

# Planning Committee Agenda

Thursday, 14 December 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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<p>7. Planning Appeals and Delegated Decisions  <i>(Mrs E Evans – Planning Services Manager)</i></p> <ul style="list-style-type: none"> <li>100 Filsham Road, St. Leonards on Sea  <a href="http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_HSTBC_DCAPR_105008">http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_HSTBC_DCAPR_105008</a></li> </ul>	161 - 162

- 585 Bexhill Road, St. Leonards on Sea  
[http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC\\_DCAPR\\_104676](http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_104676)
- 180 Elphinstone Road, Hastings  
[http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC\\_DCAPR\\_105012](http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_105012)
- 1 Collinswood Drive, St. Leonards on Sea  
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# Agenda Item 3 Public Document Pack

## PLANNING COMMITTEE

15 NOVEMBER 2017

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

### 12. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Roberts and Scott.

### 13. DECLARATIONS OF INTEREST

The following councillors declared their interests in the minutes as indicated:

Councillor	Minute	Interest
Beaver	5B - 2 Sedlescombe Road South, St. Leonards on Sea	Personal – Member of East Sussex County Council
	6B – 8 Grosvenor Crescent, St. Leonards on Sea	Prejudicial – Called item to Committee. Has known the objector for the past 30 years
Rogers	6B – 8 Grosvenor Crescent, St. Leonards on Sea	Personal – On behalf of all members, one objector, former Councillor Maureen Charlesworth, is known to us.
Sabetian	6C – First and Second Floor Flat, 74 Marina, St. Leonards on Sea	Prejudicial – In laws live in close proximity to the site.
Street	5C – The Kings Head Inn, 61 Rye Road, Hastings	Personal – Had several conversations regarding procedural aspects with the objectors.

### 14. MINUTES OF THE MEETING HELD ON 19 OCTOBER 2017

**RESOLVED** – that the minutes of the meeting held on 19th October 2017 be approved and signed by the Chair as a true record.

### 15. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

### 16. PLANNING APPLICATIONS ATTRACTING A PETITION:

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### 16.1 8 Amherst Road, Hastings

Proposal:	Approval of all reserved matters relating to the Access, Appearance, Landscaping, Layout and Scale of Outline Permission HS/OA/14/00806 - Erection of three detached dwellings with access.
Application No:	HS/DS/17/00416
Existing Use:	Partially completed dwellinghouses
Conservation Area:	No
Listed Building	No
Public Consultation	15 letters of objection and 1 petition received.

The Principal Planner, Mr Batchelor, presented this report for the approval of all reserved matters relating to the access, appearance, landscaping, layout and scale of outline planning permission HS/OA/14/00806 – Erection of three detached dwellings with access at 8 Amherst Road, Hastings.

The site was formerly a two-storey detached property which has been demolished since outline planning permission was granted in 2011. The site now contains three partially completed dwellings and includes substantial planting and protected trees around its boundaries. The site measures 0.3 hectares in total.

Outline permission was granted in 2011 (with all details reserved) for the redevelopment of the site for 3 detached dwellings and amendments to existing access. The permission was initially refused but granted on appeal. This permission lapsed but was granted outline consent in 2014 (ref HS/OA/14/00806).

Approval has been given under reference HS/DS/16/00285 for the external appearance, layout and scale of the development with the landscaping being approved under HS/DS/17/00024.

Reserved matters from the outline planning permission have been approved, this reserved matters application was submitted to resolve an issue regarding damage to protected trees that has occurred on the site. Since the last reserved matters were approved, the developer commenced works on the site, damage two protected oak trees (shown to be retained in the previous permissions) and now seeks approval for the amended scheme involving the removal of the oak trees, significant replacement planting and slightly amended layout details.

Since the application was submitted, it has been amended to show details of the retaining wall and planting area along the boundary with 14 Amherst Road and a slight amendment to the layout to show the protection of the remaining oak tree to the east of the proposed driveway and adjacent to no. 8 Amherst Road.

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Members were informed of an update to the report:-

- Matters relating to landscaping and conditions

The Principal Planner advised the most notable changes to the application related to the internal road layout where the access road will be set back and changes to the boundary details along Plot 3, 14 Amherst Road. He said the Arboriculturalist had recommended the damaged trees should be removed and replaced with a robust replacement planting plan.

Members were shown plans and photographs of the application site.

Mrs Alexandra Hudson, petitioner, spoke against the application. She referred to the damaged oak trees stating that one of the trees could have been saved with correct pruning to distribute the weight. She questioned why the trees had been left for 8 months if they were deemed unsafe and felt the council should have issued a stop notice and the developer fined £20,000.

The Applicant, Mr Sherlock-Scougall, had been invited to the meeting, but could not attend.

The Principal Planner advised that the badger corridor was not there during construction but he was satisfied that the site was otherwise accessible for badgers. as the badgers could still migrate through the site without the corridor

Councillor Rogers proposed a motion to defer the application to the next meeting that the Borough Arboriculturalist could attend. This was seconded by Councillor Dowling.

**RESOLVED – (Unanimously) that the application be deferred until the next meeting that the Borough Arboriculturalist could attend.**

### 16.2 2 Sedlescombe Road South, St. Leonards on Sea

Proposal:

An artwork by artist Greg Shapter, commissioned for Coastal Currents Arts Festival 2017. An image of a face (Robert Tressell) mounted on the external side wall of Martell Colour Print. Approx 3.5m x 2.5m. It is a single point perspective piece which only 'reads' as a face from one angle, and from other angles doesn't appear to be anything significant other than a framework on a wall. (link to the artist and similar artwork: <http://gregshapter.com/>)

Application No:

HS/FA/17/00632

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Existing Use:	Commercial premises.
Conservation Area:	No
Listed Building	No
Public Consultation	1 petition of support received.

The Senior Planner, Mrs Meppem, presented this report for the installation of artwork by artist Greg Shapter, commissioned for Coastal Currents Arts Festival 2017 on the side elevation of 2 Sedlescombe Road South, St. Leonards on Sea.

The application seeks permission for the placement of a piece of artwork displaying the face of Robert Tressell mounted on the external side wall of Martell Colour Print. The dimensions are approximately 3.5m x 2.5m. It is a single point perspective piece which only 'reads' as a face from one angle. From other angle the structure would appear as a metal framework on the wall.

The premises is a semi-detached property in a prominent location on the junction of Sedlescombe Road North, Sedlescombe Road South, Battle Road and London Road in St. Leonards. Surrounding the site is a mix of residential and commercial properties including, Asda to the north west, Barclays bank to the north-east, and Silverhill shopping area to the east. The property itself houses Martel Colour Print, a small independent digital printing business.

Members were updated on further information:-

- Image of a face (Robert Tressell) mounted on the external side wall of Martell Colour Print.
- Approx. 3.5m x 2.5m.
- It is a single point perspective piece which only 'reads' as a face from one angle, and from other angles doesn't appear to be anything significant other than a framework on a wall.

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

Mrs Meppem referred to the comments from the Highways Authority, she said they had stated the proposal would create a driver distraction and cause additional hazards at that junction. Concern was raised as this junction is a persistent collision site and the art installation proposed has the potential to create further distraction. This risk was considered to be a severe impact and they had recommended that the application be refused on safety grounds.

She said the agent had been asked if the scheme could be amended to a single face or mural, this request was declined.



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Councillor Street said they had requested that a representative from the Highways Authority attend this meeting, unfortunately no one was available to attend to provide clarification.

Ms Tina Morris, petitioner, spoke in support of the application. She said the application was part of the Coastal Currents Arts Festival and the artwork will be supplied by the Arts Council as a tribute to Robert Tressell. She said junctions were seen as a good place for public art and public monuments which were proven to slow traffic down e.g. the Angel of the North and Piccadilly Circus. The artwork will be positioned 7.4m above ground and will not be in the sight line of drivers. Set back against a building the artwork will not glint or glare, it will be built from materials that are not flashing or colourful. Asda is a few meters away. She said the artwork will beautify the area.

Ms Morris said they had spent two months looking at other sites and had identified 6 or 7 potential locations, this was the most suitable. She said they wanted to put the artwork in this ward to give the opportunity to a deprived area. Ms Morris said that the artwork would not be illuminated. They had reduced the size of the artwork by a third to make smaller. She said they would install a plaque below the artwork.

Councillor Street said if the artwork was painted as a mural it would not need planning permission so why did they choose this format? Ms Morris said it was part of the festival to break new boundaries and create new pieces.

Jon Tyrrell, applicant and production manager, was present and spoke in support of the application, he said the artwork will be 2.4m by 1.67m, mounted 7m high on the building. The materials will be non-reflective matt. He referred to examples of other artwork that had been granted e.g. Piccadilly Circus which has moving images and The Angel of the North which is 54m wide and 20m high and is seen by 1 person every second. He said traffic passing through Sedlescome junction will be travelling at modest speed, drivers will see the artwork from Battle Road and Sedlescombe heading south. He referred to the concern expressed by the Highways Authority and said a risk assessment will be submitted prior to the works going ahead. The work will be undertaken locally and covered by insurance. Mr Tyrrell said the dimensions stated in the officers report are when the application was submitted, the artwork has since been reduced to a smaller size. 2.4m high by 1.67m wide.

Mrs Meppem explained the Highways Officer had said that flat face artwork may be acceptable. She said the suggested amendment was not accepted by the applicant. Details of the other sites that were considered were not submitted by the applicant. No safety audit has been undertaken to demonstrate this will address the concerns raised by the Highways Officer.

The Planning Services Manager explained that this piece of street signage is unique in that it is more of a puzzle and does not reveal itself until you are in front of it.

The Principal Solicitor advised members to consider this application on its own merits. She said there had been a clear strong objection from ESCC Highways. Members were asked to bear in mind that whilst there were other examples around the Country, there was no evidence to say that this particular artwork in this particular

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location will prove to calm traffic rather than distract it. Unless we had evidence to contradict the objection from ESCC Highways we were open to legal challenge.

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

**RESOLVED** – by (6 votes to 3 against) that planning permission be refused for the following reason:-

- 1. The proposed artwork would constitute a distraction to the drivers of vehicles using the adjacent section of Sedlescombe Road South [C664] and Battle Road [B2159] resulting in severe highway impacts. The development is therefore considered contrary to Policy DM3 of the Hastings Development Management Plan, T3 of the Hastings Planning Strategy and Paragraph 32 and 67 of the National Planning Policy Framework.**

### Note to the Applicant

- 1. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.**

### 16.3 The Kings Head Inn, 61 Rye Road, Hastings

Proposal:	Demolition & redevelopment site with 12 x 2/3 bedroom units/flats.
Application No:	HS/FA/17/00168
Existing Use:	Vacant public house and car park
Conservation Area:	No
Listed Building	No
Public Consultation	1 petition and 1 letter of support received

The Planning Services Manager, Mrs Evans, presented this report for the demolition and redevelopment of site with 12 x 2/3 bedroom units/flats at The Kings Head Inn, 61 Rye Road, Hastings.

The site is a vacant public house positioned to the north-east of a large car park, also within the site. It is proposed to demolish the existing public house and redevelop the site with 12 flats comprising 10x2 bedroom units and 2x3 bedroom units. The building

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will be two storeys in height comprising a mainly hipped roof with small gable frontages. It will be constructed from stock brick work with a part render finish. The proposed block of flats will be positioned in a similar location to the existing public house with the car parking area to the south west of the site. A refuse and recycling storage area is located at the front of the site within the car parking area (15 spaces). The 3 ground floor flats will each have a rear garden and landscaping to the front of the development will be provided. No cycle spaces are proposed. The site will be accessed by the existing access point.

The area is predominantly residential but also includes Hastings Academy to the north-east.

Members were informed of several updates to the report:-

- Revised elevations submitted to show change in site levels at front of scheme - Plan numbers (condition 2) to be amended: SD-555-06C
- Para 5 o) of the report refers to attenuation tanks under the car parking area and the rear garden areas. This plan to which that relates has however been superseded and the drainage plan reverts to that shown within the Drainage Strategy & Sustainable Drainage Management and Maintenance Plan produced by Monson

Members were shown plans and photographs of the application site.

Mr Ingleton, petitioner, spoke against the application. He said the development was governed by the Hastings Local Plan; Policy H1 = 30 dwellings per hectare across the town. He said that Hastings has double the average number of flats. Policy H2 states that Hastings needs large homes. Policy DM3 states 2 or more bedrooms. All of the flats should have 10 metre gardens. Mr Ingleton said it was a Heritage Asset. He said the development will not be sympathetic to the area, it is too dense and is opposed by the local community.

Councillor Street asked Mr Ingleton why nobody in the local community had signed the petition Mr Ingleton said it is only necessary for people who live in Hastings to sign. Councillor Street referred to the petition opposing the previous withdrawn application which a large number of local residents had signed.

Steve Durhun, applicant, was present and spoke in support of the application. He said he had worked comprehensively with the Planning Department. 3D models to support the scheme were shown in the case officers presentation. Mr Durhun said whilst there was no public consultation as they had communicated directly with the Council. They felt the design worked with the community.

The Planning Services Manager confirmed that Policy H1 = development of at least 40 dwellings per hectare would be applicable. She said the site is outside a busy shop opposite a school in a sustainable location. There are three rear gardens for three flats on the ground floor. Some flats have balconies, the dwellings either side have rear gardens. The site is not heritage site and is not locally listed. She said

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they like to encourage pre-application consultation with public, but it is not required for development of this scale. The applicant chose not to do it, but through discussion with the applicant they significantly reduced the bulk of the building and design.

Councillor Street asked that the applicant keeps the name 'The Kings Head'.

