **a) Principle**

Policy LP1 of Hastings Local Plan - Development Management (2015) sets down priority for considering planning applications. This proposal is determined using national guidance and the policies of Hastings adopted Local Plan. In this case the proposed development would be contrary to the planning principles of Objective 7: Making best use of the Seafront and promoting tourism and contrary to planning policies E4, SC1 and FA6 of Hastings Planning Strategy 2011-2028, adopted February 2014 and policy CQ1 of Hastings Development Management Plan 2015 and is therefore not considered acceptable in principle.

### **b) Loss of Existing Use**

The application proposes loss of a 14 bedroom hotel in a seafront location. Whilst the hotel is still in shell-form, technically the use is lawfully established as the relevant planning permission has been implemented.

Policy E4 of Hastings Planning Strategy addresses Tourism and Visitors and states that the Council will work to promote and secure sustainable tourism development in the town. A more diverse and high quality tourism offer will be encouraged that seeks to lengthen the tourism season, increase the number of visitors, provide job opportunities and sustain the tourism economy. The seafront is seen as the core resort area and particular support is given to measures and proposals which are well related to the seafront. New visitor attractions are encouraged and those that already exist will be protected, unless it can be demonstrated they are no longer economically viable either in existing or adapted form. The Supplementary



Planning Guidance (SPD) for Visitor Accommodation further expands on these points.

The priority areas identified in policy E4 of Hastings Planning Strategy for retention of serviced visitor accommodation are the Seafront, the Old Town and the Town Centre. The application site is situated in the seafront area. In these areas, there is a presumption against a change of use away from existing tourist accommodation unless it is no longer viable or is incapable of improvement to a good standard.

Policy CQ1 of Hastings Local Plan recognises the importance of cultural activities within Hastings. Four Cultural Quarters have been identified one of which is the Old Town and the Stade Cultural Quarter where the continuance of visitor attractions and expansion will be encouraged and supported. Under policy CQ1 proposals are viewed in terms of their contribution to the mix and diversity of uses to enhance the Quarters tourism attraction to visitors.

Rock-a-Nore Road is an important seafront location within the Old Town and Stade Cultural Quarter. It is home to an economic agglomeration of tourist attractions including the Fisherman's Museum, the Shipwreck Museum, the Blue Reef Aquarium and the Jerwood Art Gallery, a number of seafood restaurants and the East Cliff Railway (Heritage asset). At the top of the cliff is an Area of Outstanding Natural Beauty (AONB) including Hastings Country Park Special Area of Conservation.

Strategic Policy for the Eastern Area FA5 encourages the retention of existing and provision of more high quality visitor accommodation along the seafront and seeks to protect the unique townscape of Hastings Old Town, a visitor attraction in its own right. Strategic Policy for the seafront FA6 encourages new visitor accommodation along the seafront and the development of all year round tourist attractions to provide permanent jobs.

The existing tourist attractions along Rock-a Nore Road are economically important to the Tourism economy and the Council seeks to protect them and the Marketing and Tourism Officers have drawn attention to a growing demand for visitor accommodation in Hastings.

The proposed loss of the hotel would be contrary to planning policies E4-Tourism and Visitors; CQ1– Cultural Quarters; FA6 - Strategic Policy for The Seafront.

It is noted that the Council acknowledged in its pre-application advice that the application site (block A) has remained vacant since built and are keen to have the building brought into use. However the Council also drew attention to policy E4 of Hastings Local Plan and the SPD for Visitor Accommodation and pointed out that policy E4 must be adhered to.

#### c) Proposed Use

When this application was originally submitted, 11 consulting rooms/ examination rooms were applied for and this increased to 18 consulting rooms/ examination rooms for the re-validated application.

The applicant has stated that the capacity of the practice to increase is dependent on patient numbers and government funding; that is difficult to predict but the expectation is an additional doctor is likely within 5 years and services such as occupational therapy for

outpatients is likely to develop.

The physio will use the gym/studio for patient rehab purposes and possibly for outpatient occupational therapy treatment sessions. It will not be used as a general fitness studio. Had this application been recommended for approval, a condition to restrict the gym use to doctor patients could have been applied.

The restaurant would be retained.

The Council supports the concept of the creation of a new surgery in general but the surgery use in this location is not compatible with tourism policies. This use generates an estimated requirement for in excess of 72 parking spaces. Highways, as discussed below, consider that car parking for the surgery may be accommodated in the seafront car park and have accepted that 13 reserved spaces will be sufficient. There are concerns over the ability to provide these spaces effectively and this is discussed further under parking below. The National Planning Practice Guidance states that a well-designed place is one that functions well and is fit for purpose. Ref ID 26-016-20140306.

It is considered, as will be set out later in the report under the headings Accessibility, Highways and Parking, that the site is not suitable for the proposed use in respect of accessibility for patients and other potential customers.

The site is located in the Old Town and The Stade Cultural Quarter subject to Planning Strategy policy CQ1 which recognises the importance of cultural activities to the local economy. It takes into account the effect of any development proposals on existing cultural activities which it expects to be protected. It encourages development which assists further expansion of their role as centres for cultural and related leisure and business activities and supports development that enhances the Cultural Quarters attraction to visitors.

The site is in Strategic Policy Area FA6 for the seafront which encourages new visitor accommodation along the seafront and the development of all year round tourist attractions to provide permanent jobs.

The proposed surgery use is considered to be contrary to these policies and the high demand for parking generated by the surgery is considered likely to detract from the viability of the nearby tourist attractions that rely on the Rock-a-Nore car park being available to visitors during the tourism season.

Policy E4 goes beyond preference for tourism. It is intended to protect the Tourist economy that is highly important to the Town's economy and prosperity and to employment that contributes to the health, welfare and social needs of residents.

On balance the benefits from this proposed change of use are not considered to out-weigh the loss of visitor accommodation or to fully overcome the drawbacks of this location to the proposed use.

#### d) Accessibility

Policy DM4 provides policy for general access including safe access into (and within) development for all users, especially for people with a physical or sensory impairment.

As discussed in the delegated report for the previously refused application Government guidelines on Inclusive Mobility (15.12.2005) are that provision should be made for car parking spaces for disabled motorists wherever conventional parking spaces are provided. In off-street car parks operated by a Local Authority and in car parks offered for public use by private companies, spaces for blue badge holders should be provided as close as possible, preferably within 50 metres of the facilities served by the car park with level or ramped (preferred gradient 5%) access.

And:

Where the provision of designated parking spaces close to the building is not possible, a setting down point for disabled passengers should be provided on firm and level ground, close to the principle entrance to the building. The surface of the pavement or footpath alongside a setting-down point should be level with the carriageway at this point. Tactile indication of this type of setting-down point is necessary to enable people with impaired vision to determine whether they are on the pavement or the carriageway.

And:

For walking distances for mobility impaired using stick the recommended distance limit without a rest is 50 metres.

The distance to bus stops for this application is beyond these guidelines. The submitted Reeves Planning Statement gives the nearest bus stop some 380m distant accessed from the A259 at the bottom of Rock-a-Nore Road and there is no patient setting down point proposed for the surgery.

The Reeves Statement under the title 'Accessibility by Foot and Cycle' sets out average commuting distances for these alternative modes of transport for reasonably fit people. It then goes on to recognise that for many clients of this proposed development such sustainable transport will not be a realistic option given their likely medical condition and that given the constrained nature of the site that car and cycle parking facilities cannot be provided as part of the proposal.

The Policy Team have spent time considering alternative sites and on researching an alternative site in Hollington for this proposed use. However to-date the Rock-a-Nore site remains the applicant's preferred site for the new surgery.

A new pedestrian crossing place with tactile paving secured by planning agreement would be required to improve pedestrian access, but still would not make this an ideal location for the proposed use. The north side of Rock-a-Nore Road from the hotel up is narrow (approximately 1.5m width) and has an uneven surface. Highways have pointed out that the south side of the road has a wider footpath (2m width) and suitable for patients.

It is noted that the existing Roebuck Surgery situated on the corner of Roebuck Street and the High Street, which the proposed surgery would replace is in a more accessible location than the application site. The existing Roebuck Surgery has two private doctors parking spaces to the rear of the surgery and there are two disabled parking spaces available on the High Street to the front of the surgery. There is a public car park to the rear of the Roebuck Surgery (the Bourne car park) that has a short pedestrian passage leading from the car park to the High Street approximately 60m from the surgery entrance. Furthermore the Roebuck Surgery benefits from regular close bus services along The Bourne (A259).

The use of this site for the proposed surgery is not considered to be acceptable regarding patient access, parking or dropping off for users and is contrary to policy DM4 of Hastings Development Management Plan for general access and policy SC1(c) of Hastings Planning Strategy.

e) Highway Safety

Policy DM3 of Hastings Local plan requires that it can be adequately demonstrated that there is no safety risk to the public and that development is appropriately protected from busy roads. Policy DM4 states the attention that must be paid to safe access to development.

ESCC Highways have required submission of a Travel Plan Statement (TPS); a new pedestrian crossing with dropped kerbs and tactile paving be provided on Rock-a-Nore Road (exact position to be agreed); and a minimum of 13 car parking spaces to be provided within the Rock-a-Nore Road seafront car park for doctors and patients.

A Green Travel Plan Statement is required to encourage staff and visitors to use none car travel modes however this has not been progressed given that the proposal is being recommended for refusal.

The exact location of the pedestrian crossing requires investigation and would be secured by planning agreement with the applicant had the application been recommended for approval. All off-site works will also require a road safety audit. They consider it likely that these works could be carried out under a licence rather than requiring a S278 Highway Agreement. This matter has not been further progressed given that the proposal is being recommended for refusal.

Highways have commented on concerns raised by Hastings Borough Council and in representations received regarding the poor condition of the pedestrian footpath along Rock-a-Nore Road and they consider that while the north side of the road is uneven the south side of the road has pavement that would not cause significant problems for patients.

Post submission of the Reeves Traffic Impact Assessment (TIA) Highways commented that whilst the development will generate additional traffic in the area, the increase could not be considered significant. The Highways officer is satisfied that the busiest periods of use for a majority of the facilities proposed are unlikely to coincide with the general peak traffic period on the highway and therefore the impact of congestion in the area would not be perceptible.

The opening hours proposed are restaurant use (A3) 8:00 to 22:00 Monday to Sunday including Bank Holidays, and Medical facilities D1 uses 8:00 to 22:00 Monday to Friday. These hours could be conditioned if recommendation of approval were put forward. Weekday use only for the surgery would mean that concerns regarding surgery use of the car park at peak times would not coincide with the busiest tourist and visitor weekend times.

ESCC Highways consider that whilst the development is not ideal for ambulance access, in the event of an emergency it would be possible without causing major traffic inconvenience.

Highways raised concern that without suitable car parking arrangements close to the surgery disabled drivers may park on the street disrupting traffic flow. With this in mind the applicant would try to secure the use of 6 patient parking spaces in the public car park closest to the site. This is discussed further under 'Parking' below.

#### f) Parking

The current application proposes no car parking provision to serve the new proposed surgery. The application is for car-free development served by public transport and other modes of transport and would rely on use of the seafront public car park, Rock-a-Nore Road.