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

**RESOLVED** – (unanimously) that:

**A) That planning permission be issued upon completion of an agreement under S106 of the Town and Country Planning Act to secure affordable housing unless it has been conclusively shown that the development would not be viable if a payment were made. In the event that the Agreement is not completed or the viability issue not resolved by 1 May 2018 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Planning Strategy 2014 unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.**

**B) Subject to A) above**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

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

**SD/555/03 - SD/555/04A - SD/555/05A - SD/555/06B - SD/555/07A - SD/555/08A - SD/555/09A**

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. (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;

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

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(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. Surface water runoff from the proposed development shall be limited to 2.5l/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 and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. Hydraulic calculations should take into account the connectivity of the different surface water drainage features;
6. A site investigation which incorporates infiltration testing in accordance with the BRE365 and groundwater monitoring between autumn and spring should be carried out prior to the design of the detailed drainage design. Evidence of this should be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.
  - a) If infiltration is found to be unfeasible, the permeable pavement should connect to the proposed pipe network on site.

The design should leave at least 1m unsaturated zone between the base of the permeable pavement and sealed storage tank, and highest recorded groundwater level. If this cannot be achieved, details of measures to be taken to manage the impacts of high groundwater on the drainage system shall be provided. In addition, evidence of how impacts of high groundwater on the structural integrity of the tank will be managed shall also be provided;

7. A maintenance and management plan for the entire drainage system shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority prior to the commencement of development. The Plan shall clearly identify responsibilities for managing all aspects of the surface water drainage system and provide evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

All works shall be undertaken and maintained thereafter in accordance with the approved details;

8. The car parking spaces shown on the approved plan shall be provided prior to the occupation of the development hereby permitted and thereafter shall not be used for any purpose other than the parking of vehicles;
9. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been

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submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway 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;
  - the loading and unloading of plant, materials and waste;
  - the storage of plant and materials used in the 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.
10. The vehicle turning space shown on the approved plan shall be constructed and provided prior to the occupation of the development hereby permitted and thereafter shall not be used for any purpose;
11. 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 spaces shall thereafter be retained for that use and shall not be used other than for the parking of cycles;
12. No part of the development shall be occupied until such time as the vehicular access has been reconstructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The reconstruction shall include upgrading of the kerb to make it flush with carriageway to ensure that the footway is not overrun;
13. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include a scheme for replanting. 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

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part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

15. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; refuse storage, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, storage units, signs lighting etc.), where relevant. The refuse storage area shall be enclosed with a brick wall surround of sufficient height to provide a visual screen between the storage area and the surrounding locality;
16. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority;
17. Before the development hereby approved is commenced 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 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details;
18. Before the development hereby approved is occupied, provision shall be made for the ability to connect to fibre-based broadband;
19. 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, 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

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**Authority.**

The submitted ecological statements and reports referred to are:

- **Arboricultural Report (The Mayhew Consultancy Ltd, August 2016)**  
**Preliminary Ecological Assessment, August 2016)**

- 20. 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;**
- 21. Windows in the upper floor north east side elevation shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.7 metres from finished floor level. The flats hereby approved shall not be occupied until the obscure glass is installed, and once installed, the windows shall be permanently maintained in that condition; and**
- 22. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the flats 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.**

**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 prevent increased risk of flooding;**
- 5. To prevent increased risk of flooding;**
- 6. To prevent increased risk of flooding;**
- 7. To prevent increased risk of flooding;**
- 8. To ensure a satisfactory form of development that provides adequate car-parking spaces;**
- 9. In the interests of highway safety and the amenities of the area;**



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- 10. In the interests of road safety;**
- 11. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies;**
- 12. In the interests of road safety;**
- 13. To ensure a satisfactory standard of development in the interests of the character and amenity of the area;**
- 14. To ensure a satisfactory standard of development in the interests of the character and amenity of the area;**
- 15. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 16. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 17. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014;**
- 18. To ensure the development complies with Policy SC1 of the Hastings Planning Strategy 2014;**
- 19. To protect features of recognised nature conservation importance;**
- 20. To prevent the further spread of Japanese knotweed and to comply with Wildlife and Countryside Act 1981 and Part II of the Environmental Protection Act 1990;**
- 21. To safeguard the amenity of adjoining and future residents; and**
- 22. In the interests of the visual 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. Consideration should be given to the provision of a domestic sprinkler system;**

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- 4. 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;**
- 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. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended);**
- 7. The applicant is advised that they will need to apply for a licence to reconstruct the access as required by condition. The applicant should contact East Sussex County Council on 01273 482254 to apply for a licence to ensure the construction is to an acceptable standard;**
- 8. 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;**
- 9. The Council will require the applicant to provided 1 x 1280 litre metal bulk bin for waste containment and capacity. Hastings Borough Council will provide 1 x 1280 metal green bulk bin for mixed recycling and 2 x 240 wheeled bins for the glass collection, to be sited in the bin store area. The bin store floor will need to be even and unobstructed for the bulk bins to be moved to the collecting truck on the road;**
- 10. The applicant is advised that the cycle store, required by condition 11, should not be placed to the front of the building in order to ensure the landscaping remains as shown and to secure a well planned development;**
- 11. 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 the potential means of access, and these details provided to Southern Water before any further development takes place;**
- 12. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 3 metres of the public water main without consent from Southern Water. For further advice, the applicant is advised to contact**

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**Southern Water, Southern House Sparrowgrove, Otterbourne,  
Hampshire SO21 2SW (Tel: 0330 303 0119) or  
[www.southernwater.co.uk](http://www.southernwater.co.uk);**

- 13. The applicant is advised that landscaping details required by condition 13, should include the planting of trees along the rear boundary.**

**17. OTHER PLANNING APPLICATIONS:**

**17.1 248 Wishing Tree Road, St. Leonards on Sea**

Proposal:	Erection of a pair of semi-detached dwellings on land rear of 248 Wishing Tree Road together with construction of new access from Crowhurst Road.
Application No:	HS/FA/16/00414
Existing Use:	Residential garden
Conservation Area:	No
Listed Building	No
Public Consultation	5 letters of objection and 1 letter of support received

The Principal Planner, Mr Batchelor, presented this report for the erection of a pair of semi-detached dwellings on land rear of 248 Wishing Tree Road together with construction of new access from Crowhurst Road.

The proposal is for a pair of semi-detached dwellings in the rear garden of 248 Wishing Tree Road and the construction of a new access from Crowhurst Road.

The site is delineated by shrubs to the rear and fencing along the side boundary. The rear garden slopes down and the site is set at a higher level than the adjoining properties of Ironlatch Cottages to the west. The site also adjoins residential development of The Suttons to the north which is characterised by detached dwellinghouses. Crowhurst Road lies to the south.

This application follows planning application (HS/FA/15/00303) which was refused. Although this development has the same description there are some differences:- The houses are now lower due to the proposal now being built into the site, and the roof design has been significantly revised to reduce the bulk of the building (roof now hipped on all sides with a shallower pitch).

Members were shown plans and photographs of the application site.

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The Principal Planner explained the previous proposal was considered too large and would have had an unacceptable impact on the residential area. He said the scheme has been built into the site so that it will fit in well and is more comparable with the surroundings.

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

**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:  
  
3043-200D, 210D, 215C and 220E;
3. The new access shall be in the position shown on the submitted plan (drawing no. 3043-210 Rev D) and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to the commencement of development;
4. The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter;
5. The access hereby permitted shall not be used until a turning space for vehicles has been provided and constructed in accordance with the submitted plan (drawing no. 3043-210 Rev D) and the turning space shall thereafter be maintained in a suitable condition for that use and shall not be used for any other purpose;
6. During any form of earthworks and/or excavations that are carried out as part of the development, suitable wheel washing equipment should be provided within the site, to the approval of the Local Planning Authority, to prevent contamination and damage to adjacent roads;
7. The development shall not be occupied until the parking area has been provided in accordance with the approved drawings and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles;
8. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles;

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9. (i) Construction of the development shall not commence until details of the proposed means of surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority;
- (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed;
- (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
10. No development shall take place until the measures outlined in the submitted ecological statements and reports 'Preliminary Ecological Appraisal, dated June 2016 by The Mayhew Consultancy Ltd (ref EA/35315/R1) 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.
11. No development shall take place until the measures outlined in the submitted arboricultural and landscaping reports:
- Arboricultural Report, dated June 2016 by The Mayhew Consultancy Ltd (ref AR/35315/R1); and
  - Planting Schedule & Planting, Maintenance and Establishment Specification, dated June 2016 by The Mayhew Consultancy Ltd (ref PP/35315/R1)
- 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, planting, maintenance) in which case the works shall be carried out in accordance with the timescales contained therein or;

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**(ii) unless the scheme(s), or programme(s) of measures contained within the reports is otherwise first varied, by way of prior written approval from the Local Planning Authority;**

- 12. Before the development hereby approved is commenced details of the climate change adaptation and mitigation measures to be implemented within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details;**
- 13. The first-floor side elevation window facing towards nos 7 and 8 The Suttons shall be obscure glazed and fixed shut at all times;**
- 14. 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.**

**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 the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 4. To ensure the safety of persons and vehicles using the access and/or proceeding along the highway;**
- 5. In the interests of highway safety;**
- 6. In the interests of highway safety and for the benefit and convenience of the public at large;**
- 7. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 8. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development;**
- 9. To prevent increased risk of flooding;**
- 10. To protect features of recognised nature conservation importance;**

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11. In the interests of the health of the trees and the visual amenity of the area;
12. To ensure the development complies with policy SC3 and SC4 of the Hastings Local Plan: The Hastings Planning Strategy;
13. In the interests of the amenity of the neighbouring residential occupiers; and
14. To safeguard the amenity of adjoining residents.

### Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the 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. The surface water drainage details required by condition 9 above shall have regard to the comments provided by the Lead Local Flood Authority (email dated 19 June 2016 from Revai Kinsella, Principal Drainage Officer, Flood Risk Management Team, East Sussex County Council); and
6. 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).

17.2 8 Grosvenor Crescent, St. Leonards on Sea

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Proposal:	Conversion of the existing building from 4 x flats to 7 x one and two bed flats, with extensions to the ground, first, second floors and roof of the western side/rear elevations, the raising of the rear section of existing ridgeline, the insertion of a window in the front elevation, the demolition of one chimney and reinstatement of another chimney, and the formation of an enclosed refuse/recycling & cycle store on the rear elevation
Application No:	HS/FA/17/00625
Existing Use:	Residential flats.
Conservation Area:	Yes - Grosvenor Gardens
Listed Building	No
Public Consultation	3 letters of objection received 1 letter of support

Having declared his prejudicial interest, Councillor Beaver was absent from the Chamber during discussion and voting. This item was brought to committee as requested by ward member, Councillor Beaver.

The Senior Planner, Mrs Meppem, presented this report for the conversion of the existing building from 4 flats to 7 flats (4 x 1 bed & 3 x 2 beds), extensions to the ground, first, second floors and roof; raising of the rear section of the existing ridgeline; insertion of a window in the front elevation; demolition of one chimney and reinstatement of another chimney; and formation of an enclosed refuse/recycling & cycle store on the rear elevation.

The site is located on the A259 opposite the seafront. The premises consists of an imposing semi-detached, three storey building with double height bay windows and large forward projecting gables at second floor level.

The Senior Planner stated that the premises is not a listed building and there is no parking associated with the premises. On street parking is available at the front of the site. She said the premises has historically been converted into four separate residential units and meets the minimum requirements for internal space standards. Although the site is in flood zone 2 and 3, this is covered by Condition 7 and Informative 4.

Members were shown plans and photographs of the application site.

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

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



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1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
2. The development hereby permitted shall be carried out in accordance with the following approved plans: RS/00, RS/01, RS/02, RS/03, RS/04, RS05, RS/06, RS/07, RS/09, RS/11, RS/12, RS/13 and RS14;
3. The materials to be used in the construction of the external surfaces of the extensions and alterations hereby permitted shall match those used in the existing building;
4. The windows shown on the proposed plans shown serving bathrooms, en-suites or WCs shall be obscure glazed and remain as such at all times;
5. A 1.8 metre high obscure glazed screen shall be erected on the 1st, 2nd and 3rd floor balconies as shown on approved plans RS/03, RS/04 and RS/05 prior to completion of the development and retained thereafter;
6. Prior to completion of the conversion, the bin and cycle store as identified on plan RS/02 shall be provided on site;
7. Prior to completion of the conversion, evidence that the flood risk mitigation measures have been incorporated in to the scheme shall be submitted to and approved in writing by the Local Planning Authority. These shall include;
  - (i) Slot-in demountable barrier system at a height of 0.3 metres - 0.6 metres as per national guidance, to be positioned in front of each of the two external doorways at ground level;
  - (ii) Airbricks and similar openings at ground level be made flood-proof;
  - (iii) The hatch to basement level to be replaced with a flood-proof hatch door;
  - (iv) Non-return valves to be installed to the foul effluent drainage network

The mitigation measures shall be fully implemented prior to occupation in accordance with the approved details and retained on site thereafter, unless otherwise agreed in writing by the Local Planning Authority in conjunction with the Environment Agency;
8. The office within flat 7 as shown on drawing RS/05 shall only be used as office space and at no point be used as an additional bedroom;
9. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

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**08.00 - 13.00 on Saturdays**

**No working on Sundays or Public Holidays.**

### **Reasons:**

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. For the avoidance of doubt and in the interests of proper planning;**
- 3. To ensure that the finished extensions match the appearance of the existing premises;**
- 4. To safeguard the amenity of adjoining and future residents;**
- 5. To safeguard the amenity of adjoining and future residents;**
- 6. To ensure a satisfactory standard of development;**
- 7. To reduce the risk of flooding to the proposed development and future occupants in line with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change;**
- 8. To ensure a satisfactory standard of development and in the interests of highway safety; and**
- 9. To safeguard the amenity of adjoining residents.**

### **Notes to the Applicant**

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;**
- 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;**
- 3. Consideration should be given to the provision of a domestic sprinkler system; and**
- 4. A Flood Warning and Evacuation Plan as included as Appendix D of the Flood Risk Assessment (dated June 2017) shall be prepared and a copy provided within each flat at all times.**

**17.3 First and Second Floor Flat, 74 Marina, St. Leonards on Sea**

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Proposal:	Like for like replacement of an existing stone balcony with inclusion of supporting ornamental iron brackets (front elevation), reinstatement of historic sash windows at first floor level on the front facade, reinstatement of the traditional canopy as a like for like replacement, reorganisation of the apartments internally from a 1st and 2nd floor apartment to front and rear duplex apartments, erection of a two storey rear extension to include an internal staircase connecting the floors of the proposed rear Duplex apartment.
Application No:	HS/FA/17/00360
Existing Use:	Residential.
Conservation Area:	Yes - Grosvenor Gardens
Listed Building	No
Public Consultation	5 letters of objection and 6 letters of support received

Having declared his prejudicial interest, Councillor Sabetian was absent from the Chamber during discussion and voting.

The Planning Officer, Ms Ranson, presented this report for like for like replacement of an existing stone balcony with inclusion of supporting ornamental iron brackets (front elevation), reinstatement of historic sash windows at first floor level on the front facade, reinstatement of the traditional canopy as a like for like replacement. Reorganisation of the apartments internally from a 1st and 2nd floor apartment to front and rear duplex apartments. Erection of a two storey rear extension to include an internal staircase connecting the floors of the proposed rear Duplex apartment at First and Second Floor Flat, 74 Marina, St. Leonards on Sea.

The site comprises terraced property no.74 Marina situated on the seafront. The property is over 6 floors (including basement) and is situated towards the foot of the cliff slope behind.

Members were informed of an update to the report:-

- Daylight model provided accessible at:  
<https://youtu.be/SUiQOyc-IBk>

Members were informed of key points of the application:-

- The works to the front elevation will enhance the character of the conservation area and improve the traditional appearance of this significant Sea-front

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property.

(There is support for the works to the front elevation and no objections.)

- The proposed rear extension will be an improvement on the existing dilapidated extension. It will not cause significant harm to neighbour amenity from loss of light or privacy. The new wooden design of the extension will clearly demarcate the new from the old and will be complementary to the original.
- The proposed internal re-configuration to two self-contained apartments will improve the quality of accommodation at this property, providing each apartment with private facilities.
- While the cliff slope behind is potentially subject to instability, evidence has been submitted that any actual or potential instability relevant to this development can be dealt with through appropriate measures.

Members were shown plans and photographs of the application site.

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:  
  
HGS16-74 P005 A (block plan); HGS16-74 010 (location plan); HGS16-74 101 (existing front elevation and details); HGS16-74 102 (proposed front elevation and details); HGS16-74-300 (proposed 1st floor window details); HGS16-74-301 (proposed canopy details); HGS16-74 104 Rev B (proposed rear elevation); HGS16-74 110 (existing 1st & 2nd floor plans); HGS16-74 120 (PR front apartment floor plans); HGS16-74-130B (proposed rear duplex apartment);
3. The bricks to be used in making good the new window opening in the west elevation of the rear off-shoot and the bricks to be used in making good the rear elevation of the off-shoot as it adjoins the new extension hereby permitted shall match as far as possible those used in the existing building.
4. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08:00 - 18:00 Monday to Friday

08:00 - 13:00 on Saturdays

No working on Sundays or Public Holidays.

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5. The rear lower land slope that the proposed rear extension bridges across must be stabilised by battering this section back and fixing a geotextile to the surface with steel pins as recommended by Elliot Toms CEnv BSc (Hons) MSc MEnvSci FGS, Managing Director Land Science; and
6. No disturbance of the rear, upper bank or cliff face behind the building shall be caused by the works undertaken for carrying out the development 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 ensure that the materials used are a suitable match the appearance of the existing dwelling;
4. To safeguard the amenity of adjoining residents;
5. To overcome any possible land stability in compliance with policy DM5 of Hastings Development Management Plan, 2015; and
6. To protect against possible land instability in compliance with policy DM5 of Hastings Development Management Plan, 2015.

### 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 building requires a maintenance program to ensure all new woodwork and iron work is properly painted and maintained to avoid rust scarring to the front of the building;
4. Your attention is drawn to the Control of Asbestos Regulations 2012 should asbestos be found during the development hereby approved;
5. The Building Regulations 1991 apply to this development and so a

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building regulation submission will be necessary before development;

6. Your attention is drawn to paragraph 120 of the National Planning Policy Framework that states:-

To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

### 18. PLANNING APPEALS AND DELEGATED DECISIONS

The Planning Services Manager reported that three planning appeals had been received; one planning appeal had been dismissed and one appeal had been allowed. She also reported on the number of delegated decisions.

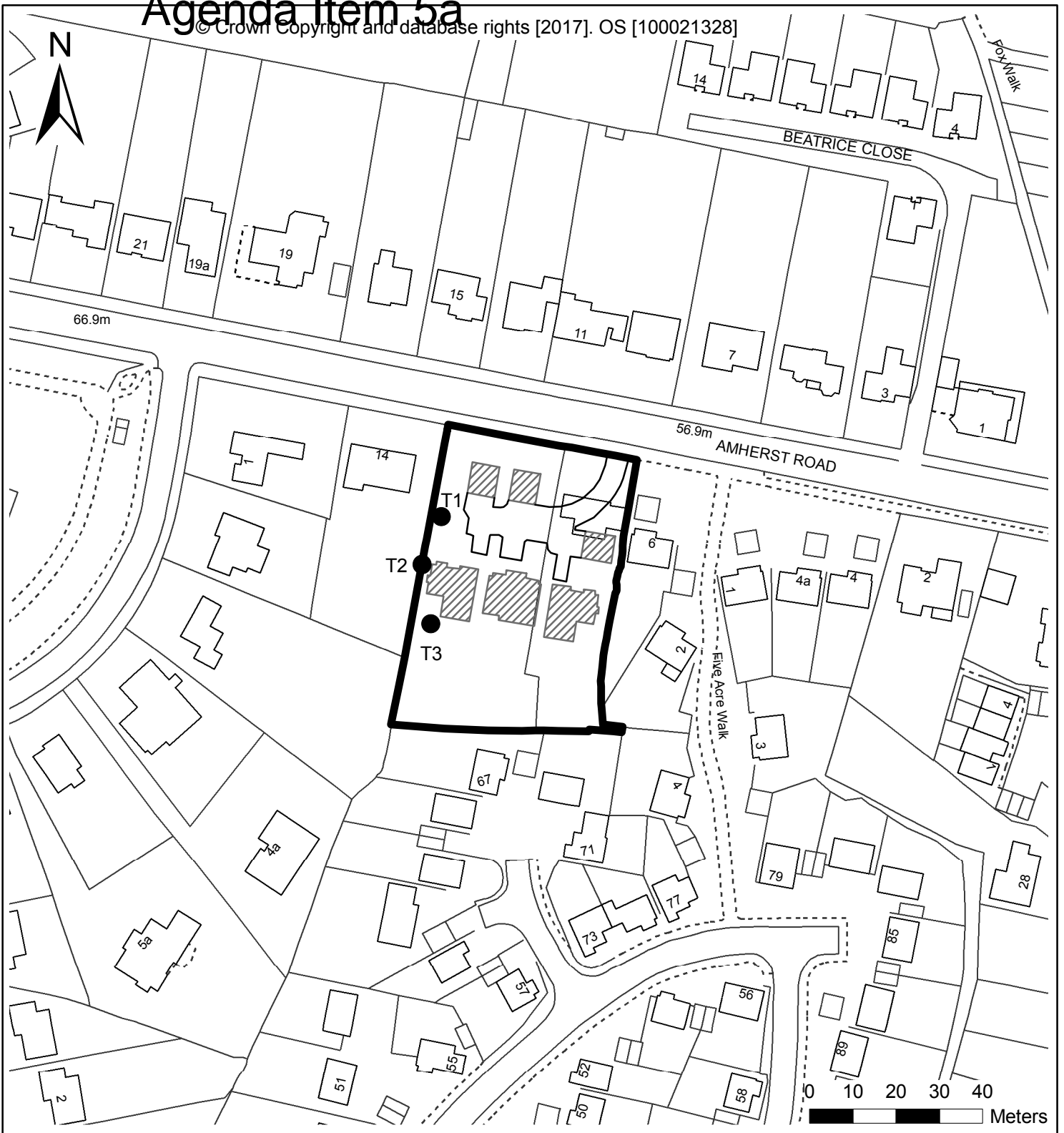
All matters had arisen between 6 October to 3 November 2017.

The report was noted.

(The Chair declared the meeting closed at. 8.07 pm)

# Agenda Item 5a

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**8 Amherst Road  
Hastings  
TN34 1TT**

Approval of all reserved matters relating to the Access, Appearance, Landscaping, Layout and Scale of Outline Permission  
HS/OA/14/00806 - Erection of three detached dwellings with access.



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: Nov 2017

Scale: 1:1,250

Application No. HS/DS/17/00416

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**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 14 December 2017

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** 8 Amherst Road, Hastings, TN34 1TT

**Proposal:** Approval of all reserved matters relating to the Access, Appearance, Landscaping, Layout and Scale of Outline Permission HS/OA/14/00806 - Erection of three detached dwellings with access.

**Application No:** HS/DS/17/00416

**Recommendation:** Approve Reserved Matters

**Ward:** BRAYBROOKE

**Conservation Area:** No

**Listed Building:** No

**Applicant:** Mr Wood per Clague LLP 62 Burgate Canterbury CT1 2BH

**Interest:** Freeholder

**Existing Use:** Partially completed dwellinghouses

**Public Consultation**

Site Notice:	Yes
Press Advertisement:	No
Letters of Objection:	15
Petitions of Objection Received:	1
Letters of Support:	0
Petitions of Support Received:	0
Neutral comments received	0

**Application Status:** Not delegated - Petition received

## Update

This planning application was deferred from the last Planning Committee to allow for the Borough Arboriculturalist to be invited and attend. Members will be able to ask questions relating to trees and landscaping and also about the advice given by the Borough Arboriculturalist to date.

In accordance with the Planning Protocol as there were absences and substitutions by members of the Planning Committee as the last meeting it is in the interests of good decision making to consider the application afresh and to re-hear all oral representations

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

The application site relates to the former 8 Amherst Road. This was a two-storey detached property within extensive grounds which has been demolished since outline planning permission was granted in 2011. The site was cleared and prepped for development and now contains 3 partially completed dwellings.

The site is located on the south side of Amherst Road and measures approximately 0.3 hectares. The site is set at a lower level than Amherst Road. Although cleared before development started earlier in the year, the site includes substantial existing planting and protected trees around its boundaries.

To the north are a series of detached properties of varying designs (1900-1960s) all within substantial plots. To the west is 14 Amherst Road which is a large chalet-style bungalow that is at a higher level than the application site. The shared boundary includes established hedgerows, protected trees and other planting. To the east of the site is 8 Amherst Road which is a more modern (likely 1980s) development which forms part of a series of more modern houses along Five Acre Walk. To the south of the site are properties on Winterbourne Close. These are also more modern properties (built since the 1980s) that are at a higher level than the application site.

The wider area, particularly along Amherst Road can be characterised by its open nature, which is a result of the prevalence of detached houses and established planting.

### Constraints

Tree Preservation Order

Badger foraging area

Area susceptible to surface water flooding in 1 in 30, 1 in 100 and 1 in 30 rainfall events

Within 600m of a play area

SSSI Impact Risk Zone

## **2. Proposed development**

The applicant obtained outline planning permission (with all details but access reserved) in 2011 for the redevelopment of the site for 3 detached dwellings. The permission was granted on appeal. The 2011 permission lapsed but the same scheme was granted outline planning permission in 2014 (ref HS/OA/14/00806).

The applicant has since received approval of the appearance, layout and scale of the development under ref HS/DS/16/00285 with the landscaping being approved under HS/DS/17/00024.

Although all of the reserved matters from the outline planning permission have been approved, this new reserved matters application has been submitted to resolve an issue regarding damage to protected trees that has occurred on site. In summary, since the last

reserved matters were approved, the developer commenced works on site, damaged two protected oak trees (shown to be retained in the previous permissions) and now seeks approval for an amended scheme involving the removal of the oak trees, significant replacement planting and slightly amended layout details.

Since the application was submitted it has also been amended to show details of the retaining wall and planting area along the boundary with 14 Amherst Road and a slight amendment to the layout to show the protection of a remaining oak tree, to the west of the proposed driveway and adjacent to no.14.

The application is supported by the following documents:

- Drawings
- Landscape planting drawings
- Design and access statement
- Ecological reports including badger, bat and reptile reports
- Arboricultural reports
- Waste management statement

### **Relevant Planning History**

HS/DS/17/00024 Approval of reserved matters relating to the landscaping (Conditions 1, 2, 3, 6 & 8) of Outline Permission HS/OA/14/00806 - Erection of three detached dwellings with access.  
Granted subject to conditions 16 February 2017

HS/DS/16/00285 Approval of reserved matters layout, scale and external appearance of the buildings to be erected under Outline Planning Permission HS/OA/14/00806 (Erection of three detached dwellings with access)  
Granted subject to conditions 06 January 2017

HS/OA/14/00806 Erection of three detached dwellings with access. (Outline application)  
Granted subject to conditions 23 December 2014

HS/OA/10/00523 Demolition of existing house on site and proposed erection of three x 5 bedroom dwellings and amendments to existing access.  
Refused 11 November 2010  
Allowed on appeal 09 September 2011

### **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 EN3 - Nature Conservation and Improvement of Biodiversity

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

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

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.

Sections 7 - Requiring good design and Section 11 - Conserving and enhancing the natural environment are also particularly relevant.