Supplementary Planning Document (SPD)- Parking Provision in New Developments at Appendix A sets car parking guidelines for proposed D1 use at 4 spaces per consulting room plus 1 space per two auxiliary staff on duty at any time and 1 cycle parking space per consulting room making the estimated level of car parking spaces for this proposal to be in excess of 72 spaces.

The approved Hotel is a 14 bedroom hotel (3 bedrooms each on floors 1, 2, 3 and 4 and two further bedrooms shown on the floors above). The SPD for parking guides 1 space per bedroom plus 1 space per resident staff plus 1 space per 2 non-resident staff for hotel use. Whilst to date the hotel has not been commercially operated and so the exact number of staff is not known, using the SPD figures it is estimated at 14 spaces for the number of bedrooms plus staff parking would be unlikely to exceed 20 spaces overall. The estimated parking provision for the hotel use is therefore significantly lower than the estimated provision for the proposed 18 consulting room surgery (D1 use).

There was no private hotel parking proposed or approved so where parking is required for the hotel the Rock-a-Nore car park is likely to be used. Given that hotel parking is associated with tourism, this would not be contrary to tourism policy, the purpose of the car parks being to facilitate visitor parking. Parking for hotel guests was not reserved in the car park but season parking tickets could have been purchased although this would be no guarantee of available spaces.

While two reserved parking bays were created for use by developers associated with the hotel development during 2013 these permits expired at 31.10.2015.

Two objections have been received from existing tourist businesses on Rock-a-Nore Road for this proposed development. Each has raised the issue of car parking problems, traffic congestion and the adverse impact on visitor parking for the tourist attractions nearby that this development would cause.

Highways recommended that 13 car parking spaces be secured in the public seafront car park for the surgery use (7 doctor spaces and 6 patient spaces (3 of which would be disabled spaces). They considered that this core provision would ensure that there would be some parking provision available for the surgery even during peak congested times thereby reducing the likelihood of patients being dropped-off along Rock-a-Nore Road which would add to highway congestion.

The Council has agreed to the leasing of 7 doctor parking spaces in the Rock-a-Nore car park. The 7 doctor spaces would need to be secured through a bollard scheme to be arranged under a car parking licensing agreement prior to the surgery use commencing. To date the applicant has agreed in writing to meet the costs of implementing a bollard scheme and to meet on-going maintenance and parking costs but this has not been progressed further as the recommendation is for refusal.

Highways recommend that 3 of the 6 patient spaces required should be disabled spaces. The existing 15 disabled / blue badge spaces are oversubscribed during the summer tourist season. Parking Management have said that there is scope to increase the number of disabled parking bays in the car park should demand increase, however, these would not be secure or reserved spaces specific for the surgery use.

The requirement for provision of 6 parking spaces reserved for patient use could not be operated through a bollard system. Should patient bays be marked out as reserved a Parking Warden would not be able to tell whether cars parked in these spaces were patient cars or visitors. Also Parking Management point out that in their experience day visitors at busy peak season are likely to park in 'reserved' car parking spaces and pay the parking -fine. Parking management enforcement is by issue of parking ticket and they would not be able to guarantee that car parking spaces marked out as 'reserved' for patients would not be subject to unauthorised use by other users at peak times. Highways have recommended that 6 reserved patient parking places be provided to ensure patient parking would be available even at peak congested times and this is recommended in order to avoid patient drop off along Rock-a-Nore Road that would add to the traffic congestion at busy times. While the Local Planning Authority has concerns that peak times are when spaces marked out as reserved are most likely be taken by unauthorised users, Highways have commented that in the event that 6 patient reserved parking spaces were not provided in the seafront car park that they do not consider this would be a reason for refusal.

While Parking Management are willing for 6 places to be used by patients and could agree to mark out and /or sign 'patient reserved' places, they consider that it would not be feasible to effectively manage them and therefore would not be fit for their intended purpose. The suggestion that 6 patient spaces can be provided effectively in this way to support the function of the proposed surgery is therefore in question as the provision of the recommended reserved patient parking spaces could not be guaranteed. Were a parking licence agreement to be entered into for the provision of 6 patient car parking spaces for the proposed surgery, Highways have strongly advised that an agreement be caveated that Hastings Borough Council could not be held responsible for guaranteeing that these spaces were not used by other unauthorised users.

The submitted Reeves Planning Statement estimated that 236 people would travel to the hotel per day. It is not clear how this high figure accurately corresponds to the 14 bedroom hotel. Reeves Planning has since estimated that the proposed use would create an additional 76 vehicle movements per day compared to the 14 bedroom hotel use. However it needs to be noted that this estimate was based on the initial 11 consulting rooms, whereas the revalidated application is for 18 consulting rooms (an approximate 60% increase) and so these figures are likely to be an under-estimate.

The Reeves Statement gives average GP patient visits per day at 112 (out of which 35 on average would be car drivers and 27 car passengers) This would mean approximately half of patients would travel by car and the remainder on foot or by public transport. It calculates that on the basis of appointments usually lasting 10mins on average that during the busiest periods the increase in car parking demand would equate to three or four vehicles at any given time but this does not appear to take average patient waiting times / visit over-lap time into consideration.

For the above reasons it is considered that secure patient parking would not be feasible in the busy sea-front public car park.

ESCC Highways comment that lack of provision of 6 reserved patient parking spaces in the seafront car park while recommended would not be sufficient reason for refusal of this proposal .

#### g) Viability

Given policy E4 of Hastings Planning Strategy provides a presumption against loss of visitor accommodation in prime areas and the site is within a prime seafront location there is a presumption against its loss unless it is no longer viable or is incapable of improvement to a good standard. The issue of the hotel's viability and how it has been marketed as a commercial concern was fully considered in the assessment of the previous refused planning application HS/FA/16/00416. There has been no change in policy since that time and the viability of the hotel remains relevant and is discussed further below.

Whether the hotel use is viable is a main consideration. Confidential costing's for the fit out of the property as a 14 bedroom hotel were submitted from Murphy Associates acting for the applicant

The figures provided by the applicant estimated the fit-out costs to be significantly higher than the £500,000 difference in the marketed asking price for fit-out. The estimated costing's submitted showed the hotel use to be unviable.

The District Valuation Office Service (DVS) highlighted the following areas where they did not agree with the figures provided and concluded that the hotel and restaurant is a viable concern that generates a positive land value.

- The DVS considered build costs from shell were over estimated by some £432,415;
- They considered the hotel value to be underestimated by £100,000
- They highlighted that no figure had been given for the restaurant value
- No figure had been given for the residual value to include the restaurant
- The residual value figure given by the applicant, excluding the restaurant was given as a negative loss figure, whereas the DVS assessment found a positive figure of £350,000 for the residual value including restaurant and £250,000 excluding the restaurant.

The DVS point out that is unclear as to how build costs for the hotel are being apportioned to the hotel and restaurant from the costs of developing the overall scheme which included 14 apartments.

The DVS strongly call into question whether the viability of the three elements of the development approved should not be considered together. They were developed as one scheme and the residential element is the most profitable element, significantly increasing the viability of the over-all scheme.

The current application is for change of use of the hotel block and restaurant elements only. However even leaving aside the profitability of the overall scheme, the DVS find the hotel and restaurant to be a commercially viable concern.

The findings of the DVS have been challenged by the applicant specifically in respect of the cross subsidy from the residential element, development construction costs and undervaluation of the of rent and capital value and the fit-out costs.

**The DVS has been commissioned to assess the area covered under the existing planning permission only (hotel and restaurant). Their final report is awaited as an addendum to this report.**

To date it is considered that the previous reason for refusal remains. The loss of the hotel is contrary to the Tourism and Cultural Quarter policies set out above. The submitted viability report and associated correspondence have not been able to justify the loss of hotel use. The application is therefore contrary to policies E4, FA5 and FA6 of Hastings Planning Strategy, CQ1 of Hastings Development Management Plan and the SPD on visitor accommodation.

#### h) Marketing

The SPD on visitor accommodation is relevant to this application and has been considered. The SPD provides a check list of evidence of how the property has been marketed.

Whilst this building was approved in 2008, the following demonstrates that as late as 2012 works were still being undertaken and that commercial marketing by Dyer & Hobbs was not commenced until 2014.

Planning permission for the hotel was granted in April 2007. Building Control records show that the start date for the development was 10.04.2008 and the completion notice date was 12.01.2009. The planning history shows amendments to the plans were approved as late as December 2010 and changes to the east elevation windows approved as late as June 2012.

Dyer & Hobbs were first engaged to commercially advertise the development 13th October 2014. Dyer and Hobbs advise that the current applicant viewed the property on the 24th April 2015, 6 months after they started marketing the property and that purchase of the property was agreed with instruction of solicitors on the 23rd June 2015. Exchange of contracts occurred on the 16th April 2016. The Planning Authority considers that this indicates that the sale was agreed within months of being commercially marketed. The exact date when Dyer & Hobbs first started to display the property as sold is not known, but at July this year the on-line advertising status for this property is 'sold'.



In essence the sale was agreed within 6 months of being marketed by Dyer & Hobbis and this suggests that the commercial marketing met with quick success indicating that the site is viable. While the developer argues that the applicant is the only interested party that has come forward to purchase this property, the Planning Authority does not accept from the evidence submitted that the hotel is not a viable marketable concern.

The Council does not accept that the hotel is no longer viable or incapable of improvement to a good standard either in existing or adapted form and therefore the loss of the hotel cannot be justified. It would be contrary to policy E4 of the Planning Strategy.

#### i) Other Socio -Economic Considerations

##### Need for Doctors Surgery:

The National Planning Framework guides on the importance of an integrated approach to planning that takes into consideration social need. Weight is therefore given to the applicant's need for suitable NHS premises to meet NHS standards. The submitted Design and Access Statement states that, in order to meet NHS requirements at least 4 surgeries to a higher standard to be provided than their existing facilities at Hastings Old Town Surgery, with improvements to include disabled access are needed to meet their business plans.

The Council is supportive of the social benefits of Doctors Surgeries particularly premises used by a number of surgeries. The Forward Planning Policy Team and HBC Estates Department works pro-actively with applicants proposing new medical facilities within the town. A promising site in Hollington has been suggested but to date the applicant's choice remains the Rock-a-Nore site for this proposed surgery use.

#### j) Heritage

Policy DM1 of the Hastings Local Plan sets the design principles for new development including that proposals must reach a good standard of design and protect and enhance local character. The site is within the conservation area and policy HN1 sets the criteria for assessing development with the potential to impact on the significance of designated heritage assets (including conservation areas) and includes the appearance, materials and finishes in relation to the heritage assets. While the building is new it is situated within the Old Town conservation area and the design as approved paid particular attention to enhancing the area and the dark external boarding materials complemented and reflected the old net drying sheds situated on the opposite side of Rock-a-Nore Road that are Grade II\* listed buildings. The submitted Design and Access Statement states that the external changes to the approved building are relatively minor and heritage issues are minor to non-existent.

The external alterations proposed include placing the former recessed glazed screen some 1.25m forward of its approved position (with a slight set back behind the cantilevered pane of the upper elevations) and the terrace to the front of the approved restaurant fitted with full length glazing designed to fold back. The approved west elevation finished with black weatherboarding from ground level to eaves height would have small square windows inserted from 2nd to fifth floor inclusive. A vertical window would be inserted into all floors above ground level on the west elevation.