### **3. Consultations comments**

Lead Local Flood Authority - **No objection.** This is subject to Southern Water being satisfied that surface water drainage can be discharged into the sewer network.

Southern Water - **No objection.** After lengthy discussions Southern Water are now satisfied with the surface water attenuation for the site and the controlled discharge into the sewer network.

Borough Arboriculturalist - **No objection.** Agrees that the extent of crown and root damage to two of the protected oak trees is so severe that neither should be retained. Direct replacement of these trees is not possible which will result in a negative impact upon the streetscene as the trees are prominent within the local landscape. Although the loss of the protected trees will impact negatively on the streetscene, the proposed mix of replacement planting, including both oak and field maple to the front, side and rear of the site, will mean significant replacement tree cover can be achieved over time. In addition, the reconfigured layout to protect the oak tree, T1, is considered acceptable.

Environmental & Natural Resources Manager - **No objection.** Updates were requested in terms of badgers and bats given the development on site to date and the damage to the protected oak trees. Following the submission of this additional information there are no further ecology matters.

### **4. Representations**

23 representations received from 15 different properties raising the following concerns:

- Loss of two protected trees (oaks T2 and T3)
- Potential harm to protected oak tree T1
- Loss of bat habitat provided by trees proposed to be felled.
- Impact on badgers
- Insufficient space to implement proposed planting
- Damage to properties from trees being removed

- Planting of non-native trees

Petition signed by 26 people has been received raising concerns about the loss of protected trees, impact on retained trees and impact on wildlife (including badgers).

Many of the objections raised also make reference to enforcement proceedings and whether the developer should be prosecuted. The process of enforcing breaches of planning is separate to the determination of the planning application and is not a consideration for the Planning Committee.

Some objectors have raised concerns about the badger information appearing as redacted on the website. Following advice from Natural England, to prevent increased risk of harm to badgers following information on their location being so easily accessible, the information is often redacted. Anyone raising this as a concern was provided with the necessary information along with an explanation about the redaction.

## **5. Determining Issues**

As explained above, this site benefits from an outline planning permission and all of the reserved matters have been previously approved. This is why development has commenced on site. However, given concerns about the accuracy of the approved layout of the development and the subsequent damage that has occurred to protected trees on site since development began, the applicant was asked to resubmit their reserved matters application to resolve these issues. Therefore, although this is an application for the approval of all of the reserved matters from outline planning permission HS/OA/14/00806 - the appearance, landscaping, layout and scale - the main considerations relate to the layout of the development in relation to plot 3 and protected oaks T1, T2, T3 and the landscaping proposals which include the removal of two of the protected oaks (T2 and T3) and a significant planting scheme.

The appearance of the houses and their scale remains the same as previously approved and the layout, other than that mentioned above remains unaltered. This is explained in more detail below.

### 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 area and neighbouring residential amenities

The appearance and design of the scheme remains unchanged from the previously approved application (HS/DS/16/00285), other than the layout of the road and position of trees relative to plot 3, which is discussed under paragraph(d). As such an extract from the previous delegated report associated with application HS/DS/16/00285 is equally applicable and copied below:

*"The proposed houses are substantial 5-bedroom detached houses. Plots 1 and 3 are designed with a main dual pitched roof, a front-projecting side-gable and rear two storey projection. Plot 2 is designed with a hipped roof and central front and rear projecting gables. Whilst not immediately comparable with the smaller modern developments to the east (8 Amherst Road and properties along Five Acre Walk) and the large chalet bungalow at 14*

*Amherst Road, the proposed development certainly has an affinity with the large houses on the northern side of Amherst Road and in the wider area.*

*When viewed from the street the properties will have a lower eaves height than nos. 8 and 14 Amherst Road, which helps ensure that the properties do not appear overly tall.*

*The ridge height of Plot 1 is higher than no.8 but the ridge height of plot 3 is lower than the ridge height of no. 14. The change in ridge heights creates a step effect along the streetscene, which flows with the incline of Amherst Road from east to west. This ensures that the scale of the developments works with the local topography and existing development along this section of Amherst Road.*

*As with the layout, the set back into the site, the lower site levels in comparison to the road and the boundary screening make the development less prominent. So, although their scale is considered acceptable on its own merits, the position and screening of the development offsets any concerns about scale.*

*The scale of the development is also acceptable in terms of neighbouring amenities.*

*As discussed by the Inspector in 2011, the position of the houses is important and in this proposal, particularly with regard to the relationship between plot 1 and 8 Amherst Road. In terms of the relationship between plot 1 and no.8 the proposed property is set in from the boundary by 3.66m. In terms of scale, the applicant has maintained a substantial two storey design but, with the eaves heights set lower than no.8 and the side elevation being shorter on this side boundary than the full depth of the proposed house, the relationship is considered acceptable because of this set back from the boundary.*

*Plot 3 is closer to the boundary with 14 Amherst Road (2.33m) than plot 1 is with no. 8, but otherwise has a similar relationship. There is still some separation with the boundary and plot 3 is set lower than no.14 which off-sets some of the mass. No.14 is not surrounded by development in the same way as no.8 and as such so does not share the same concerns about enclosure.*

*Ultimately, the proposed scale of the development coupled with the position of the building should ensure no overbearing, loss of light or sense of enclosure that would harm neighbouring amenities.*

*The proposed scale is considered acceptable and does not conflict with the requirements of policies SC1, DM1 and DM3."*

The officer then went on to say that in terms of appearance:

*"The applicant has proposed traditionally designed buildings in a post-Victorian style similar to those on the opposite side of the road which date from between 1900 and 1940. The proposed properties have a mixture of brick and rendered facades and plain tiled roofs. Windows have a traditional appearance to them, having a vertical emphasis and including glazing bars.*

*Plot 2 includes attractive balcony features on the both the front and rear elevations. Whilst not included in any other properties the set back from the road and the partial screening of the property make these additions acceptable. Given plot 2's position in the middle of the site, away from all boundaries, these features are not considered to cause any harm to neighbouring privacy.*

*The garages are simple brick built units with tiled hipped roofs. This simple design is compatible with the proposed houses and reflects materials used in the wider area.*

*Although quite conservative in their design the proposed houses, and their accompanying garages, are considered compatible with the character of the area and the proposal, in terms of its appearance, does not conflict with policies SC1, DM1 and DM3."*

This previous assessment about the impact of the development on the character of the area and neighbouring residents is still considered relevant. Of course, the development in relation to trees has changed, and this is discussed in further detail below, but the proposal otherwise is not considered to cause harm to the local area.

c) Layout and impact on neighbouring residential amenities

When considering the layout of the development in application HS/DS/16/00285 the officer wrote:

*"Unusually, the development is shown as significantly set back from the road frontage and does not maintain any building line. Whilst the building line is not as strong on the south side of Amherst Road as the north side, the development is significantly set back from the neighbouring houses either side. Maintaining an established building line can be an important way of maintaining or reinforcing local character. That said, the set back in this instance is acceptable.*

*Firstly, the site is set lower than the road frontage and the site is well screened. Because of this the development will not be prominent so the set back will not be an obvious departure. It should also be noted that properties along Five Acre Walk are set away from Amherst Road and this proposal would be consistent with that.*

*Secondly, in order to be able to provide the access required to serve the development, the houses need to be set back into the site. This development provides for that."*

The officer then described the layout of the development in relation to trees. This has since been shown to be incorrect and the matter of the development in relation to trees is discussed in further detail below. With regard to layout the officer in the previous application continued:

*"...the layout of the development has taken into account the requirement to protect badgers but this will result in the significant reduction in the size of the garden of plot 3. Although the landscaping of the garden is yet to be approved, the consequence of the updated badger report is that Plot 3 will end up with a "L" shaped garden with a staggered depth of 5m then 10m. The 10m long section of the garden will be at least 5.5m wide, which is comparable with the width of a standard house. Taking this into account it is considered that, although part of the garden of plot 3 will be less than 10m deep, the garden overall will provide sufficient amenity space whilst balancing the need for badger habitat protection (Condition 5).*

*The layout also maintains acceptable relationships with neighbouring properties. There are no overlooking windows and the position of the houses should ensure adequate levels of sunlight and daylight are maintained. Although set back from nos. 8 and 14 Amherst Road, the applicant has set the development in from the boundaries and ensured that the side elevations of the Plots 1 and 3, which are closest to nos. 8 and 14 respectively, have shorter depths at the side than the rest of the proposed house. This addresses an issue raised by the Planning Inspector in 2011, particularly with regard to 8 Amherst Road, in order to avoid a sense of enclosure to the residents at no. 8.*

*The proposed garages are substantial constructions in themselves but due to the change in levels and requirement for retained and enhanced landscaping, they will not be prominent features and their position in the development is considered acceptable. A garage has been reintroduced adjacent to no.8, but unlike the previous applications, the garage is shown in line with no.8 rather than set back from it, so it will not add to any concerns about enclosing this property. It will also not block out any significant side windows at no.8 where the side elevation only has a single access door.*

*Importantly, the layout has previously been considered acceptable by a Planning Inspector and has not significantly changed. Notwithstanding this, for the reasons explained above, the proposed layout is considered to be acceptable and does not conflict with the requirements of policies SC1, EN1, DM1, DM3 and HN8."*

In terms of its relationship to the surrounding area and neighbouring properties the previous assessment is considered relevant and the proposed layout is still considered acceptable. Of course the development in relation to trees has changed and this is discussed in further detail below.

#### d) Landscaping and trees

As stated above the proposed development will result in the loss of two protected oak trees. In the original arboricultural report (by Connick Tree Care, dated August 2010) submitted with previous applications, these two oaks are referred to as T2 and T3. In an update report by Connick Tree Care (dated May 2017), the trees are referred to as T1 and T2. For consistency with the previous applications, and other references throughout this report, the trees will continue to be referenced as per the 2010 report (i.e. T2 and T3).

In the previous applications oaks T2 and T3, which are located between plot 3 and 14 Amherst Road, were shown to be retained. The information submitted with the previous applications explained that the trees would not be harmed by the layout of the development but may require some reduction. Further to consultation with the Borough Arboriculturalist, the proposed development in relation to these trees was considered to be acceptable and permission was granted.

Unfortunately, during the course of development, oaks T2 and T3 became damaged. It has since transpired that plot 3 has not been built in the wrong location but that oaks T2 and T3 were not plotted correctly and are actually closer to the approved house than shown on the previously approved application (HS/DS/16/00285). As the trees are closer to plot 3, the construction of the house at plot 3 led to direct damage to the oak trees.

If the location of the trees had been shown correctly in the previous applications it is likely that the scheme would not have been approved or amendments to the layout of the development or the design of plot 3 would have been sought. This is because the trees are clearly visible in the local area and make a positive contribution to local amenity. Although the development is substantially constructed, the option to refuse the application or seek amendments remains open to the local authority. However, the reduction or movement of plot 3 away from these trees is now considered to achieve very little in this instance. The trees in themselves did not make the development acceptable; the impact of their loss was derived from their own merit and contribution to the visual amenities to the area. The 2017 update report from Connick Tree Care clearly explains the extent of the damage to oaks T2 and T3 and, following a multi-disciplinary site visit in the summer, the Borough Arboriculturalist agrees that the trees cannot be retained.



It is noted that the comments on this planning application almost exclusively object to the loss of the protected oaks. It is also noted that some of the objections refer to guidance about the retention of construction damaged trees and possible suggestions for the retention of the oaks. These options have been considered but ultimately the professional view of the applicant's arboriculturalist and the Borough Arboriculturalist is that the trees should be felled. Given their professional expertise more weight must be afforded to their conclusion.

The loss of the trees will clearly have a significant impact on the locality, but in this respect the applicant has submitted a robust replacement planting scheme. The scheme includes the planting of 7 common oak trees throughout the site, field maples along the boundary with 14 Amherst Road and lots of other planting. The Borough Arboriculturalist is of the opinion that the level of planting proposed will lead to significant tree coverage over time and is acceptable in this particular instance.

The loss of the protected trees is regrettable and, whilst the objection to the loss of the trees by the local community is understood, the situation is such that the proposed felling of the trees and substantial replacement planting is the most appropriate option.

Since the previous consents it has also been realised that the layout of the road would have impacted upon oak tree T1. The layout of the road has been reconfigured to ensure that tree T1 remains unaffected by the development. This is acceptable (condition 6).

It should also be noted that the loss of the trees along the boundary of Plot 3 and 14 Amherst Road has been considered but the position, level and distance of plot 3 from no.14 is such that the houses are acceptable on their own merits (as discussed at 5b and 5c above). The loss of the trees will make the house at plot 1 more visible but will not result in harm to the amenities of no.14. A level of obscurity will also redevelop over time with the proposed planting.

In terms of hard landscaping for the proposed development, this is limited to the entrance, access road, entrance gate, boundary fencing and paving around the houses (condition 3).

The proposed tarmac entrance is acceptable. This is only for a short distance before a more appropriate block paving is proposed. The block paving is noted as permeable (the suitability of which will be considered as part of the drainage proposals submitted under HS/CD/16/00993) but the applicant has otherwise not submitted details of the type and colour of the paving. The principle of the paving is acceptable, however, and a sample can be requested by condition.

Likewise, a paving slab is proposed for the dwellings. This is also acceptable in principle but a sample can be requested by condition.

Boundary fencing is limited to that separating the gardens and surrounding the site - a closed board fence is proposed. The fencing separating the properties is acceptable but the fencing along the front (Amherst Road) boundary is too tall. It is noted from the site visit that this fence along the front boundary has already been erected. The fence is in place of a previous smaller fence (mix of closed board and cleft chestnut fencing), which reviewing old photographs had become dilapidated. This fencing is too tall and reduces the openness and soft landscaped character along this front boundary and along Amherst Road. A condition requesting an alternative fencing arrangement is recommended (condition 7).