The Heritage Officer has been consulted and commented that the proposed alterations are neutral in their impact and will not harm the significance of the surrounding conservation area or harm the setting of any adjacent listed buildings and the proposed external alterations would be acceptable subject to planning conditions on design, fitting and materials:

- The new windows to the western flank elevation shall be set back into the same depth of reveal as the windows on the front elevation of the building and the edge treatment of the timber cladding around the reveals shall match that used on the front of the building.
- The new windows and doors shall have a black stained finish to the frames to match those on the rest of the building.
- 1:10 elevations of the proposed new windows and doors to be submitted for approval.

The proposed external alterations are considered acceptable to the character of the Conservation Area

## **6. Conclusion**

The proposal would result in the loss of a hotel within the seafront prime tourism location and Cultural Quarter and its loss would be contrary to Local Plan policies:

Hastings Local Plan – Development Management Plan (2015)

CQ1– Cultural Quarters.

Hastings Local Plan – Planning Strategy (2011-2028)

Objective 7: Making best use of the Seafront and promoting tourism;

FA6: Strategic Policy for The Seafront; SC1- Overall Strategy for Managing Change in a Sustainable Way; E4- Tourism and Visitors.

And Supplementary Planning Documents (SPD) Retention of Visitor Accommodation (adopted December 2015)

The site is inappropriate for this proposed mixed-use that would include multi-GP surgeries; ground floor in-house pharmacy and restaurant and basement gym. The stated need for alternative NHS premises for this Surgery does not outweigh the strategic tourism policy for the seafront and local plan policies and other material considerations that support the tourism economy and the need for good quality visitor accommodation.

The proposal would not provide good accessibility for all, especially for people with a physical or sensory impairment contrary to policies:

Hastings Local Plan – Development Management Plan (2015)

DM4 - General Access

Hastings Local Plan – Planning Strategy (2011-2028)

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

These proposals fail to comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

## **7. Recommendation**

### **Refuse permission**

#### **Refuse for the following reasons:**

1. Loss of existing use - Tourist Accommodation and Cultural Quarter:

The proposed development would result in the loss of tourist accommodation in the Seafront location contrary to policy E4 of the Hastings Planning Strategy to promote and secure sustainable tourism development in the town and protect those that already exist. Furthermore the proposed use would not be appropriate to the Old Town and Stade Cultural Quarter and thereby undermine the cultural aims of policy CQ1 to contribute to and enhance their attraction to visitors.

2. The accessibility of the site is considered to be poor contrary to government guidelines 'Inclusive Mobility' 2005 and policies DM4, criteria f).of the Hastings Development Management Plan 2015 and policy SC1, criteria c). of Hastings Planning Strategy 2014.This is particularly relevant in respect of persons with a physical or sensory impairment and patients who are not able to walk long distances.

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### **Officer to Contact**

Ms N Ranson, Telephone 01424 783253

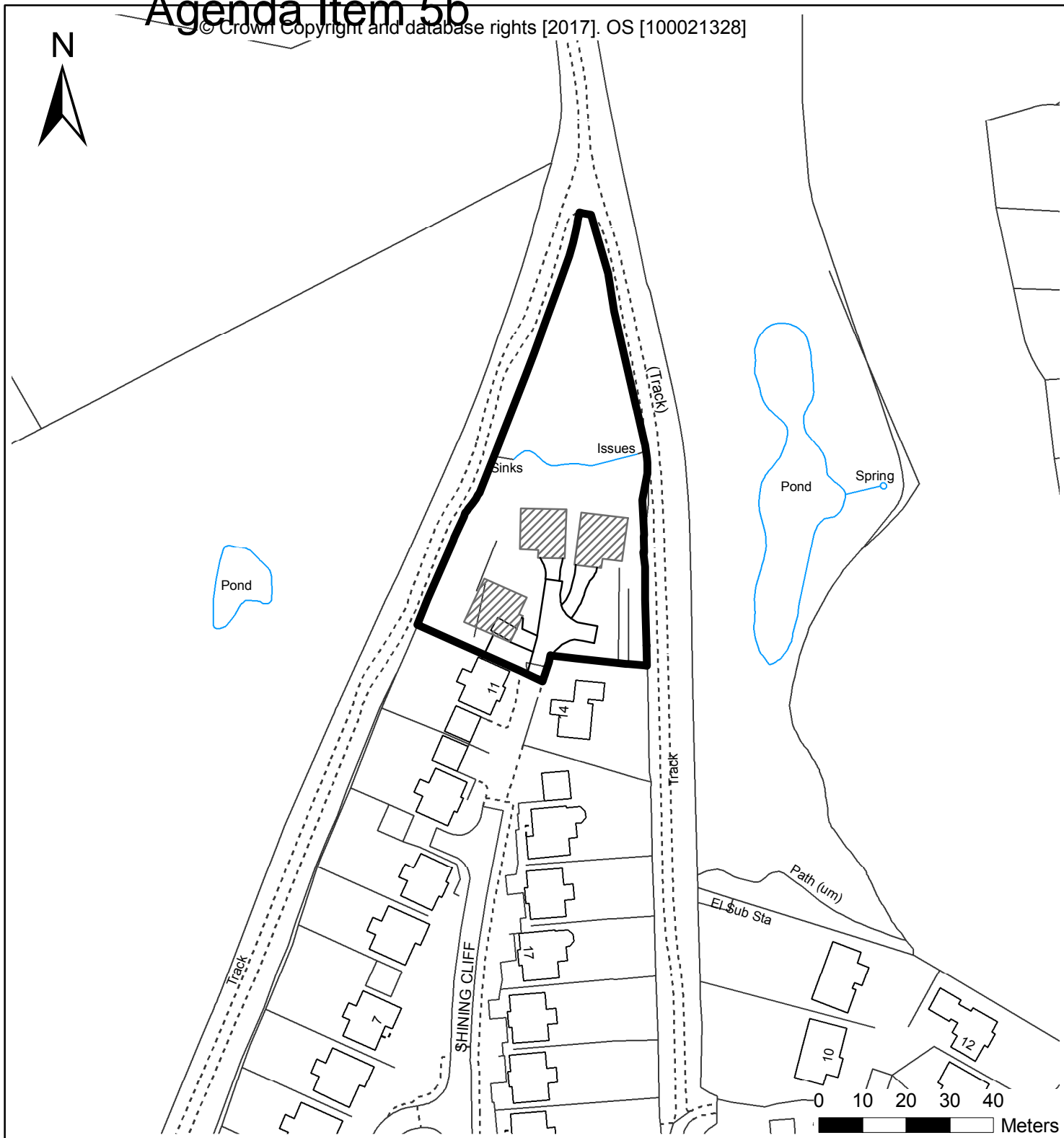
### **Background Papers**

Application No: HS/FA/16/01010 including all letters and documents

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# Agenda Item 5b

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**Land north of 11 and 14 Shining Cliff  
Hastings  
TN34 2GT**

Proposed construction of 3 detached dwellings and integral garages



Assistant Director Housing & Built Environment  
Hastings Borough Council,  
Muriel Matters House, Breeds Place,  
Hastings, East Sussex TN34 3UY  
Tel: 01424 451090  
email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)

Date: Aug 2017

Scale: 1:1,250

Application No. HS/FA/16/00620

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<b>Report to:</b>	PLANNING COMMITTEE
<b>Date of Meeting:</b>	23 August 2017
<b>Report from:</b>	Assistant Director of Housing and Built Environment
<b>Application Address:</b>	<b>Land north of 11 and 14 Shining Cliff, Hastings, TN34 2GT</b>
<b>Proposal:</b>	<b>Proposed construction of 3 detached dwellings and integral garages</b>
<b>Application No:</b>	<b>HS/FA/16/00620</b>
<b>Recommendation:</b>	<b>Grant Full Planning Permission</b>
Ward:	ST HELENS
Conservation Area:	No
Listed Building:	No
Applicant:	R Durnell and Sons Ltd per dowsettmayhew Planning Partnership 63A Ship Street Brighton BN1 1AE
Interest:	Not owner - developer
Existing Use:	Former garden / undeveloped
<b>Public Consultation</b>	
Site Notice:	No
Press Advertisement:	Yes - General Interest
Letters of Objection:	11
Petitions of Objection Received:	1
Letters of Support:	0
Petitions of Support Received:	0
Neutral comments received	0
Application Status:	Not delegated - Petition received

## **1. Site and Surrounding Area**

The site is a triangular plot to the north of Shining Cliff, flanked by the unmetalled tracks of Dunclutha Road and the continuation of St Helens Park Road, which meet at the northern pinnacle of the site. Nos. 11 and 14 Shining Cliff lie immediately to the south. The northern part of the site and a strip on both the east and west boundaries are covered with a tree preservation order with the site otherwise surrounded by woodland which is either designated as Ancient Woodland (to the west) or part of St Helens Woods (a designated Local Nature Reserve and Local Wildlife Site to the east).

Aside from the areas covered by tree preservation orders the site has been stripped back and maintained in preparation for development.

### Constraints

- SSSI Impact Risk Zone - Threshold for consultation with Natural England does not apply
- Tree Preservation Orders no. 172 (G6, G7, W4, W5 and T110) and no. 32 (T2)
- Ordinary watercourse (transects site from east to west)
- Surface water flood risk - 1 in 30, 1 in 100 and 1 in 1000
- Badger foraging area
- Outside 600m buffer for children's play space
- Adjacent to Ancient Woodland on western boundary

## **2. Proposed development**

The proposal is for the development of 3 detached houses with integral garages. The houses are all four bedroom properties with plot 2 identified as having a sitting/study room which could possibly be used as a fifth bedroom. Access would be from an existing private access (serving 10, 11 and 14 Shining Cliff) leading from Shining Cliff, which is a no-through road. The internal garages and driveway areas allow each property to benefit from 2 tandem, off-street parking spaces.

Since submission and following comments about the position of plot 2, amended drawings were submitted showing plot 2 more aligned with plot 3. The application is being considered on the basis of this amended scheme. The application has also been updated in terms of information relating to bats and reptiles following comments from the Environment and Natural Resources Manager.

The application is supported by the following documents:

- Drawings
- Ecology reports
- Arboricultural reports
- Landscape strategy and landscape management plan
- Sustainable Urban Drainage Statement
- Planning Statement
- Design and access statement
- Phase 1 Geo-Environmental Assessment

### **Relevant Planning History**

The Shining Cliff estate has a long and somewhat complex planning history, including appeals, relating to its various stages of development. However, none of these applications are particularly relevant to the current proposal. Aside from tree work applications, the most relevant planning history for this site is as follows:

HS/FA/15/00659 Construction of 5 detached dwellings and garages  
Withdrawn 29 October 2015

HS/FA/12/00931 Erection of two detached dwellings plus two garages  
Granted 27 February 2012



HS/FA/04/00107 Change of use to include the perimeter strip of land 9.14m wide within the present residential use  
Granted 01 April 2004

### **National and Local Policies**

#### Hastings Local Plan – Planning Strategy (2014)

Policy FA2 - Strategic Policy for Central Area  
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
Policy SC3 - Promoting Sustainable and Green Design  
Policy SC4 - Working Towards Zero Carbon Development  
Policy SC7 - Flood Risk  
Policy EN2 - Green Infrastructure Network  
Policy EN3 - Nature Conservation and Improvement of Biodiversity  
Policy EN4 - Ancient Woodland  
Policy EN5 - Local Nature Reserves (LNR)  
Policy EN6 - Local Wildlife Sites (LWS)  
Policy H1 - Housing Density  
Policy H2 - Housing Mix  
Policy CI3 - Children's Play Provision  
Policy T3 - Sustainable Transport

#### Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications  
Policy DM1 - Design Principles  
Policy DM3 - General Amenity  
Policy DM4 - General Access  
Policy DM5 - Ground Conditions  
Policy DM6 - Pollution and Hazards  
Policy HN7 - Green Infrastructure in New Developments  
Policy HN8 - Biodiversity and Green Space

#### 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.

### **3. Consultations comments**

Building Control - **No objection** but comments that it is not clear that the access is building regulations compliant.

Waste - **No comment received.**

Highways - **No objection.**

Environment Agency - **No comment received.**

ESCC Flood Risk Management - **No objection subject to conditions (nos.4 & 8).**

Southern Water - **No objection.**

Ecology - **No objection subject to conditions (no.5).**

Trees - **No objection subject to conditions (no.5).**

#### **4. Representations**

17 letters/emails of objection received from 12 different properties. Representations raise the following concerns/suggestions:

- Land owner objects to land being included within application.
- Shining Cliff properties include covenant that entrance to Shining Cliff from St Helens Park Road be maintained (with sink fund, repair costs and public liability insurance). This should be a requirement of new properties (via s106).
- Working hours during construction (request for restricted hours and regular meeting with residents).
- Requirement for purpose built waste storage areas.
- No access for construction via Shining Cliff without strong restrictions.
- Access for emergency vehicles.
- Surface water must be controlled.
- Development should contribute to common areas along Shining Cliff.
- No storage of materials on Shining Cliff, Dunclutha Road or St Helens Park Road
- Impact on ecology - more surveys should be undertaken.
- No mud on Shining Cliff.
- No more development beyond three houses.
- Close of unofficial access from Dunclutha.
- Making good of damage to private access road.
- Need a management plan for the retained woodland and watercourse (preferably being ceded to St Helens Park Preservation Society).
- Requirement for parking to be within development site only.
- No construction worker/contractors parking on Shining Cliff.
- Inadequate parking.
- Detailed drainage required before approval.

The following has been raised but has not been taken into account:

- Objector refers to demolition of an existing house. Doesn't state which but regardless there is no demolition.
- Reference to conflict with TPO2, but there is no TPO2.
- Objectors state water charge (surface water run-off fee) to St Helens Park Preservation Society should be levied as per other residents.
- Street naming and numbering. This is a separate council function.

Petition signed by 33 people received. Petition states any planning permission should make provision for:

- waste storage for each dwelling;
- the incorporation of the new households into the existing estate covenant (which relates to the 'entrance land retention structures'); and
- a management plan for the retained woodland and watercourse (preferably being ceded to St Helens Park Preservation Society).

## 5. Determining Issues

Planning permission has been granted relatively recently (2012) for two houses on the site. A subsequent application was made for five houses but, this was withdrawn following a number of objections and feedback from the previous case officer that such a development would constitute an overdevelopment of the site. Considering this, the applicant has now submitted a revised proposal for three houses. Although many of the residents' concerns remain about the development of the site, it should be noted that many representations make reference to the houses being acceptable and the proposal now being more compatible with existing development on Shining Cliff. Therefore, aside from some objections, many of the representations offer suggestions to ensure any development comes forward in an appropriate manner. These suggestions are discussed below with the main considerations being the principle of the development; the impact on the character and appearance of the area; the impact on neighbouring residential amenities; the standard of proposed residential accommodation; ecology and trees (including impact on the ancient woodland); highway safety and parking; drainage; and sustainable construction.

### a) Principle

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

In addition, the site has benefited from a planning permission for two houses (now expired), which had many of the same issues being considered here. This offers further support, in principle, to the development of the site for residential purposes.

### b) Impact on character and appearance of area

The proposed houses are two-storey and detached. They have fully hipped roofs, integral garages and the facades are a mixture of brick and hung tiles.

The development is consistent with the scale and character of the development in the area, which is also two-storey and detached. The drawings indicate that none of the houses will sit higher than the adjacent 11 and 14 Shining Cliff - with plot three 0.75m below no.14, plot 2 at the height of no.11 and plot 1 below no.11 by 0.72m.

All of the existing properties on Shining Cliff use external facing brickwork alternating between a red brick and a buff brick. None of the properties appear to be clad, particularly with hung tiles, but some properties do have attached garages with cat slide roofs. The cat slide roofs make roof tiles a more prominent feature on those houses and add to the mixed use of materials in the area. The fact that the proposed houses are clad at first floor level with hung tiles isn't unacceptable, as the tiles can be suitably coloured to ensure a general fit with the prevalent brickwork, but, given use of cat slide roofs in the area and the mix of brick colours, the proposed use of hanging tiles is considered acceptable.

Whilst most properties along Shining Cliff appear to be gable ended, there are some fully hipped properties so the proposed hipped roofs are not out-of-keeping. Also, in this instance, the proposed roof shape of the houses works better on site as it reduces the bulk of the properties, lessens their overall impact and relationship with the surrounding woodland character and ensures that the houses relate better to each other so they would not be imposing.

The development otherwise includes landscaped areas and generally acts as a continuation of the existing built form along Shining Cliff. The proposed development is not considered out character and complies with the aims of policies SC1 and DM1.

#### c) Layout

The development is laid out so that plot 1 is a continuation of the linear development along Shining Cliff and plots 2 and 3 are positioned at the top (northern) portion of the developable area of the site. Such a layout appears as a natural extension and conclusion to the development of Shining Cliff which tapers at this northern end as St Helens Park Road and Dunclutha Road Public Rights of Way merge together.

The properties are well positioned in relation to each other, mimicking the pattern of detached development along Shining Cliff and plot 1 is well separated from no.11 Shining Cliff by a minimum 6.2m.

The layout allows for the continuation of the private access from Shining Cliff, which serves nos. 10, 11 and 14 Shining Cliff, and the applicant has proposed a turning area on site as well as access and parking for each property. The adequacy of the parking and access is discussed in further detail below.

The layout otherwise incorporates adequate garden spaces for each property with both plots 2 and 3 benefiting from 10m rear garden spaces which are also very wide - plot 2 is in excess of 18 to 20m wide and plot 3 is 16m at its widest point. Plot 1 also shows a 10m rear garden towards the boundary with St Helens Park Road but is on sloping land. However, the combination of this space and the sizeable, more level, private side-garden areas, which collectively account for a plot size of 665sqm, mean that plot 1 has a very generous private amenity area.

Overall the layout is considered to show a continuation and positive conclusion to the development along Shining Cliff. It is not contrary to policies SC1, DM1 or DM3.

#### d) Standard of proposed residential use

The proposed houses are large detached units - each with four bedrooms and internal garages. Plot 2 also benefits from a study room, which could be used as a fifth bedroom, but regardless all properties will far exceed the minimum floor space standards set out in the *Technical housing standards – nationally described space standard*. The standard requires a minimum floor space of between 97sqm to 128 sqm, depending on number of bedrooms and the bedroom sizes. Whilst the applicant has not provided a schedule of the internal space standards the properties have gross external areas in excess of 200sqm which will make their internal floor areas well above the minimum required.

Each property will receive good levels of sunlight and daylight due to the spaciousness of the development.

As explained above, the properties also benefit from large garden areas and have space for access and parking.

In summary, the residential accommodation is considered very good and complies with the requirements of policies DM1 and DM3.

#### e) Impact on neighbouring residential amenities

All properties are suitably distanced from and orientated with neighbouring properties to cause no impact in terms of loss of light or overshadowing.

Plot 1 sits parallel with 11 Shining Cliff and will cause no harm from overlooking as the side elevation includes only obscure glazed windows at first floor level. These windows can also be conditioned to be fixed shut (condition 14). Although plots 2 and 3 face towards 14 Shining Cliff, they are separated by over 22m and face towards a side elevation. This relationship is considered acceptable.

Various objections raise concerns about the impact on amenities during construction. To control this, a condition about working hours is recommended (condition 6). Although this will be a little less restrictive than that suggested by residents, as working on Saturday mornings is acceptable. A condition requiring a construction management plan is also recommended (condition 7). The construction management plan will help control issues of construction traffic, noise, dust, wheel washing, contractor parking, etc.

Subject to conditions to help manage the construction process, the proposed development is not considered to harm neighbouring amenities and complies with policy DM3.

#### f) Ecology and trees

The application is accompanied by extensive arboricultural and ecological reports which, given the location of the development on a wooded site, close to ancient woodland and near to a Local Wildlife Site/Local Nature Reserve, are necessary to explain the impact of the development and the likely necessary mitigation.

The development will encroach into areas protected by TPO along the east and west boundaries and the protected northern area. However, the submitted reports explain that the proposals include similar tree works to that proposed in the 2012 application, which was approved. There are some differences, with the main additional works being the removal of an additional Beech tree (now considered damaged following the unauthorised creation of a catchment pool/pond) and the removal and replacement of Conifer and Leylandii hedge rows that run along the east and west boundaries at the boundary of the site. These hedge rows have been classed as having low amenity value.

The application is supported by a tree survey which shows 24 trees on site. Five of these trees are shown to be removed; 2 x category U (trees unsuitable for retention), 2 x category B (moderate value) and 1 x category C (low quality). Although some tree removal and encroachment is shown, the tree reports are well considered with a clear review of the existing trees being undertaken and extensive tree replacement being proposed. The tree replacement proposed will not only ensure that development on the site remains screened and that the site remains connected with the surrounding woodland, it is also linked to the ecological enhancement proposed. The enhancement includes more appropriate native species which will enhance habitat for protected species, including bats and reptiles.

The proposal also explains that an appropriate buffer (minimum 15m) will be maintained with the Ancient Woodland. This complies with Standing Advice from Natural England and the Forestry Commission. To ensure the long term protection of the ancient woodland, retained preserved trees and new planting, a condition removing permitted development rights (all householder permitted development including extensions and outbuildings) is recommended (condition 13).

The Borough Arboriculturalist has raised no objections to the development or its impact on protected trees. Tree protection and replacement planting/landscaping have been proposed and can be secured by condition (condition 5).

The application was initially accompanied by a Preliminary Ecological Appraisal which stated generally that there would be no harm to protected species. Construction mitigation was proposed as well as references to biodiversity enhancement, strongly tied to the tree and landscaping proposals mentioned above. However, the Environment & Natural Resources Manager noted that the site had potential for bats and reptiles so the applicant was asked to undertake appropriate survey with reports for both being duly submitted. Both of the reports confirm there is no protected species constraints to development and propose mitigation should any be affected. The Environment & Natural Resources Manager raised no objection to the development subject to conditions to secure the recommendations and mitigation proposals of the submitted reports.