The location of an entrance gate is shown but no details of the gate are provided. Although entrance gates can create a sense of exclusion and sterility, the gates are set back from the

road, so are not prominent, and many other properties in the road appear to have residential style entrance gates so there will be no harm to local character. The principle of the gates is acceptable but details of their design and supporting pillars can be secured by condition (condition 4).

Since the submission of the application, the applicant has also submitted additional details of the section of retaining wall along the boundary with 14 Amherst Road. Following completion, this section of retained land will allow for some planting to screen the development with no.14 and allow a corridor for badgers should they wish to use it.

The hard landscaping is acceptable and, subject to conditions, accords with policies SC1 and DM1.

#### e) Ecology

The proposal avoids harm to badgers and their setts, which have been identified on site. As per the previous application, the completed development will section off the badger setts from the gardens of the completed properties (with badger-proof fencing) and the submitted information otherwise explains how badgers will be protected during construction. On the point of construction, the previously approved badger report required a corridor to remain along the boundary with 14 Amherst Road. This has not been maintained but a revised report from the applicant's ecologist explains that badgers are still able to navigate the site during construction and the corridor can be reinstated post development should the badgers choose to use this route. Their movement in and around the area has therefore not been compromised.

As part of the proposal to fell the protected oak trees, the applicant was required to undertake a bat activity survey to ensure that bats are not roosting in the oak trees. The survey has confirmed that the trees are not being used by bats.

It is otherwise noted that the landscaping proposals include ecological enhancements such as bat boxes, bird boxes and bat tiles.

Conditions no.2 and 5 secure the wildlife protection zone.

The proposals in terms of ecology and species protection are considered acceptable and accord with policies EN3 and HN8.

#### f) Highway Safety/Parking

The access has already been approved under the outline consent but, in terms of parking, the applicant has shown 3 parking spaces per property - two in each garage and one off-road space. The parking requirement for this development, in accordance with the Council's SPD on parking in new development, is 9.8 spaces so there is a shortfall of 0.8 of space. There is more than enough on-street parking to account for this shortfall so the development is considered acceptable in terms of parking. Whilst the layout of the road has been slightly reconfigured, the change is marginal and has no impact on the access into the site, visibility or parking. There are therefore no objections in this respect.

#### g) Drainage

Drainage details are being considered as part of conditions application HS/CD/16/00993 as drainage was a condition of the outline planning permission. Both Southern Water and the Lead Local Flood Authority have commented on drainage details submitted with that application - which includes on-site water attenuation and slow release into the local sewer network - and raise no objection.

## 6. Local Finance Considerations

There are no Local Finance Considerations material to the application.

## 7. Conclusion

The loss of two protected oak trees is regrettable. However, their proposed felling along with robust replanting, which will establish and contribute to the area over time, will ensure that an otherwise acceptable development that will provide family housing for the Borough can be completed. These proposals are considered 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".

It is noted that conditions attached to planning permission HS/OA/14/00806 are still relevant to this application and are appended below.

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

## 8. Recommendation

### **Approve Reserved Matters subject to the following conditions:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
22803A\_10, 22803A\_100 REV. L, 22803A\_200 REV. B, 22803A\_210 REV. A, 22803A\_501 REV. B, 22803A\_502 REV. A, 22803A\_503 REV. A, 22803A\_505, 22803A\_5001 REV. A, 22803A\_TG\_1 and 2489/16/B/1F
2. No development shall take place until the measures outlined in the submitted ecological statements and reports *Land at 8 Amherst Road, Hastings, East Sussex: Badgers* by Martin Newcombe (dated 03 November 2016 and amended 04 August 2017) 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.

3. Before they are laid samples/details of the permeable block paving and paving slab materials to be used for the hard landscaping hereby permitted shall 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. Before they are installed details of the entrance gate and supporting pillars, as shown on drawing no. 22803A\_100L, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. The area identified as a 'wildlife protection zone', at appendix 5 of the submitted report 'LAND AT 8 AMHERST ROAD, HASTINGS, EAST SUSSEX: BADGERS by Martin Newcombe, dated 03 November 2016 and amended 04 August 2017, shall not form part of the curtilage of the dwellinghouses approved under HS/OA/14/00806 and, 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 shall take place without the grant of an additional planning permission within the area identified as a 'wildlife protection zone'.
6. No development shall take place until the measures outlined in the submitted arboricultural reports by Connick Tree Consultants, dated 31 August 2010 (ref 102816) and 30 May 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 scheme(s), or programme(s) of measures contained within the arboricultural reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.
7. Prior to the occupation of the dwellinghouses hereby approved details of a replacement fence along the front (Amherst Road) boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be no higher than 1m unless otherwise agreed in writing. The fence shall be installed prior to the occupation of the first unit.

**Reasons:**

1. For the avoidance of doubt and in the interests of proper planning.
2. To protect features of recognised nature conservation importance.
3. In the interests of the visual amenity of the area.
4. In the interests of the visual amenity of the area.
5. To protect features of recognised nature conservation importance.

6. In the interests of the health of the trees and to protect the visual amenity.
7. In the interests of the visual 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. 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.

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### **Officer to Contact**

Mr S Batchelor, Telephone 01424 783254

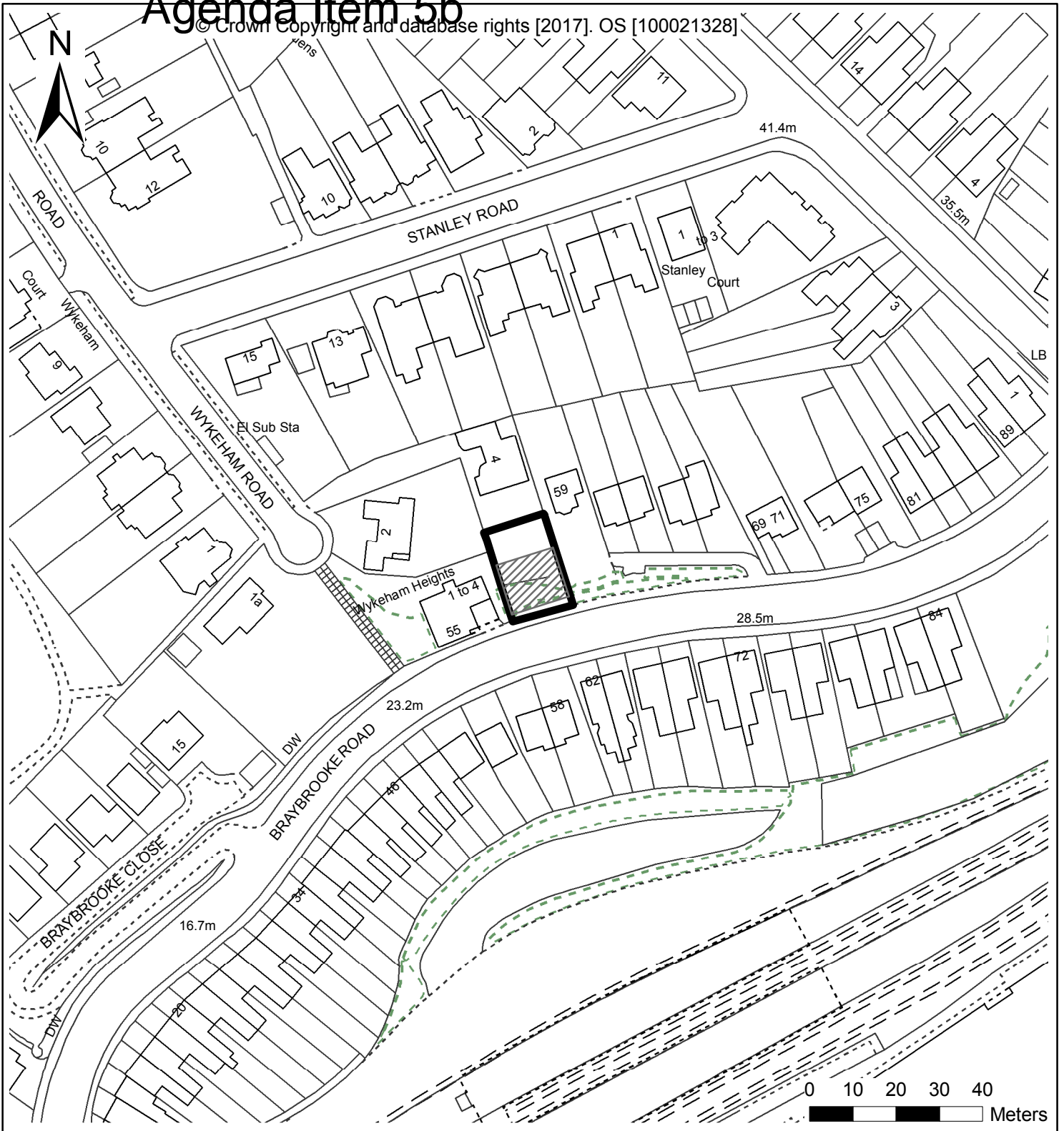
### **Background Papers**

Application No: HS/DS/17/00416 including all letters and documents

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# Agenda Item 5b

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**Rear of 4 Wykeham Road  
Hastings  
TN34 1UB**

Construction of eight apartments on land at the rear of 4 Wykeham Road



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: Nov 2017

Scale: 1:1,250

Application No. HS/FA/16/00002

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**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 14 December 2017

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** **Rear of 4 Wykeham Road, Hastings, TN34 1UB**

**Proposal:** **Construction of eight apartments on land at the rear of 4 Wykeham Road**

**Application No:** **HS/FA/16/00002**

**Recommendation:** **Grant Full Planning Permission**

Ward: BRAYBROOKE  
Conservation Area: No  
Listed Building: No

Applicant: Gemselect 59/60 High Street Battle East Sussex TN33 0EN  
Interest: CERT B owner/ interested parties notified  
Existing Use: Vacant land allocated for residential development.

**Public Consultation**

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 land to the rear of 4 Wykeham Road. The site is a steeply sloping site that fronts onto the north side of Braybrooke Road. The site is neighboured to the left (west side) by 55 Braybrooke Road, an existing block of flats (Wykeham Heights) situated so that it fronts onto Braybrooke Road with rear vehicle access from the end of Wykeham Road. Wykeham Road is a no through road that ends in a turning circle to the north-west of Wykeham Heights (No.55).

The right hand (east) side of the site is bounded by the steep tree covered sloping front garden of 59 Braybrooke Road. No.59 Braybrooke Road house is situated well back from the road (approximately 21m) and is stepped forward of no.4 Wykeham Road. From No.59 onwards, the next four dwellings are also stepped forward coming close to Braybrooke Road by nos.69 and 71.

There is public access from the end of Wykeham Road down to Braybrooke Road via a set of steep narrow steps that run to the west side of Wykeham Heights. There is no public road access to the rear of the application site. Vehicle access from Braybrooke Road up to No.59 Braybrooke Road is via a shared, steep sloping drive that terminates at the turning area to the front of No.59, short of the application site. To the front of the application site, north side of Braybrooke Road there is double-yellow line parking restriction, on the opposite, south side of the road there is a resident parking scheme.

The opposite side of Braybrooke Road is characterised by Victorian three-storey buildings and behind these lies the railway line. To the south lies the town centre within walking distance. Linton Gardens Historic Park lies to the west of the property.

### Constraints

Badger Forage area

SSSI - Pipelines, pylons and overhead cables re residential development of 100 units or more.

1 in 1000 years surface water flood risk to Braybrooke Road at front of site (affecting far side of road).

## **2. Proposed development**

Construction of eight apartments on land at the rear of 4 Wykeham Road:

A proposed new eight-apartment, block of flats would be situated to the front of the site fronting Braybrooke Road. The proposed block would fill the full width of the site as a detached building. It would be four storeys high (ground, first, second and third floor) viewed from the front but only three storeys high viewed at the rear due to the steep sloping topography of the site. The third floor would be in the roof space designed as a mansard style roof with inset dormer windows to both front and rear.

This application follows previous planning application reference HS/FA/11/00794 for the erection of 6 two bedroom flats with off-street parking. This application was allowed on appeal in 2012 (APP/B1415/A/12/2171885). This new application would be an increase from 6 flats up to 8 flats.

The submitted plans ( P1002 J Plans and elevations) show the scale of the previous application allowed on appeal denoted by a dotted red line for comparison. The current proposal is an increase of around 20-25% of the volume. The roof ridge height would be increased by some 1.2m, from the previously approved height of 11.6m up to 12.8m. The rear (north) elevation would extend in depth by a further 1.5m (the depth of the building approved on appeal was approximately 10m and the depth of building for this application is 11.5m).

The 8 flats proposed are three 1 bedroom flats and five 2 bedroom flats.

Parking at ground floor level shown on the previously approved scheme (HS/FA/11/00794) has been replaced in this application with accommodation. This proposal does not include car parking provision. There is a cycle shed built into the front of the flats at ground floor level.

A built in refuse store is located within the footprint of the building with doors opening adjacent to Braybrooke Road.

The application is supported by the following documents:

- VKHP-Consulting Ltd draft Construction Method Statement Report and the Survey Plan with Survey Plan 14.06.17
- VKHP-Consulting Ltd Addendum Technical Information 19 January 2017
- Typographic Report 1
- Typographic Report 2
- Gemselect Survey Drawing 02.06.2017
- Foundation Engineering Services Ground Investigation
  
- Gabriel Geo Consulting Letter report reference 17616/LRpt1 (28th March 2017)
- Gabriel Geo Consulting Letter report reference 17616/LRpt2 (8th September 2017)
  
- Sylvan - Arb, Arboricultural & Woodland Management Tree Report
- Martin Newcombe Wildlife Management Consultancy Ecology Scoping Survey
  
- HR Wallingford Surface Water Storage Report
- ESCC Sustainable Urban Drainage ( SUDs) Support Tool for small scale development document
- SUDs Statement
  
- Design and Access Statement
- Peter Court Associates Further Planning Statement
  
- Construction Stage Waste Management Plan
- RGP Transport Planning Parking Provision Technical Note

other:

- Confidential Financial Viability Report Gemselect (exempt from Freedom of information Act and public view).
- Confidential Affordable Housing Submission (exempt from Freedom of information Act and public view).

## Relevant Planning History

- HS/FA/12/00121 Proposed erection of building for 6 two bed flats, with parking at ground floor. Withdrawn
- HS/FA/11/00794 Proposed erection of new building for 6 two bed flats, with parking at ground floor. Allowed on appeal 08.10.12
- HS/FA/08/00187 Proposed erection of 6 two bedroom flats with off-street parking. Refused
- HS/FA/68/00991 Erection of garage. Granted
- HS/FA/58/00478 Erection of bungalow and garage. Granted
- HS/OA/52/00289 Lay-out of four building plots. Granted

Note:

*HS/FA/08/00187 was refused for the erection of 6 two bedroom flats with off-street parking. The applicant submitted a further application reference HS/FA/11/00794 again for erection of 6 two bedroom flats with parking and this application was given officer recommendation for approval. The application went before planning committee and was refused. The Council's grounds for refusal were lack of car parking space. The applicant appealed and the appeal was allowed subject to planning conditions.*

*Subsequently a further application was submitted under reference HS/FA/12/00121 for 6 two bed flats with parking but this application was withdrawn before it was determined.*

## National and Local Policies

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

- Policy FA2 - Strategic Policy for Central Area
- Policy DS1 - New Housing Development
- 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 EN3 - Nature Conservation and Improvement of Biodiversity
- Policy T3 - Sustainable Transport

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

- Policy LP1 - Considering planning applications
- Policy LP2 - Overall Approach to Site Allocations
- Policy DM1 - Design Principles
- Policy DM3 - General Amenity
- Policy DM4 - General Access
- Policy DM5 - Ground Conditions
- Policy SAP8- 4 Wykeham Road

### Other Policies/Guidance

Supplementary Planning Document (SPD) -Parking Provisions in New Developments

Department for Communities and Local Government – Technical housing standards – nationally described space standard (March 2015)

### 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**

### Highways - No Objection

While the lack of on-site car parking provision is less than ideal it is not a significant issue. Given the earlier appeal decision to allow a block of flats on this site, the two additional flats for this application would be relatively minor. The submitted Transport Statement parking survey shows there is scope on local roads to accommodate additional cars, there is scope to cater for this level of on-street parking in the area. The accessibility of the site and the proximity to local services and facilities would significantly reduce the need for resident reliance on private car ownership. Highways recommend one covered and secure cycle storage space should be provided per residential flat (condition 15).

### Housing Officer - No Objection

While the Housing Officer recommended 20% affordable housing (1.6 units) to be indistinguishable from market units in accordance with policy H3 of HDMP this comment needs to be viewed in the context of the current position of the Ministerial Statement of 2<sup>nd</sup> March 2015 and National Planning Guidance that contributions should not be sought from developments of 10 units or fewer, and which have a combined gross floorspace of no more than 1000sqm. (This development does not have a gross floor area of more than 1000sqm).

### Ecology Officer - No Objection

The submitted Ecology appraisal report found no ecological impact nor are further ecology studies required. The report states that there is a need for biodiversity improvements in association with the proposed development should it be approved and a planning condition is proposed requiring an ecological method statement for wildlife features.

### Environmental Health - Noise - No Objection

Environmental Health has no objection in principle to this development. They do have concern at possible noise and dust nuisance during the construction/operational phases and recommend conditions to manage these.

### SSE Water - neither supports or object to this application

The public sewer is a combined system receiving both foul and service water flows and no greater water flow than currently received can be accommodated in the system. In order to

protect drainage apparatus, Southern Water request, that if permission is granted, the conditions and informatives they have recommended be attached. They advise that the applicant should investigate alternative means of surface water disposal considering the options for discharge to available watercourse or discharge to soakaway.

#### **ESCC Sustainable Urban Drainage Authority (SUDs) No Objection**

The applicant has followed the recommendations of the SUDs Toolkit and therefore SUDs are happy with the principles proposed to manage surface water run-off at the site. They recommend details of the surface water drainage design and maintenance be secured through planning conditions.

#### **Refuse Officer - No Objection**

The refuse officer advises that where access from refuse truck on the highway to the bin store area does not have steps obstructing movement, a recommended 1280/1100litre bulk bin it will be acceptable. Any bulk bin should be made of metal and black in colour (HBC do not provide bulk bins). In the case of steps between the bin store and the collection point, seagull-proof bags would be provided for each tenant. The road is on a weekly refuse collection.

#### **Building Control – No Objection**

Building Control commented that subject to Southern Water Authority approval and a satisfactory full ground site investigation report being submitted they have no objection.

#### **Keith Gabrielle Geotechnical Consultant- Neither supports or objects to this application**

Keith Gabrielle's services were engaged by HBC for professional opinion on the land stability and assessment of the Geo-technical land stability reports by VKHP Consulting that were submitted on behalf of the applicant. Initially Keith Gabrielle had concerns over the land stability issues and a further report addendum was submitted by VKHP in response to his concerns. A final Letter Report (dated 8<sup>th</sup> September 2017) from Keith Gabrielle shows that his concerns have been addressed. He recommends pre-commencement planning conditions that will enable the proposal to proceed regarding land stability in compliance with planning policy DM5 of Hastings Development Management Plan.

#### **Arboricultural Officer - neither supports or objects to this application**

All trees currently growing on the development footprint will be removed. The tree officer comments that the trees to be removed are of only moderate quality however as landscape assets they will be missed. The scale of the proposal does not provide space for replacement tree planting but the officer asks that options aimed at mitigating the loss of trees through replacement planting be explored by the applicant.

## **4. Representations**

**13 Objections received from 13 different properties raising the following concerns:**

- Lack of on-site car-parking in area of high parking demand;
- Small car turning space at end of Wykeham Road;
- Steep hill location not conducive to cycle use;
- Restricted service road (access);
- Infringement of rights of way.
- Over intensive development of site;
- Out of character with rest of street;

- South elevation too close to properties opposite on Braybrooke Road causing overlooking and loss of privacy;
- Lack of lift system (access);
- Internal space below acceptable space standards;
- Lack of adequate waste storage and related odour nuisance.
- Noise disruption during construction phase;
- Impact on neighbour amenity from loss of privacy and loss of light.
- Lack of affordable housing or social rented housing contribution to support local housing need.
- Geo-technical land/ soil instability of site / Site inherently unstable and therefore unfit for development;
- Destabilisation of land due to tree loss;
- Possible subsidence caused to neighbouring dwellings;
- Sustainable Urban Drainage issues re water infiltration and soakage (drains at lower end of Braybrooke Road);
- Natural Spring run-off from site onto Braybrooke Road/ watercourse/spring that runs directly through the site and actively overflows into open pavement gully in front of development site;
- Impact of foundations on storm flood defence drain.
- Loss of natural habitat/ biodiversity.
- Damage to protected trees (Preservation Order No.294).

#### Petition signed by 52 people received

The petitioners object to the proposal on the following grounds:

- Excessive parking pressure in the area;
- The proposal is out of character with existing homes and detrimental to the character of the area;
- It would be over intensive development for the residential area;
- It would give rise to unacceptable overlooking of neighbouring properties both front and rear;
- Destruction of green space on Braybrooke Road;
- Insufficient provision for affordable housing; and
- The land is unstable and unsuitable for construction.

## **5. Determining Issues**

The main issues in determining this application are as follows:

- Land stability - whether the site (ground condition) is fit for proposed development;
- Impact of development on the character of area;
- Impact on neighbour amenity, whether the development would cause unacceptable loss of light or privacy to neighbouring properties;
- Highway safety and appropriate car parking provision for the proposed development;
- Cycle storage and bin storage;
- Impact on ecology of site;
- Loss of trees.

These identified issues are discussed in full below.

### **a) Principle**

The principle of a flat development for this site is established in Policy SAP8 of the Hastings Local Plan - Development Management Plan (2015) and by the previous allowed planning appeal for development of a 6 flat block on this site. 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 good access to public transport, shops, services and facilities and so the development is considered acceptable in principle subject to other local plan policies.

### **b) Land Stability**

Policy DM5 of Hastings Development Management Plan addresses ground conditions - that in the case of land potentially subject to instability (such as steeply sloping sites or in an area with a history of instability), convincing supporting evidence from a relevant and suitably qualified professional must be supplied before planning permission is granted. The evidence should satisfy the LPA that any actual or potential instability would be overcome through appropriate remedial, preventative or precautionary measures.

In this case the applicant undertook professional assessment of the site by VKHP- Consulting (Civil and Structural). Their letter of the 20<sup>th</sup> January 2017 stated that their report provided sufficient information to show that the requirements of policy DM5-Ground Conditions in relation to land instability had been met. Because of the steep slope of the site and extent of local concern regarding land stability the Local Planning Authority engaged consultant (Gabriel Geo-Consulting) to assess the submitted report and details. Further to direct communication between Keith Gabrielle and VKHP- Consulting (Civil and Structural) a further VKHP Addendum Technical Information Report was submitted to the LPA and in response to this and the Final Letter Report by Keith Gabrielle (GabrielGeo-Consulting) dated 8<sup>th</sup> September 2017 the LPA is satisfied that the evidence submitted complies with policy DM5 that any actual or potential instability would be overcome through appropriate measures. Keith Gabrielle has recommended pre-commencement planning conditions to be met prior to commencement of development on site and these have been attached (see conditions 8 & 9).

### **c) Impact on Character and appearance of area**

Policy DM1 of Hastings Development Management plan provides design principles for new development including that all proposals must reach a good standard of design and take in account protecting and enhancing local character. Objections have been received that the proposed block of flats would be out of character with the rest of the street and be over intensive development of the site.

The proposed flat development will face onto Braybrooke Road which is a busy access road into the town centre. The adjacent neighbouring site has recently been developed for a similar block of flats scheme. The south side of Braybrooke Road is mainly characterised by high 3-to-4 storey terraced Victorian dwellings of which a number have been sub-divided into flats. There are 2, two-storey detached dwellings and a pair of two-storey semi-detached dwellings situated immediately opposite to the application site on Braybrooke Road but these are not typical of this streetscene; they are infill dwellings for the gap between the two tall terrace ends on either side. The block of flats proposed is considered to be of an acceptable design in this street scene. It has a mansard roof with dormer windows serving the fourth floor, reducing the appearance of height (between approximately 12.6m to ridge height measured from front east side and 13.4m front west side, measured on the Braybrooke Road frontage), the difference in height being due to the slope of Braybrooke Road. The front



aspect has a good symmetry and is considered to sit well into this site on Braybrooke Road. The rear of the property will be partially screened from public view due to the lack of rear public road access and by the steep slope of the site. The proposed ground excavation of the slope means that at the rear only the third floor will be above the rear garden level of dwelling No. 4 Wykeham Road.

#### **d) Layout**

The layout is for five 2 bedroom /3 person flats and three 1 bedroom /2 person flats and this is considered to be an acceptable mix of dwellings in this particular edge of town centre location. The flats would provide small dwelling accommodation for occupants rather than family sized dwellings, and this is considered appropriate to this steep site, situated on a busy road. The close proximity to local services and facilities in the nearby town centre and good public transport services makes these proposed flats acceptable. They are situated close to substantial detached dwellings along Wykeham Road and tall properties along Braybrooke Road that are mainly traditional large Victorian dwellings and so this flat development is considered to provide a suitable mix of housing in this location.

The internal layout of the property shows the eight proposed flats would each meet national minimum space standards as set by the Department for Communities and Local Government – Technical housing standards – nationally described space standard (March 2015).

Each flat has south facing windows for the main living areas which are situated to the front. The two ground floor flats will receive less light from the south (front), by virtue of having smaller front windows than the upper floors, and they will have long narrow open plan living / kitchen-dining spaces (measuring some 2.5m width x 11m depth). However, the light-wells to the rear (north) while not ideal due to the high slope of the land behind, will provide additional light so that the received natural lights levels are not considered to be unacceptable such that this flat development should be refused. The internal layout of the flats shows the standard of accommodation is acceptable.

Appropriate refuse storage has been built into the front of the property with access for collection from Braybrooke Road. A cycle storage area has been built into the front elevation at ground floor level measuring some 3.4m in depth x 2.5m in width (8.5sqm), which is considered to provide sufficient cycle parking for 8 cycles.

The existing dwelling house 4 Wykeham Road would retain a rear garden of only 8.3m, which length is shorter than the 10m appropriate length for a family dwelling of policy DM3 of Hastings Development Management Plan. However, the submitted section drawing No. P1001 Rev I shows that the garden as existing falls off after this 8.3m length due to the steep slope of the land and therefore the dwelling will retain its useable rear garden space.

To the rear of the proposed flats, the garden space would be 8.5m in depth and the steep rear garden slope would make this area a steep screen between the two properties, rather than a traditional level garden space.

There will be little private external amenity space for the occupants of the proposed flats, however, Linton Gardens lies just to the north of the site and would provide outdoor amenity opportunity for occupants so this proposal can be supported.

### **e) Impact on Neighbouring Residential Amenities**

Policy DM3 of Hastings Development Management Plan requires new development to avoid any adverse impact on the amenity of neighbouring properties. In this case, the houses opposite, on the south side of Braybrooke Road, are a sufficient distance away (approximately 20m) to maintain both adequate privacy and light.

The properties most affected by this development are 4 Wykeham Road, the immediate neighbouring dwelling no.59 Braybrooke Road and Wykeham Heights flats that border the site to the west.