Some of the objections to the application have raised concerns about the management of the woodland area. This proposal does not materially change the status of the wooded area, which currently has no management scheme in place, but the application does include a management plan which can be secured by condition (no.5). This will ensure that appropriate monitoring is undertaken as well as any necessary replacement planting. Whilst some objections specifically refer to the land being gifted to or maintained by the St Helens Wood Preservation Society (SHWPS), this cannot be insisted on as it is not reasonable to dictate who should be responsible for privately owned land. However, an informative note (no.8) to the applicant referring them to the SHWPS is recommended as it may help resolve any concerns about the long term management of the area and remove this pressure from the future individual home owners.

Given the comprehensive proposals in relation to trees and ecology the proposed development is considered acceptable and will not conflict with policies EN2, EN3, EN4, EN5, EN6, HN7 and HN8.

#### g) 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. No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutants 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).

#### h) Highway Safety/Parking

The proposed development includes 6 parking spaces (one garage space and 1 driveway space per dwelling). The proposed parking falls short of the ESCC parking calculator requirement which states 7.12 spaces. This shortfall is considered small and can likely be made up on-street (on Shining Cliff), however, there have been objections in terms of parking. Therefore, whilst this is a small housing scheme and should be determined in accordance with ESCC guidance on small scale development, ESCC (as local highway authority) were contacted for their advice. They raise no objection, stating that the parking is not ideal but the garages are larger than normal and the minor shortfall in parking would not justify refusing the application.

The access is otherwise acceptable. It is narrower than ESCC guidance recommends for new housing development - 3.7m instead of 4.1 - but the width is dictated by the existing private access into the site and the proposals otherwise still allow for onsite turning of vehicles. To ensure the access remains useable a condition restricting it for access only with no parking is recommended (condition 10).

Some of the objections refer to a local covenant whereby local residents pay towards the maintenance and insurance of Shining Cliff, particularly the junction with St Helens Park Road. Whether this new development contributes in the manner suggested is a private matter between the collective land owners. The access along Shining Cliff is otherwise acceptable and its long term protection is not a planning consideration.

The proposed development does not conflict with policies DM4 and T3.

#### i) Drainage

The application has been accompanied by a SuDS Decision Tool Report which explains that the applicant intends to deal with surface water via a mix of attenuation tanks and rainwater harvesting. Whilst no detailed scheme has been submitted, the applicant has also addressed the issues raised by the report with regard to protected trees, ecology, archaeology, potential ground instability and the infiltration of the site.

The Lead Local Flood Authority has considered the information submitted and is satisfied that a drainage scheme based on the applicants suggestions will work on site. They recommend a condition for a detailed drainage proposal (conditions 4 and 8).

Southern Water have also raised no objection to the application but recommend a number of informatives for the applicant (nos.5, 6 and 7).

Subject to a condition about the detailed drainage proposals the proposed development does not conflict with policy SC7.

#### j) Other

An ordinary watercourse passes through the protected woodland area (from east to west) just at the boundary with gardens of proposed plots 2 and 3. Objectors have raised concerns about the management of this watercourse and requested conditions to ensure its future management as part of the retained woodland. As explained above, woodland and ecological management are proposed but there is no specific mention of the watercourse. However, a condition to secure the watercourse management is not considered necessary or reasonable. Any landowner with a watercourse running through their land or adjacent to it is considered a 'riparian owner' and has responsibilities for its maintenance. Therefore, additional planning controls are not necessary. Any issues relating to the watercourse are also the responsibility of ESCC and Lead Local Flood Authority.

The proposals include nothing specific in terms of climate change mitigation and adaptation measures. To ensure compliance with policies SC3 and SC4 requiring this sustainable construction details is recommended (condition 12).

The proposal is within a SSSI Impact Risk Zone. Given the size of development consultation with Natural England is not required and as such it is not considered that the proposal causes any harm to SSSIs.

The development is not within 600m of a play area. Policy CI3 states that developments with no good facilities within 600m or 15-20 minutes' walk should require new play facilities. There is no threshold for this requirement and there is no up-to-date guidance on this matter. The only tangible reference to the threshold to play space provision or contributions is within old Supplementary Planning Guidance which requires play facilities or contributions to facilities on developments of 25 houses or more. The development is well below this threshold. The development otherwise provides good private amenity space for use by families and the site is close to St Helens Wood which is publicly accessible and can be used for recreation. Given the lack of guidance, the site's generous garden sizes and the proximity to St Helens

Wood, the proposed development is considered to be acceptable.

## **6. Local Finance Considerations**

There are no Local Finance Considerations material to the application.

## **7. Conclusion**

Subject to appropriate conditions these proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

## **8. 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:  
  
LLD758/01 Rev 02, 02 Rev 03, 03 Rev 03 and 04 Rev 03; and 4173.LP, 10, 11, 12 and 20 Rev A
3. No development shall take place above ground until samples/details of the materials to be used in the construction of the external surfaces of the dwellings and retaining walls 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.
  - (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.



5. No development shall take place until the measures (i.e. tree protection, planting, biodiversity mitigation and enhancements) outlined in the following submitted arboricultural and ecological statements and reports:
- Preliminary Ecological Appraisal by The Ecology Partnership (dated August 2016)
  - Reptile Survey Report by The Ecology Partnership (dated May 2017)
  - Bat Survey Report by The Ecology Partnership (dated June 2017)
  - Arboricultural Impact Assessment Tree Protection - Method Statement by Lizard Landscape Design (dated June 2016)
  - Existing Tree Schedule and Schedule of Tree Works by Lizard Landscape Design (dated June 2016)
  - Landscape Strategy, Outline Plant Specification and Landscape Management Plan by Lizard Landscape Design (dated June 2016)

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 long term management, 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 schemes, or programmes of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

6. 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.

7. Before the development hereby approved is commenced a Transport and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The proposal shall include details of the control of dust, noise and vibrations, on site wheel washing facilities, construction parking, construction access (which should exclude side access from Dunclutha Road and St Helens Park Road). The development shall be carried out in accordance with the approved plan.

8. 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; refuse or other storage units; minor artefacts and structures (eg furniture, play equipment, 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.

9. 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.
10. The development shall not be occupied until the turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.
11. The development shall not be occupied until the parking area/garages have been provided in accordance with the approved plans and the areas/garages shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
12. No development shall commence until details of appropriate climate change mitigation and adaptation measures as required by policy SC3 and in accordance with the hierarchy of policy 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 development, other than that within the footprint of the dwellinghouse buildings as approved, shall take place without the grant of an additional planning permission.
14. The first-floor side-elevation windows in plot 1 (serving en-suite bathrooms) shall remain obscure glazed and fixed shut at all times unless otherwise approved in writing by the Local Planning Authority.

#### **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 visual amenity of the area.
4. To prevent increased risk of flooding.
5. To protect trees and features of recognised nature conservation importance.
6. To safeguard the amenity of adjoining residents.
7. To safeguard the amenity of adjoining residents.

8. To ensure a satisfactory form of development in the interests of the visual amenity.
9. To ensure a satisfactory form of development in the interests of the visual amenity.
10. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
12. To ensure the development complies with policies SC3 and SC4 of the Hastings Local Plan: The Hastings Planning Strategy.
13. To protect trees (including the ancient woodland) and features of recognised nature conservation importance.
14. In the interests of the amenity of the neighbouring residential occupiers.

#### **Notes to the Applicant**

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.
4. Consideration should be given to the provision of a domestic sprinkler system.
5. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).
6. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

7. Due to changes in legislation that came in to force on 01 October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. For further advice please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).
8. The applicant is advised to contact St Helens Park Preservation Society about the possibility of them undertaking the long term management of the development site's remaining woodland area, website: [sthelenswoods.co.uk](http://sthelenswoods.co.uk).

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### **Officer to Contact**

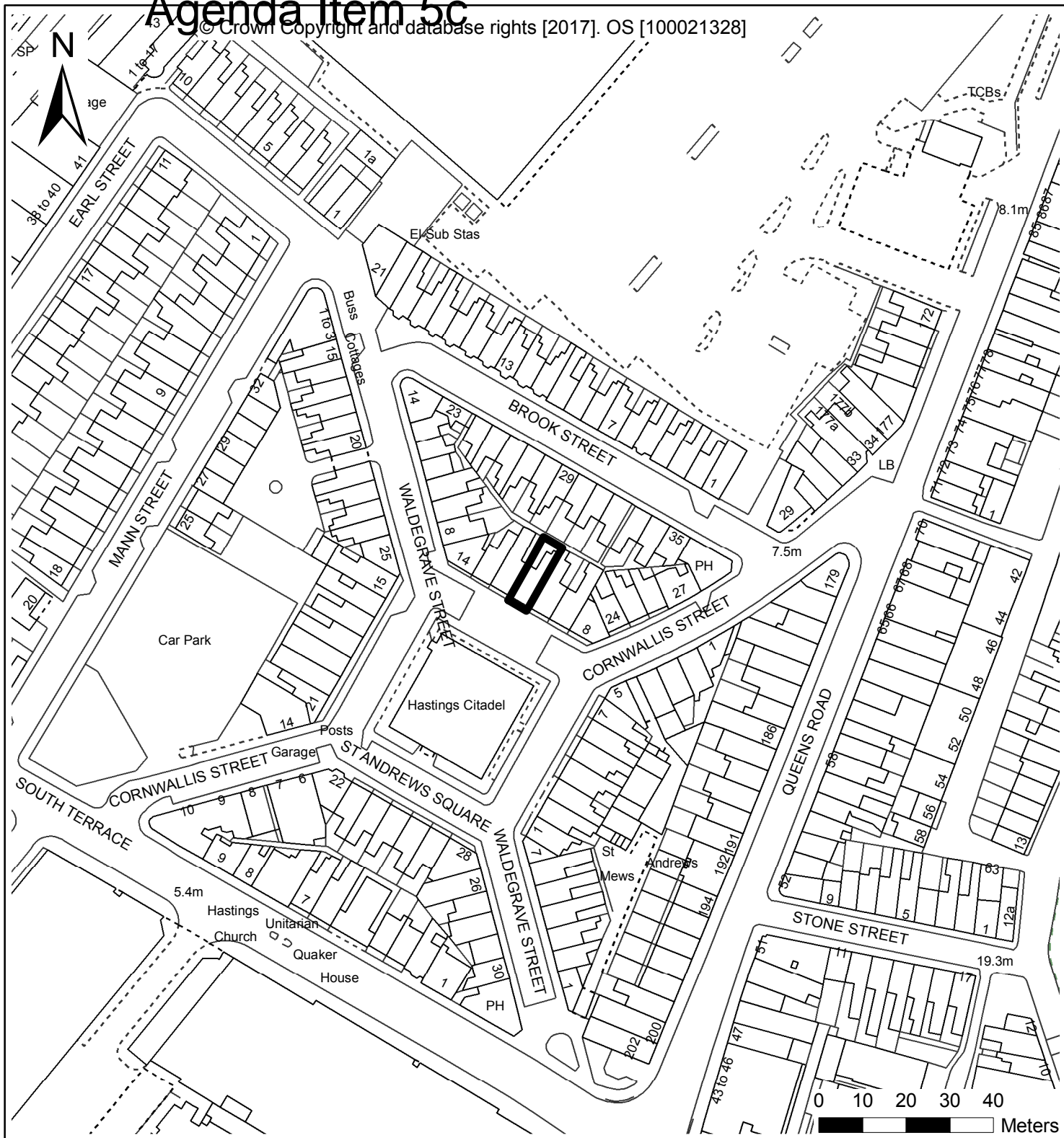
Mr S Batchelor, Telephone 01424 783254

### **Background Papers**

Application No: HS/FA/16/00620 including all letters and documents

# Agenda Item 5c

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**11 St Andrews Square**  
**Hastings**  
**TN34 1SW**