The owner of 59 Braybrooke Road has raised the concern that his dwelling would be overlooked and that he would be looking out at a brick wall. The side brick wall of the proposed flats would be set well down in height relative to the front garden area of No.59 due to the planned excavation of the application site and the natural steep slope of the land. The front part of No.59's garden is taken up by the steep tree covered slope down to Braybrooke Road which is a relatively unusable garden space because of the steepness of the slope. It is this steep sloped garden area that the proposed flats would be situated adjacent to. There would be no side windows overlooking No.59 as the only proposed side windows are raised windows at ground floor height that would be below the height of the adjacent land. The rear top floor bedroom windows of the flats would be around 10m view distance away from the nearest window of No.59 but would have an in-direct angled line of view and is not considered to detract from the privacy of the neighbouring properties such that this application should be refused.

No.59 is set further back from Braybrooke Road than the proposed flats. The steep slope of the land and the planned depth of excavation of the site will set the flats well down (planned excavation depth, approximately 9m depth measured at the rear of the site) and this would prevent unacceptable overshadowing. At the height proposed shown on the section plan (P1001 Rev I), only the top floor of the flats would be visible above the height of the remaining garden level of 4 Wykeham Road and the pitched style of roof would help to keep overshadowing to acceptable levels. The proposed flats roof ridge height would be slightly lower than the eaves height of No.59.

The eaves height of the flats would protrude only approximately 2m above the remaining garden level of 4 Wykeham Road. At roof ridge height it would protrude approximately 3.8m and so only a relatively small portion of the development would be visible from No.4 and No.59. Overall the height of the proposed eight flats is only 1.2m higher than the six flats allowed on appeal and the slope of pitch of the roof would be reduced slightly from approximately 24° to 21° causing little significant increase in over-shadowing.

The forward position of the proposed building from no.59 is not considered to be unacceptable given the existing staggered building line of detached dwelling houses that are set back from Braybrooke Road. The proposed flats are not considered harmful to the character of the area, they will sit well with the recent neighbouring flat development Wykeham Heights.

The Geo-technical report explains how the garden land of no.59 will be supported when the site is excavated. There are no upper floor side windows proposed in the flats that would detract from neighbour privacy and a condition would be attached that there must be no alteration to the windows without permission from the LPA (Condition 14).

Both existing dwellings No.4 and No.59 are south facing and will still receive sufficient sunlight and daylight. The rear windows of flats at top floor level would look towards 4

Wykeham Road with a viewing distance of some 17m. However, the angle of the viewing height, with the flats even at top floor level being lower than the windows in the rear elevation of 4 Wykeham Road, would be screened by the proposed 2m high boundary partition and is not considered unacceptable.

The ground level of the front garden at No.59 Braybrooke Road, before it slopes steeply down to Braybrooke Road (some 14.5m from the house), next to the proposed excavated area of the application site would leave only the upper floors of the proposed flats (ridge 6.5m height visible above the adjacent garden land level of No.59. Flat eaves height (some 8.5m from the house) would be approximately 2.5m high rising to 4.5m at the front of the chalet style roof. Due to the slope of the garden land the roof ridge height of the flats would be below the eaves height of property number 59 and thereby appear no higher than a chalet style bungalow) when viewed from the back of No.59. Although the height and mass of the block of flats would still appear as a two storey building from the front garden of no. 59 it is noted that this part of their garden forms the shared driveway into their site. Moreover this relationship has already been approved at appeal, as noted in the history section above.

The proposed flats would stand adjacent to the existing flats Wykeham Heights. There are three small opaque glazed side windows in the east elevation of Wykeham Heights. While the two blocks of flats would stand only approximately 2.4m apart, this is not considered to create unacceptable loss of daylight to the existing Wykeham Heights flats as the three side windows in the east elevation are opaque glazed and so do not serve main living rooms and as existing these windows are heavily over-shadowed by the tree covered slope the flats are set into. The proposed development of the new flats on the neighbouring site is not considered to significantly detract from the received daylight of the existing flats Wykeham Heights.

Policy SAP8 of Hastings Development Management Plan is a site specific policy for this site, 4 Wykeham Road, allocating the site for residential development (possible net capacity 6 dwellings). The proposal for 8 dwellings on this site does not conflict with policy SAP8. The proposal makes efficient use of land in compliance with policy DM1.

The design of the property is considered acceptable.

The flats are not considered harmful to the amenity of the neighbouring dwellings that this proposal should be refused.

#### **f) Ecology**

The applicant submitted the Martin Newcombe Wildlife Management Consultancy Ecology Scoping Survey and has stated in the submitted Design & Access Statement that, though the space for ecological enhancement is limited, some biodiversity improvement will be undertaken in accordance with the ecology report.

The report found no ecological impact or further ecology studies required for this site. The report states that there is a need for biodiversity improvements in association with the proposed development should it be permitted and proposes a planning condition (condition 6) requiring an ecological method statement for wildlife features such as bespoke bat roost structures, erection of bird boxes in buildings/structures; creation, restoration and enhancement of semi-natural habitats; tree/hedgerow, shrub and wildflower planting/establishment. The landscaping condition would require inclusion of such measures as appropriate.

### **g) Trees**

The applicant submitted the Sylvan - Arb, Arboricultural & Woodland Management Tree Report and the Council's Arboricultural Officer was consulted and acknowledges that all trees currently growing on the development footprint will be removed and that while the trees to be removed are of only moderate quality, they will be missed as landscape assets. 14 trees are planned to be removed of which 1 is category U (poor condition), 8 are category C trees (low value) and 5 are category B (moderate value).

The scale of the proposed development does not provide space for replacement tree planting. The Arboricultural Officer has raised no objection to the proposal but has asked that options aimed at mitigating the loss of trees be explored by the applicant. Condition 4 has been attached for submission of soft landscaping details, and it is envisaged that a soft landscaping scheme would 'green' the site sufficiently to soften the loss of amenity value of trees. Condition 6, as discussed above, requires a method statement for the creation of new wildlife and habitat features to offset as far as practicable the loss of biodiversity and this is considered to help off-set the loss of biodiversity the trees provide. Policy SAP8- 4 Wykeham Road of Hastings Development Management Plan allocates this site for housing development and so loss of trees has already been agreed in principle.

### **h) Highway Safety/Parking**

Policy DM4 of Hastings Development Management Plan requires new development to comply with the parking standards set out in the adopted Parking Provisions SPD (listed above). Parking was the main planning appeal issue for the earlier refused application HS/FA/11/00794 for a 6 apartment block. The appeal inspector considered that this site location is close to the railway station and bus stops and to the services, facilities and attractions of the town centre and that this is the type of location where potential occupiers might not need a car. The appeal was allowed.

ESCC Highways Authority (ESCC) has been consulted and they have commented that the lack of on-site parking is not ideal, however given the appeal inspectors decision, although this proposal would add two additional flats this increase over and above the 6 flats already allowed would be relatively minor. ESCC note that the submitted transport statement (RGP Transport Planning Parking Provision Technical Note) shows that there is scope on local roads to accommodate additional cars and therefore refusal on parking grounds could not be justified. ESCC comments also take into account the sustainable position of the site in close proximity to local services and facilities which would significantly reduce the need for residents to rely on private car ownership. ESCC recommended that any consent should include a planning condition for appropriate cycle storage provision.

In response to Highways comments the amended plans and elevations drawing (P1002 Rev J) shows a secure in-built cycle store measuring 3.4m in depth x 2.5m in width (8.5sqm) accessed from front ground floor level and this is considered to be acceptable. A planning condition would be attached that the cycle store provision must be retained at all times (condition 15).

There has been local concern raised over suitable access for construction vehicles. The submitted Construction Stage Waste Management Plan states that the excavation will involve the excavation of approximately 420 cubic metre of soil material from the site. Due to the tight nature of the site with no public highway access to the rear a planning condition would be attached for submission a suitable traffic management plan throughout construction works to be approved in writing by the LPA (condition 13).

**i) Bin Storage;**

Policy DM3 of Hastings Development Management Plan requires adequate space for storage of waste and the means for its removal. Submitted plan P1002 Rev J shows an integral waste storage facility built into the left hand (west side) of the front elevation, sufficient to house 2 Euro Bins, and with level access to Braybrooke Road. The waste officer advised that where access from refuse truck on the highway to the bin store area does not have steps obstructing movement recommended 1280/1100litre bulk bin will be acceptable. Any bulk bins should be made of metal and black in colour (HBC do not provide bulk bins). The road is on a weekly collection. The integral bin store is considered to be compliant with policy DM3.

**j) Affordable Housing and other contributions**

The Housing Officer was consulted and while they initially recommended 20% affordable housing (1.6 units) to be indistinguishable from market units in accordance with policy H3 of HDMP this comment needs to be viewed in the context of the current position of the Ministerial Statement of 2<sup>nd</sup> March 2015 and current National Planning Guidance that contributions should not be sought from developments of 10 units or fewer, and which have a combined gross floorspace of no more than 1000sqm. This development is for fewer than 10 dwelling units and does not have a gross floor area more than 1000sqm and, therefore, no affordable housing is required. Policy SAP8 of Hastings Development Management Plan sets out that development proposals for this site should include affordable housing however the Government's current Planning Policy Guidance over-rides this policy.

**k) Sustainable Construction**

The site is within a sustainable location with good access to public transport, shops, services and facilities. Policies SC1 – SC3 of Hastings Planning Strategy require new development to be sustainable promoting green design, appropriate climate change mitigation and adaptation measures to enable a low carbon future. The sustainable location and the flats would be built to modern Building Regulation standards and are considered acceptable. The appeal decision was allowed for a similar development on this site.

**l). Sustainable Urban Drainage (SUDs)**

The ESCC SUDs Tool-Kit document submitted recommended that an assessment of the ground conditions and associated hazards assessment be undertaken by a suitably qualified geotechnical engineer and this has been undertaken as discussed above under land stability.

The HR Wallingford report submitted concludes that while infiltration for surface water run-off may be possible at the site, the lack of space and the potential for slope instability caused by infiltration over a small area means that this method is not proposed at this location. It is proposed that surface water discharge is attenuated, using an underground storage tank, and then discharged to the public combined sewer in Braybrooke Road. The report proposes a storage tank between 6.5 and 10 cubic metres be used to attenuate flows from the development with the final tank size confirmed at detailed design stage when the drainage network and storage tank can be modelled (a 10m tank would allow for slower rates of limited discharge).

East Sussex County Council SUDs have been consulted and they are satisfied that the applicant has used their on-line Took-Kit for Sustainable Urban Drainage appropriately and that the submitted HR Wallingford report for the surface water storage requirements of the site are sufficient that they can support this application. They suggest that a planning condition be attached to require details of the surface water drainage design and maintenance proposals (condition 3).

Southern Water has been consulted and has advised that the public sewer is a combined sewer, receiving both foul and surface water flows and that no surface water flows greater than currently received can be accommodated in the system. They advised that the applicant investigate alternative means for surface water disposal by considering discharge to available watercourse/discharge to soakaways. They also raise concern that no soakaways should be located within 5m of the public sewer.

Southern Water advised that no development should take place within 3m of the sewer. The plan attached indicates a foul water sewer crossing the site running under the proposed building. Southern Water has however also advised that it may be possible to divert the public foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity. SW has suggested planning conditions and an informative to be attached to any planning decision to approve.(Conditions 3 & 15 and informative 6).

Given the above it is considered necessary that pre-commencement planning conditions be attached to ensure a formal application is made for connection to the public sewer and a sewer capacity check be carried out to identify a possible appropriate connection point and/or possible diversion of the public sewer and that foundation for the proposed development must first be agreed with SW.

## **6. Conclusion**

The proposed development is in a sustainable location and the principle of development for a block of flats on this site is set by site specific planning policy (SAP8) in the Local Plan. Previous planning permission was allowed on appeal for a similar scheme for development of a block of six flats on this site and this development, and this proposal while increasing the scale of the previous proposal, is not considered to have a significantly greater impact which would justify refusal of this application. The close proximity to transport links and facilities and services in the town centre make this proposal for a car-less development in this sustainable location acceptable. The proposed flats are not considered to cause unacceptable harm to the amenity of neighbouring dwellings and meet the national space standards for new dwellings providing accommodation of an acceptable standard. The submitted land stability reports have satisfied that any actual or potential land instability of the site may be suitably overcome and appropriate pre-commencement planning conditions are attached. Southern Water have not objected to this proposal, which indicates build over a public sewer, subject to recommended planning conditions that have been attached and details of surface water drainage and maintenance have been conditioned as requested by ESCC Sustainable Urban Drainage Authority. The application is recommended for approval subject to planning 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.

## 7. 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:  
  
P1001 I; P1002 J; P1003; P1004.
3.
  - i) Construction of the development shall not commence until details of the proposed final land drainage scheme including means of foul sewerage and surface water disposal/management and have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.
  - ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings / flats hereby approved shall take place until those works have been completed.
  - iii) No occupation of any of the dwellings or flats hereby approved shall take place 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.
4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
5. All planting seeding or turfing, comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or otherwise 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 or mitigation features which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

6. Prior to occupation of the dwellings hereby approved a method statement for creation of new wildlife and habitat features, e.g. bespoke bat roosts structures, erection of bird boxes in buildings/structures; creation, restoration and enhancement of semi-natural habitats; tree, hedgerow, shrub and wildflower planting/establishment. The content of the method statement shall include the following:
- 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;
  - f) initial aftercare and long-term maintenance (where relevant).
7. No occupation of the dwellings hereby approved 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. Submitted details shall include finished levels of contours; means of enclosure; pedestrian and cycle access; hard surfacing materials and proposed and existing functional services above and below ground including their positions (e.g. drainage, power, communications cables, pipelines, manholes).
8. Prior to construction works starting on site ground investigation must be undertaken and the findings submitted to and approved in writing by the Local Planning Authority.
- i) these investigations are required:
    - to obtain parameters for foundation design purpose;
    - before any further slope analyses are undertaken, a suitable ground investigation must be undertaken to assess whether there are any sub-horizontal shear faces in the clays below the site;
    - any sub-horizontal shear faces in the clays below the site should be modelled in slope stability analyses.