Change of use from family house to house of multiple occupants (HMO),  
 Retrospective



Assistant Director Housing & Built Environment  
 Hastings Borough Council,  
 Muriel Matters House, Breeds Place,  
 Hastings, East Sussex TN34 3UY  
 Tel: 01424 451090  
 email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)

Date: Aug 2017

Scale: 1:1,250

Application No. HS/FA/17/00404

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<b>Report to:</b>	PLANNING COMMITTEE
<b>Date of Meeting:</b>	23 August 2017
<b>Report from:</b>	Assistant Director of Housing and Built Environment
<b>Application Address:</b>	<b>11 St Andrews Square, Hastings, TN34 1SW</b>
<b>Proposal:</b>	<b>Change of use from family house to house of multiple occupants (HMO), Retrospective</b>
<b>Application No:</b>	<b>HS/FA/17/00404</b>
<b>Recommendation:</b>	<b>Grant Full Planning Permission</b>
Ward:	CASTLE
Conservation Area:	No
Listed Building:	No
Applicant:	Mr Craddock per Baker Architectural Services 29 Stirling Road Castleham Business Centre East St. Leonards-on-Sea, East Sussex. TN38 9NP
Interest:	Freeholder
Existing Use:	Vacant property
<b>Public Consultation</b>	
Site Notice:	Yes
Press Advertisement:	No
Letters of Objection:	10
Petitions of Objection Received:	1
Letters of Support:	0
Petitions of Support Received:	0
Neutral comments received	0
Application Status:	Not delegated - Petition received

## **1. Site and Surrounding Area**

The site consists of a three-storey, terraced property within Castle Ward. The property is located in the pedestrian portion of St Andrews Square facing towards the Hastings Citadel. The property is characterised by full height bay windows, ornate moulding and dwarf wall along the front boundary. The surrounding area is made up predominantly of residential properties with the exception of the Citadel. The site is close proximity to the Town Centre but is not within the Town Centre boundary.

### Constraints

Flooding Groundwater

Flooding Surface Water 1 in 1000

Flood Zone 2 environment Agency

SSSI Impact Risk Zone

## **2. Proposed development**

This application seeks permission for the use of the premises as a House of Multiple Occupation.

The premises will provide 5 HMO bedrooms, all of which are to be single occupancy, however, it is noted that room 3 is large enough to have double occupancy. There is also a communal kitchen and lounge on the ground floor and bathrooms/shower rooms on each floor.

The application is supported by the following documents:

- Design and Access Statement
- Waste Statement

### **Relevant Planning History**

None

### Make-up of surrounding area:

No. 9 - Permission approved in 1973 for conversion in to self contained flat and maisonette

No. 10 - Certificate of Lawful Development for existing use as House of Multiple Occupation

No. 12 - Permission approved in 1988 for conversion in to self contained flat and maisonette

### **National and Local Policies**

#### Hastings Local Plan – Planning Strategy (2014)

Policy FA2 - Strategic Policy for Central Area

Policy FA3 - Strategy for Hastings Town Centre

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

Policy H2 - Housing Mix

Policy H4 - Houses in Multiple occupation

Policy DS1 - New Housing Development

Policy T3 - Sustainable Transport



## Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications

Policy HC1 - Conversion of Existing Dwellings

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

## 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.

## **3. Consultations comments**

HMO Licensing Officer - **No objection**

## **4. Representations**

In respect of this application a site notice was displayed at the front of the site. In response to this, 10 letters of objection from 9 different properties were received along with a petition of 42 signatures. The concerns within these letters include:

- Impact on parking
- Dangerous driving
- Saturation of HMO in the area
- Only 10 of the 28 properties are single family dwellings
- Possible homeless shelter
- Enough transient residents
- Is the use necessary?
- Previous problems with residents
- Existing residents have a right to live in a quiet area
- No way to vet potential tenants
- Multiple unrelated people are likely to be noisier than a single family
- Increased noise pollution
- Bin storage
- Rats
- Existing anti-social behaviour
- Demoralizing for existing residents
- Creation of a fragmented incoherent future

- Fear of losing existing tenants
- Poor condition of surrounding area

## 5. Determining Issues

### a) 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 local plan policies.

### b) Impact on Character and Appearance of the Area

Policy DM1 of the Hastings Development Management Plan states that all proposals must reach a good standard of design, which includes efficient use of resources and takes into account protecting and enhancing local character. There are no alterations proposed to the exterior of the property and so it is considered that there would not be an impact on the existing street scene or the wider character of the area.

### c) Loss of existing use

The application site is a large, three-storey property originally having 4-6 bedrooms. The applicant has advised that the property has been used, on-and-off, as a House of Multiple Occupation for the past 9 years. The HMO Licensing Team have advised that the house was first licensed as a bedsit HMO for 8 persons occupying 7 units in January 2008. A new licence-holder subsequently took over and a new licence was issued in September 2009, again for 7 units and 8 persons. This licence was issued to run until 2014. It is understood that the property returned to single family dwelling usage in 2013. It is not known if the property had been operated as an HMO prior to its being licensed in 2008.

The Local Taxation Team have been consulted and have advised that their records indicate that the property has only been registered as a single family dwellinghouse. Although this does not tie in with the information provided by the applicant, it does have a bearing on the consideration of the planning merits of the proposal. However, the applicant will be required to contact the Taxation Team should the application be approved.

Policy HC1 of the Hastings DM Plan supports conversion of a dwelling to HMO use providing the building can no longer be retained in its entirety for single family housing occupancy and it would not significantly change room layouts. In this case there will be no material change to the room layout; however some rooms will change in use from living rooms to bedrooms.

Policy DS1 of Hastings Planning Strategy states that in order to protect the existing stock of family-sized housing, existing homes should remain as dwellings unless they are unsuitable for residential use or would be replaced with new residential development. Whilst it is acknowledged that the property, due to the number of bedrooms could accommodate a large family, it is considered that, due to the lack of external amenity space and the lack of parking, the property would only be suitable for a small number of large families. A recent appeal decision (HS/FA/16/00608) for the conversion of a property of similar size to an HMO was allowed by the Planning Inspectorate. As part of the justification for the decision the Inspector makes specific reference to the lack of external amenity space and how this would 'militate against single family use'. In light of this, it is considered that, the conversion to an HMO for up to 5 persons would make more efficient use of this particular property and would provide an HMO in a highly sustainable location where currently there is relatively low provision of HMOs within a 100m radius. This proposal for HMO use is considered to help contribute towards a balanced mix of housing to support a range of households and to help deliver diversification and greater choice in this locality.

Policy H2 of the Hastings Planning Strategy states that planning permission will be granted for residential development that delivers a balanced mix of housing both within each site, and across Hastings as a whole. The application proposes to provide a good level of accommodation and contributes to the overall mix of property types within the surrounding area. Taking this in to account it is considered that the continued use of the site as an HMO meets the requirements of the above quoted policy and is therefore acceptable.

d) Proposed Residential Use

Policy H4 of the Hastings Planning Strategy seeks to manage the number of HMOs within the Borough. This is to ensure that a proposal would not result in an unbalanced community in terms of housing tenure or residents. In support of this a calculation is carried out to identify the number of HMOs within a 100 metre radius of an application site. The number of HMOs within 100m radius of this site has been calculated and is as follows 6 HMOs and 270 properties, this equates to approx 2.2%. This figure meets the requirements of Policy H4 of the Planning Strategy as quoted above.

e) Impact on Neighbouring Residential Amenities

It is proposed that the premises will be occupied by 5 persons with communal kitchen and living room. While it is not possible for the Local Planning Authority to impose a condition restricting the number of persons within the unit, as this would be unenforceable, an informative can be placed on the decision advising that the premises should be managed in a responsible manner at all times. The property will also be subject to licensing and inspections from the Council's HMO Licensing Team, as is standard practice.

It is considered that the continued occupation of the premises as an HMO for 5 persons would not be dissimilar to the occupation of the premises by a large single family. Taking this in to account it is considered that the use of the premises as an HMO would not have an unacceptable impact on the amenities of the neighbouring residents. The proposal is therefore considered to comply with Policy DM3 of the Hastings Development Management Plan.

f) Future Residential Amenities

The proposal has been assessed against the technical housing standards as produced by the Department for Communities and Local Government. These standards state that, in order to provide a satisfactory one bed space, a single bedroom should have a floor area of at least 7.5m<sup>2</sup> and a double bedroom should have a floor area of at least 11.5m<sup>2</sup>. Having reviewed the proposed plans, it is apparent that all of the rooms exceed the single room requirement, however, only room 3 is large enough to meet the double occupancy requirement. In light of this it is considered that the rooms are large enough to provide acceptable living accommodation. There are bathrooms/shower rooms on each floor, with a large communal kitchen and living room on the ground floor. There is also access for the residents to the communal courtyard to the rear.

The HMO Licensing Team have been consulted on the proposal and have stated that they are satisfied that, with the implementation of licence conditions, the property will meet the requirements of Statutory Instrument 373, The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 and Hastings Borough Council's Housing in Multiple Occupation Amenity Standards.

Taking the above into account, it is considered that the development would provide adequate living accommodation for future residents and so is acceptable.

g) Highway Safety/Parking

There is no parking provision as part of this application, however, there is on street parking available, albeit residential permit holders only. While off-street parking is preferred, the site is within easy access of the town centre and good public transport links. As a result of this, the lack of parking is considered acceptable.

h) Waste and Refuse

Presently the refuse bins are stored within the courtyard area to the rear of the property. This is proposed to continue and is considered acceptable.

## **8. Conclusion**

Taking the above into account it is considered that the proposed change of use to a house of multiple occupation is acceptable as it meets the aims of both local and national planning policy. The proposal is therefore recommended for approval subject to conditions.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

## **9. 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 change of use hereby permitted shall be carried out in accordance with the following approved plan and details: BA1728.03 and Waste Statement
3. Within three months of the date of this permission, details of an area for the storage of cycles shall be provided to and approved by the Local Planning Authority. The storage facility shall then be provided and retained on site in accordance with these details

### **Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.

3. To ensure a satisfactory standard of development.

#### **Notes to the Applicant**

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.
4. Consideration should be given to the provision of a domestic sprinkler system.
5. The applicant is advised that the premises should be managed in a responsible manner at all times.

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#### **Officer to Contact**

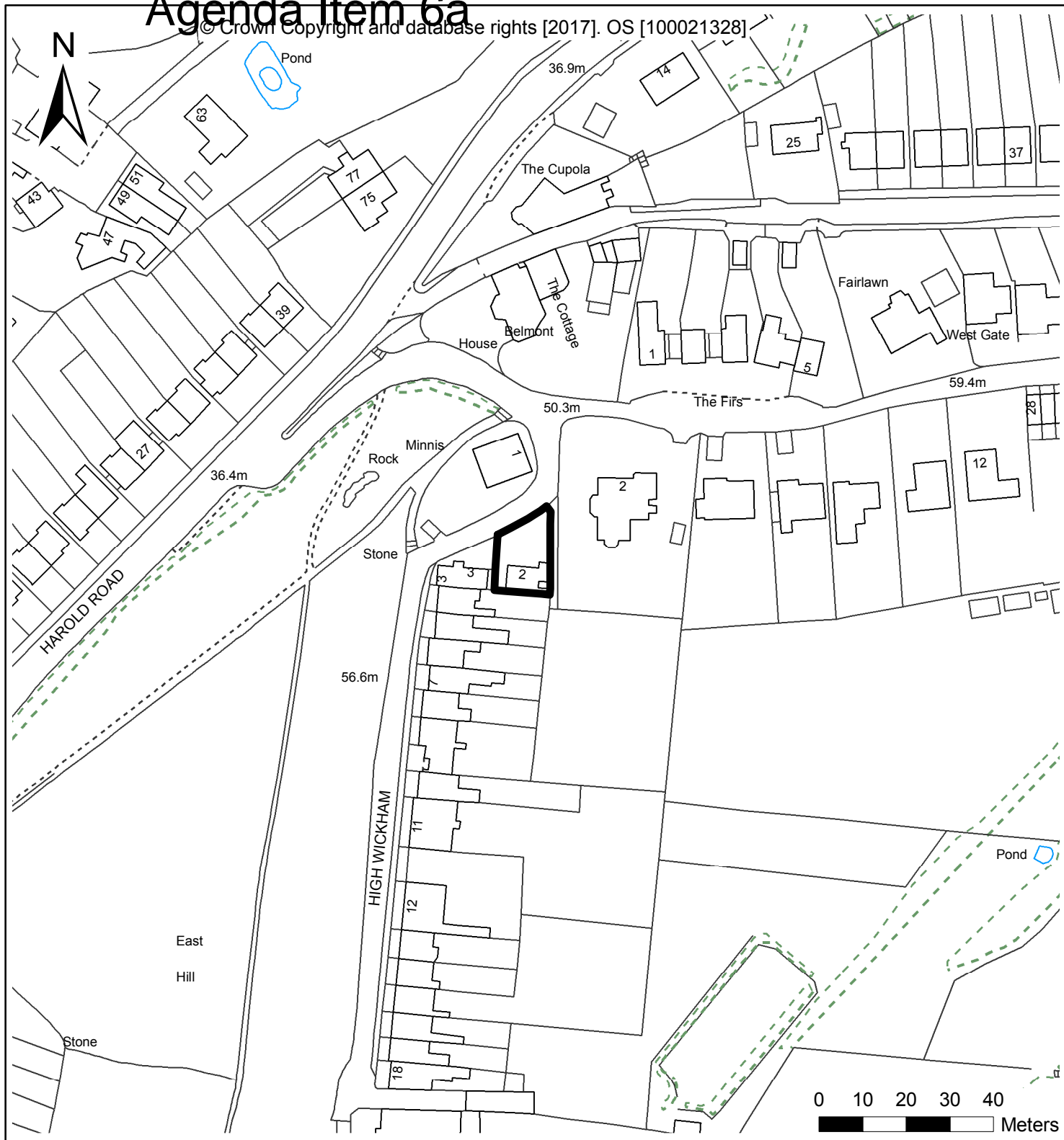
Mrs E Meppem, Telephone 01424 783288

#### **Background Papers**

Application No: HS/FA/17/00404 including all letters and documents

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# Agenda Item 6a



**Woodbine Cottage, 2 High Wickham  
Hastings  
TN35 5PB**

Re-landscaping of property frontage to improve accessibility and parking.



Assistant Director Housing & Built Environment  
Hastings Borough Council,  
Muriel Matters House, Breeds Place,  
Hastings, East Sussex TN34 3UY  
Tel: 01424 451090  
email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)

Date: Aug 2017

Scale: 1:1,250

Application No. HS/FA/17/00492

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<b>Report to:</b>	PLANNING COMMITTEE
<b>Date of Meeting:</b>	23 August 2017
<b>Report from:</b>	Assistant Director of Housing and Built Environment
<b>Application Address:</b>	<b>Woodbine Cottage, 2 High Wickham, Hastings, TN35 5PB</b>
<b>Proposal:</b>	<b>Re-landscaping of property frontage to improve accessibility and parking.</b>
<b>Application No:</b>	<b>HS/FA/17/00492</b>
<b>Recommendation:</b>	<b>Grant permission</b>
Ward:	OLD HASTINGS
Conservation Area:	Yes - Old Town
Listed Building:	No
Applicant:	Mrs & Mr Noboa & Morris per Pump House Designs Pump House Yard The Green SEDLESCOMBE, East Sussex. TN33 0QA
Interest:	Freeholder/Leaseholder
Existing Use:	Residential dwelling
<b>Public Consultation</b>	
Site Notice:	Yes
Press Advertisement:	Yes - Conservation Area
Letters of Objection:	5
Petitions of Objection Received:	0
Letters of Support:	1
Petitions of Support Received:	0
Neutral comments received	0
Application Status:	Not delegated - 5 or more letters of objection received

## 1. Site and Surrounding Area

The site comprises a detached bungalow at the lower end of High Wickham, which in itself rises significantly upwards following the slope of the land. Woodbine Cottage is sited close to the entrance of the road, before it curves round and rises up to Hastings Country Park and its associated Local Nature Reserve. It is sited approximately 2-3 metres higher than the road, with the existing driveway sloping steeply upwards. A retaining wall abuts the pavement to provide support to the front garden area, and a picket fence encloses the lawned garden area, above the existing retaining wall.

Woodbine Cottage is of noticeable difference to the rest of High Wickham, in terms of its orientation, aesthetics and massing. The cottage is detached and a single storey in height, located at a 90 degree angle from the remainder of the properties in the road. These consist of 2 to 3-storey terraces and semi-detached dwellings, which directly overlook the boundary of the Country Park

The site incorporates a large front garden which has tandem parking for 2 vehicles. The western boundary of the property is bordered by 3 High Wickham, which has an established sycamore tree protected by a Tree Preservation Order on its shared boundary. The property does not have a rear garden and backs onto the rear garden of No 4 High Wickham.

The application site is located within the Old Town Conservation Area.

### Constraints

- Archaeological Notification Area
- Tree Preservation Order to boundary with adjacent property
- Old Town Conservation Area
- Nearby listed buildings - Minnis Rock and Villa Julia, both on High Wickham

## **2. Proposed development**

This is a resubmission of a previously refused application to re-landscape the property frontage to improve accessibility and parking. The works involve the removal of 3.1m of the front boundary wall (plus an additional 1.3m leading into the driveway) and some cutting into the bank of the existing front garden area to enable easier access into the driveway. 7.4m of the wall will be rebuilt in matching stonework curving round towards the front of the dwelling, adjacent to the parking area. 10m of the existing wall will remain.

The works will create an additional 1m in width to the existing driveway and create a curved approach into this access point.

The application is supported by the following documents:

- Arboricultural report
- Heritage Statement
- Historic Environment Record
- Preliminary Ecological Appraisal (The Mayhew Consultancy Ltd, March 2017)
- Site Waste Management Plan
- SUDs Report

### **Relevant Planning History**

HS/FA/17/00139 Demolition of existing bungalow and proposed replacement dwelling including re-landscaping of property frontage to improve accessibility.  
WITHDRAWN 13 June 2017

HS/FA/16/00607 Demolition of front garden wall to repair broken drain, plus re-landscaping of property frontage to improve accessibility, whilst maintaining off street parking for 2 vehicles.  
REFUSED 14 October 2016

## **National and Local Policies**

### Hastings Local Plan – Planning Strategy (2014)

Policy FA5 - Strategic Policy for Eastern Area  
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
Policy SC7 - Flood Risk  
Policy EN1 - Built and Historic Environment

### Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications  
Policy DM1 - Design Principles  
Policy DM3 - General Amenity  
Policy DM4 - General Access  
Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)  
Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest

### National Planning Policy Framework (NPPF)

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

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

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

## **3. Consultation comments**

East Sussex County Council -(Highways) - **no objection**

Note that the works are likely to require re-location of the lamp column adjacent to the existing access.

Conservation Officer - **no objection subject to conditions**

Consider the revised scheme to be an improvement on that previously refused. The proposed off-road parking area appears to be well-designed and would be in keeping with the character of the conservation area, provided the details and materials are controlled by condition.

Ecology Officer - **no comment required**

The submitted Preliminary Ecological Appraisal did not conclude that additional surveys were required and mitigation measures to protect existing biodiversity during construction are proposed.

Arboricultural Officer - **no objection**

Subject to a condition for a tree protection and planting scheme

East Sussex County Council (Flood Risk Management) - **no objection**

No objection to the proposed permeable pavement and do not consider land stability to be a significant issue given that the permeable pavement is only draining the rain that falls on the pavement. No additional water will need to be accommodated from anywhere else. This is a reasonably small area making the impact of infiltration from the permeable pavement on stability minimal.

East Sussex County Council (Archaeology) - **no objection**

Do not consider that any significant below ground archaeological remains are likely to be affected by these proposals.

## **4. Representations**

6 representations received from 6 different properties. 5 letters objected to the proposal, whereas 1 was in support.

Letters of objection considered the following issues:

- Similar to previously refused application
- Negative impact on the character and appearance of the area and the significance and setting of nearby listed buildings
- Potential land instability due to landscaping works
- Lack of supporting information - should require geo-technical survey and drainage survey
- Necessary consultees were not notified of the application

The letter of support received made the following observations:

- The works will serve to upgrade the property and improve its appearance
- Will help convenience of use
- Materials proposed are in keeping with those existing

## 5. Determining Issues

This is a re-submission of a previously refused application for similar works. It is therefore important to consider the differences between the two schemes and assess whether the previous reasons for refusal are still justified. In this instance, these primarily relate to the impact on the character and appearance of the area and whether enough information has been submitted in support of such heritage considerations. Drainage and land stability issues are also considered.

### a) 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 local plan policies.

### b) Impact on character and appearance of conservation area

The proposal involves cutting into the bank of the existing front garden and the removal of a small section of front boundary wall to create a wider parking area. This enlarged area will be bounded by retaining walls curving back into the site, through to forming the rear wall of the parking area, in stonework to match that existing. It is acknowledged that the stone boundary walls that curve around Barley Lane into High Wickham make a positive contribution to the character and appearance of this part of the Old Town Conservation Area.

The stone boundary walls also contribute to the wider setting of the two listed buildings at the entrance to High Wickham, Minnis Rock and Villa Julia, in close proximity to the application site. It should be noted however that this boundary wall reduces in height as the road slopes upwards, and it terminates at the existing vehicular access to Woodbine Cottage. The application property has a return sandstone wall that runs back into the site along the edge of the drive.

Villa Julia, the listed building that sits to the immediate west of Woodbine Cottage, doesn't have a stone boundary wall on the side boundary. Instead, it has a low rendered wall with timber panelled fencing immediately adjacent to the frontage of the cottage and then a low rendered wall with metal railings above, closer to the corner with its front elevation to High Wickham. On the opposite side of the road, the listed property at Minnis Rock is bounded on its Southern and Eastern elevation by a sandstone boundary wall. However, this stone wall ends part way along its frontage and the boundary treatment becomes a hedge opposite Woodbine Cottage.

It is, therefore, clear to say that there is a variety of front boundary treatments in the immediate vicinity of the application site and not just the stone wall in question. This variety should be taken into account in the decision-making process.

Application HS/FA/16/00607 was refused permission on the following:

1. The proposed works would result in the removal of the front boundary wall, which makes a positive contribution to local character and the overall appearance of the streetscene. The wall forms a key element of the entrance to High Wickham and its loss would cause harm to the significance and setting of the Old Town Conservation Area. The proposal is therefore contrary to policies HN1 and DM1 of the Hastings Development Management Plan 2015, in that it does not sustain or enhance the historic context of the area, protect local character, street patterns or boundary treatments

1. The Heritage Statement submitted does not provide a full understanding of the significance of the development on the conservation area. The statement fails to convincingly demonstrate how the development will enhance the conservation area, and is therefore contrary to the requirements of Policy HN1 of the Development Management Plan

The refused application resulted in the loss of an additional 7m of front boundary wall compared to that which is lost under this application. Only 3m of the wall would have remained fronting High Wickham should that proposal have been approved and implemented. In this revised application, approximately a 10m length of wall will remain in situation and unaffected. Therefore, there is substantially less harm caused in terms of the loss of the wall by this application compared to the previous proposal, as the majority of the existing frontage will remain. The loss does however, have to be considered in the context of the totality of all the stone walls along this part of High Wickham, which is not considered to be critical, given the extent of wall to remain and the use of matching materials. A minor impact on the character of the conservation area may result but this is not considered to be sufficient to warrant refusal of permission.

The proposed off-road parking area appears to be well-designed and in keeping with the character of the conservation area, provided the details and materials are controlled by condition (conditions 3, 4 and 5). Given that there was previously a dark stained timber picket fence within the front garden of Woodbine Cottage, the proposed picket fence is not considered inappropriate in this setting, provided it is stained a dark colour to match the original fence (condition 6).

Taking the above considerations into account, it is considered that the revised proposal is a significant improvement on the previously refused application. The submitted heritage statement also makes an adequate assessment of the site's heritage significance and the potential impact of development on the significance and setting of the designated heritage assets. The proposal will not result in significant harm to the conservation area, and its character and appearance are preserved within acceptable limits. Policy HN1 of the Development Management Plan 2015 is therefore complied with.

#### c) Impact of the development on the setting of listed buildings

The proposals will result in a change to the setting of two listed buildings - Villa Julia and Minnis Rock. However, it should be noted that changes over time to the setting of a listed building are not always harmful - they can be positive, negative or neutral. The biggest impact is on the setting of Villa Julia, the side and rear elevation of which immediately abut the application site to the west. However, as the boundary treatment at Villa Julia differs from the stone boundary wall in front of Woodbine Cottage and there is already a gap in the stone boundary wall adjacent to Villa Julia, the impact of the development is not considered to be negative. Provided that the consent is adequately controlled by the imposition of conditions controlling the quality of materials and details of the new parking area (conditions 3,4 and 5), then the changes to the setting of Villa Julia should be neutral.

Minnis Rock sits opposite the application site. The key view of Minnis Rock is east along High Wickham, when the attractive portico is visible in the view. The front boundary wall of Woodbine Cottage is also visible in this view towards the portico. However, it is not considered that slightly shortening the stone wall in this view will be significant, as a wrapping around from the frontage, into the site, will still be visible. It is, therefore, considered that the proposal will not harm the setting of Minnis Rock.

#### d) Impact on archaeological remains.

The application site is located within the Hastings Historic Core Archaeological Notification Area (ANA). Given their limited scale, the works are not considered to result in any significant impact in terms of below ground archaeological remains, and these are likely to remain unaffected. The County Archaeologist is in agreement with this approach. Policy HN4 of the Development Management Plan is therefore complied with. No conditions are required in this respect.

#### e) Impact on residential amenity

The creation of a more useable driveway with greater visibility on this stretch of road will benefit existing residents in terms of both vehicular safety and residential amenity. It is acknowledged that in order to create this additional space, approximately 6sqm of garden space will be lost at the front of the existing dwelling, which provides the main amenity space for its residents given the lack of a rear garden area.

However, an extensive garden will still remain, extending up to 11m in length at its longest point, reducing to approximately 7.5m at its shortest. 8m of width will still remain with the driveway in place. This is considered more than adequate to serve the residents of the existing dwelling and is in accordance with the requirements of Policy DM3 in relation to external amenity space, required for new dwellings. The objector concerns in this regard are therefore, not considered to be justified.

#### f) Drainage and land stability

It is argued by objectors that there may be some issues regarding land stability at the application site and that the proposed works may negatively impact on this. No evidence has been submitted that this is the case, however, and given the small scale nature of the development to provide a driveway extended by 1m in width only, it is not considered that the geo-technical survey is necessary. Certainly, it would not usually be required in applications of this scale unless land stability issues were well known.

The views of the Flood Risk Management Team were, however, sought on this issue, taking account of the nature of the soil and the concerns raised. They do not consider that further investigation is warranted in this respect as no additional water will be coming from anywhere else, other than draining into the permeable paving installed on the new driveway. They note that it is a reasonably small area and the impact on infiltration from the permeable pavement on stability will be minimal.

Taking both these considerations into account, therefore, the use of permeable paving is considered acceptable in light of the existing ground conditions and works proposed, and the impact on land stability is considered negligible. Policy SC7 of the Planning Strategy 2014 and Policy DM5 of the Development Management Plan 2015 are therefore complied with.

#### g) Tree works and ecological implications

No trees are to be lost as a result of the implementation of the proposed works and no specific tree works are recommended in the submitted arboricultural report. Similarly, the site was found to be clear of protected species and no further survey work was considered necessary in this respect. It is, however, recommended that mitigation measures to protect existing biodiversity and tree protection measures are employed during construction, to ensure that these aspects are fully protected and no harm is caused. (Condition 7).

#### h) Other matters raised by objectors

Whilst it is at the discretion of the case officer to consider which departments or bodies should be consulted for a planning application (other than within statutory limits), and it is not open to public negotiation, it has been argued that not all the necessary consultees were notified of this application.

The Council's Conservation Officer, Arboriculturalist, Environment and Natural Resources Manager, together with East Sussex County Council's Archaeologist and Flood Risk Management Team, were all consulted with regards to the scheme, contrary to claims made. Given the small scale of the development, it was not considered necessary to consult Building Control or Southern Water and this position is maintained.

#### i) Highway safety/parking

The Highway Authority raise no objection to the proposal, but note that any necessary works to the lamppost sited outside the application site will be subject to a 278 agreement with East Sussex County Council (note to applicant - 5). It should be noted that the proposed works are not creating a new access, only improving the usability of that existing and the works will serve to improve visibility into and out of the site. Therefore, a safe access will be provided, and the requirements of Policy DM4 are complied with.

### **6. Conclusion**

It has been demonstrated that the revised application for re-landscaping of the property frontage to provide an enlarged parking area causes significantly less harm to the significance, and setting of, the conservation area and setting of nearby listed buildings than the previous refusal. Concerns regarding land stability, residential amenity and drainage have been addressed and the proposed works, therefore, comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

### **7. Recommendation**

#### **Grant 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:

5293-EX-C, 5293/100/LBP/A, 5293/17/3 (including extract with dimensions added)

3. The new retaining walls to the sides and rear of the new off-road parking area shall be faced in sandstone blocks to replicate the form and appearance of the existing sandstone front boundary walls on High Wickham. The sandstone blocks shall thereafter be retained.

4. No development shall commence until the following samples have been submitted to and approved in writing by the Local Planning Authority:

2. Stone sample

- Paving sample
- Paving sample for the steps (if different to the drive)

Development shall be carried out in accordance with the details approved and retained in that form thereafter.

5. Once a stone sample has been approved, a sample panel of the proposed new stone walls (measuring at least 1m x 1m) shall be provided on site for the approval of the local planning authority. Thereafter, all walls shall be completed to match the approved stone sample panel

6. No development shall commence until the details of the proposed finishes to the new picket fence and bin store door (paint/stain type and colour) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details approved and retained in that form thereafter.

7. No development shall take place until the measures outlined in the submitted ecological and arboricultural statements and reports detailed below have been fully implemented, unless:

- the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring and other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;
- (i) 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.

The submitted ecological statements and reports are:

- (ii) Preliminary Ecological Appraisal (The Mayhew Consultancy Ltd, March 2017)
- Arboricultural Report (The Mayhew Consultancy Ltd, March 2017)

**Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure a satisfactory standard of development and to protect the significance and setting of the Old Town Conservation Area.
4. To ensure a satisfactory standard of development and in the interests of the significance and setting of the Old Town Conservation Area.
5. To ensure a satisfactory standard of development and in the interests of the significance and setting of the Old Town Conservation Area.
6. To ensure a satisfactory standard of development and in the interests of the significance and setting of the Old Town Conservation Area.
7. To protect features of recognised nature conservation importance.

**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 they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.
4. The requirements of the Hastings Borough Council Act 1988, Section 5, in relation to retaining walls will apply. Details are attached hereto.
5. The lamp column adjacent to the existing access is likely to require relocation as a result of the proposed works, and a S278 Agreement will need to be prepared with the Highway Authority at the applicant's expense.

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**Officer to Contact**

Miss S Roots, Telephone 01424 783329

## **Background Papers**

Application No: HS/FA/17/00492 including all letters and documents

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# Agenda Item 7

## Agenda Item: 7

<b>Report to:</b>	Planning Committee
<b>Date:</b>	23 <sup>rd</sup> August 2017
<b>Report from:</b>	Planning Services Manager
<b>Title of report:</b>	<b>PLANNING APPEALS &amp; DELEGATED DECISIONS</b>
<b>Purpose of report:</b>	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 10 July to 11 August 2017
<b>Recommendations:</b>	That the report be noted

### The following appeals have been received:

<b>Address/ Application Number</b>	<b>Proposal</b>	<b>PSM's Rec.</b>	<b>Where the decision was made</b>	<b>Type of Appeal</b>
HS/FA/17/00099 12 Maplehurst Road, St Le onards-on-sea, TN37 7NA	Re-modelling of existing bungalow to a two storey house with garage alterations, garden landscaping over existing hard-standings, new vehicular access to Maplehurst Road and stopping up access from Maplehurst Close.	Refuse Planning Permission	DELEGATED	PLANNING
HS/FA/17/00147 29 Boyne Road, Hastings, TN35 5NY	Decking to rear garden (Retrospective)	Refuse Planning Permission	DELEGATED	PLANNING

**The following appeals have been dismissed:**

Nothing to report

**The following appeals have been allowed:**

Nothing to report

<b>Type of Delegated Decision</b>	<b>Number of Decisions</b>
Granted Permission	60
Prior Approval Approved	1
Prior approval works not PD	1
Raise No Objection	1
Refused Permission	10
Self Certificate - Permitted	1
Withdrawn by Applicant	4

**Background Papers:**

Various correspondences with Planning Inspectorate

**Report written by:**

Courtney Dade – Tel: (01424) 783264

Email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)