Continuous undisturbed sampling or coring is required in the clays in order to enable an adequate assessment of the presence of any pre-existing shear surfaces by a suitably experienced engineering geologist or geotechnical engineer.

9. Prior to construction works starting on site further Contractors Method Statement must be submitted to and approved in writing by the Local Planning Authority to include but not limited to:
- The adequacy of the temporary piling platforms;
  - The use of temporary support on the flank boundaries (where not supported by the bored pile walls (BPWs));



- Allowance for 8 separate stages of excavation in the rear part of the site, such that each row of anchors is installed and “locked” before the ground is excavated down to the level for the next row of anchors;
- The design of the bored pile walls (BPWs) and associated ground water control system, to ensure no loss of ground can occur between the piles from the adjoining land;
- The final design of the excavated slope behind the proposed building (where the excavations will be approximately 9m deep) including associated slope stability analyses.

The Method Statement as approved must be fully implemented and adhered to.

10. 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.

11. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwelling flats hereby permitted have been submitted to/made available\* on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
12. The developer must provide details to the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.
13. Prior to commencement of development a Traffic Management Plan (TMP) for management of removal of site waste and movement / parking of construction vehicles throughout the development works must be submitted to and approved in writing by the Local Planning Authority (LPA). The approved plan must be fully implemented unless otherwise first agreed in writing with the LPA.
14. No additional windows shall be inserted or alterations made to the windows hereby approved unless application has first been made to and approved in writing by the Local Planning Authority.
15. The cycle storage provision hereby approved shall be retained for cycle storage use at all times.

## **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 proper planning to help prevent risk from flooding and/ or land instability because adequate land drainage is fundamental to the stability of the excavated slope.
4. To safeguard the amenity of adjoining residents and the character of the area.
5. To safeguard the amenity of adjoining residents, occupants and the character of the area.
6. To protect and/or mitigate the loss of features of recognised nature conservation importance.
7. To safeguard the amenity of adjoining residents and the character of the area.
8. In the interests of proper planning to ensure land stability of the site in compliance with policy DM5 of Hastings Development Management Plan (2015).
9. Reason In the interests of proper planning to ensure land stability of the site in compliance with policy DM5 of Hastings Development Management Plan (2015).
10. To safeguard the amenity of adjoining residents.
11. In the interests of the visual amenity of the area.
12. In the interests of proper planning and to help prevent increase in flood-risk.
13. In the interests of residential amenity and highway safety.
14. To protect local amenity.
15. To provide for modes of sustainable transport.

## **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 extent of the temporary piling platforms required for safe operation of the piling rig shown on Temporary Works drawings 235517 - SK01 & SK02, do not extend sufficiently beyond each of the steps in the capping beams to allow safe installation of all the pipes. Use of scaffold staging may be required in some locations to enable the safe installation of the bored pile walls (BPW) profiles shown on these drawings. You are referred to the Gabriel Geo Consulting Letter Report on Land Stability Assessment, dated 8<sup>th</sup> September 2017 paragraph 2.5.
4. Your attention is drawn to the guidance in paragraph 120 of the National Planning Policy Framework:

120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
5. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.
6. Formal application to Southern Water for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

The foundation for the proposed development must be agreed with Southern Water before work can commence.

7. Due to the nature of the highway in the vicinity of some locations, construction traffic has the potential to damage the carriageway and/or verges. The Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development the applicant should contact the Area Highway Manager on 0345 60 80 193 to arrange a photographic survey and joint inspection of the local highway network.

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### **Officer to Contact**

Ms N Ranson, Telephone 01424 783253

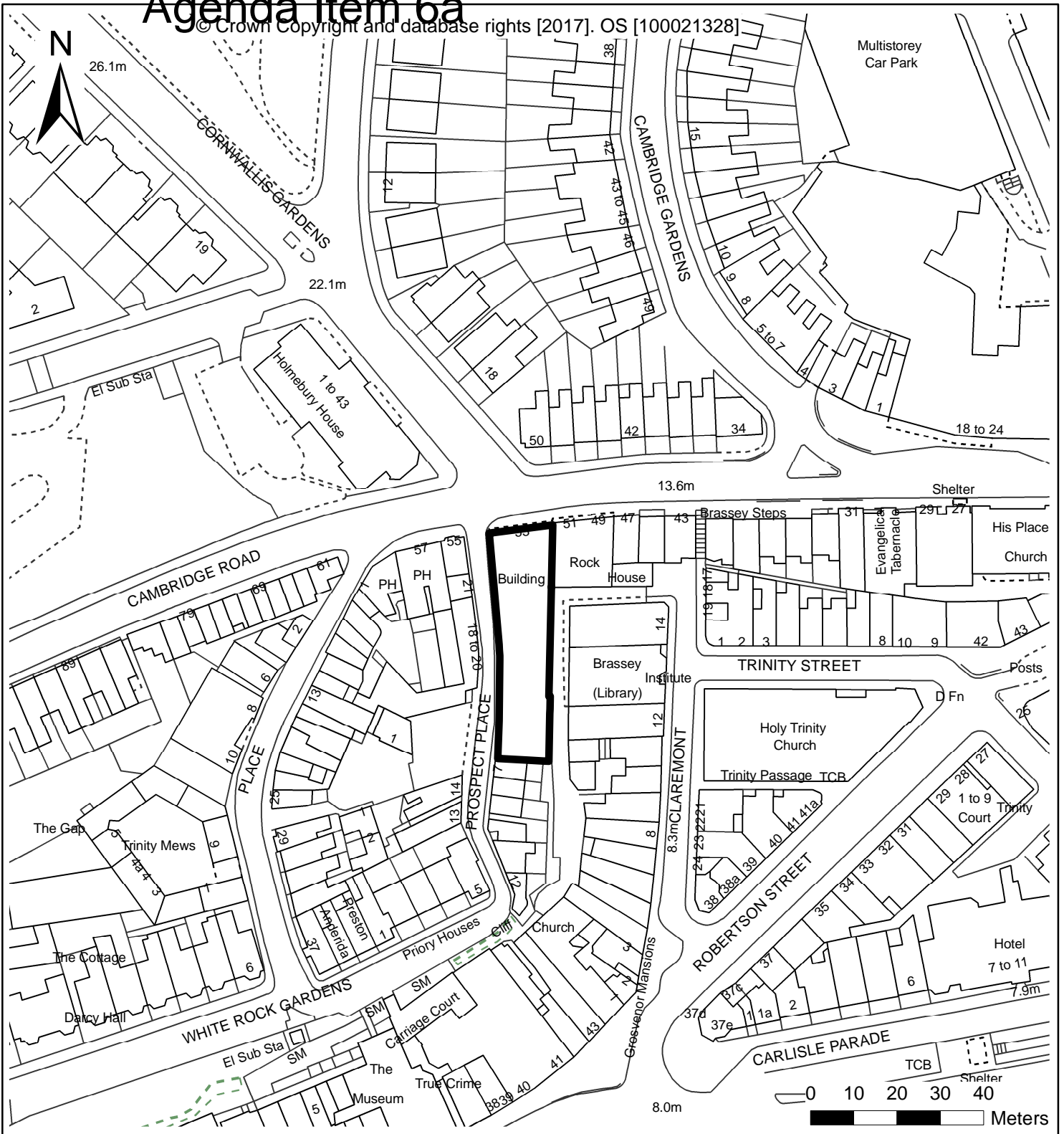
### **Background Papers**

Application No: HS/FA/16/00002 including all letters and documents

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# Agenda Item 6a

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## Former Observer Building 53 Cambridge Road Hastings

Proposed change of use and roof extension to existing building. To provide mixed use development comprising artist studio, shared residents gymnasium, restaurant & shop, and 50 flats with private roof terrace.



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: DEC 17

Scale: 1:1,250

Application No. HS/FA/16/00367

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**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 14 December 2017

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** Former Observer building, 53 Cambridge Road, Hastings, TN34 1HZ

**Proposal:** Proposed change of use and roof extension to existing building. To provide mixed use development comprising Artist Studio (Lower Ground), Shared Residents Gymnasium (Mezzanine), Restaurant & Shop (Ground) and 50 flats with private roof terrace. Proposal includes ancillary reception, common facilities and cycle storage/ shared car parking with ancillary plant and servicing facilities and external alterations.

**Application No:** HS/FA/16/00367

**Recommendation:** Grant Full Planning Permission

**Ward:** CASTLE

**Conservation Area:** Yes - Hastings Town Centre

**Listed Building:** No

**Applicant:** Flint Group per HASSELL Level 2 Morelands 17-21 Old Street Clerkenwell EC1V 9HL

**Interest:** Freeholder

**Existing Use:** Former printworks and newspaper offices

**Public Consultation**

**Site Notice:** Yes

**Press Advertisement:** Yes - Conservation Area

**Letters of Objection:** 68

**Petitions of Objection Received:** 0

**Letters of Support:** 2

**Petitions of Support Received:** 0

**Neutral comments received:** 1

**Application Status:** Not delegated - 5 or more letters of objection received

## 1. Site and Surrounding Area

The Observer Building, 53 Cambridge Road, was formerly a printing works and offices for the Observer newspaper and has been vacant for almost 30 years. It is a multi-storey building located on the south side of Cambridge Road, bounded by Prospect Place to the west and an alleyway to the rear of Claremont to the east. It is located within the Hastings Town Centre Conservation Area.

The existing building was completed in 1924 having been designed by Henry Ward, a well-known Hastings architect. Since becoming vacant the building had fallen into substantial disrepair although recent temporary uses (as allowed under planning permission HS/FA/15/00641) have seen the state of the building, particularly internally, improved.

The current building is a tall, thin and curving building on the edge of a sandstone cliff. The structure is built with a strong reinforced concrete frame with front-facade details of Hathernware terracotta. It has a large footprint; it is four storeys in height at the Cambridge Road frontage with an added attic storey and lower ground levels accessed from Claremont; it has large windows to its eastern and western faces; and its eastern face has service pipes and chimney stands that provide the structure with an industrial character. All of these features contrast heavily with the small scale (two-storey) buildings immediately adjacent to the site, along Prospect Place, but is also in juxtaposition to the wider townscape where Victorian architecture dominates.

The property is not listed but it can be considered a non-designated heritage asset, principally for its interesting industrial façade, location close to the seafront and within a conservation area, and its history related to the local press and printing firm which all contribute to its strong local interest. These features have also been recognised in the draft Hastings Central Conservation Area Appraisal which recommends the building for local listing.

The property is allocated for mixed use development in the Hastings Local Plan: Development Management Plan - Policy HTC3.

### Constraints

- Archaeological Notification Area - Hastings Historic Core
- Within Hastings Town Centre Conservation Area
- Close to White Rock and Cornwallis Gardens Conservation Areas
- Within the draft Hastings Central Conservation Area (as defined in the draft Hastings Central Conservation Area Appraisal)
- Nominated Heritage Asset (as recommended in the draft Hastings Central Conservation Area Appraisal)
- Within the emerging Town Centre and White Rock Area Action Plan
- SSSI Impact Risk Zone
- Within 600m of a children's playground
- Hastings Town Centre Business Improvement District (BID)



## 2. Proposed development

When originally submitted the application was for a proposed change of use, alteration and extension to the existing building. The extension consisted of 2 full storeys with additional roof top 'pavilion' buildings providing a further (third) storey of accommodation with rooftop garden area. The pavilion additions included a mezzanine level. The proposal was to provide:

- 49 flats
- Artist studio (lower ground floor)
- Shared residents' gymnasium (mezzanine within existing building)
- Restaurant and shop (ground floor)

The proposal also provided for ancillary reception space, common areas/facilities, cycle storage, parking for shared vehicles and plant and servicing areas.

The proposal was heavily criticised upon submission by members of the public and suggestions about improving the scheme were provided to the applicant following consultation and discussion with Historic England and the Conservation Officer. The applicant subsequently amended the proposal as follows:

- Reduction in height of the scheme - overall height reduced by 5m and eaves/parapet of full two-storey element reduced by 2.6m.
- Despite the height reduction the number of additional storeys remained, but, the seventh floor roof pavilion buildings and roof garden area have been removed and replaced with an inset seventh storey.
- Change in appearance of extension due to changes in materials proposed, building massing and windows.
- Internal layout amended which has resulted in the provision of an additional flat (total 50 flats proposed).

During the course of the application the applicant has also provided updated viability information, revised ownership certificates, highway improvement details, a revised sunlight and daylight study and a further noise report.

The application is supported by the following documents:

- Design and access statement
- Planning statement
- Townscape and heritage review
- Heritage impact assessment
- Transport statement
- Travel plan
- Daylight and sunlight report (for surrounding properties)
- Residential analysis of proposed habitable rooms (daylight/sunlight report for proposed flats)
- Building services strategy report
- Wind study
- Viability of alternative uses

- Viability of residential uses
- Viability of scheme (confidential)
- Noise assessment report
- Stability assessment
- Sustainability statement
- Energy strategy report
- Consultation and public engagement report
- Contamination risk assessment
- Ecology report
- Bat survey

### **Relevant Planning History**

HS/FA/15/01042 Change of use of existing building to Class A1/A3 shop and restaurant, and student housing accommodation, with ancillary reception, common facilities and cycle storage; extension of 2,693sq m GEA to include further student housing accommodation (230 rooms in total) and rooftop Class A3 observation terrace and Class B1 business enterprise space; all with ancillary plant and servicing facilities. Proposed includes partial demolition of existing building.

Withdrawn 06 May 2016

HS/FA/15/00641 Temporary use of the sub bsmnt, grd flr and 1st floor. Uses include Art Gallery and artist studio spaces at first flr, grd flr pop-up multi function space including bar, cafe and food vending units with communal dining area, lower grd/sub bsmt use as a dining/independent cinema/entertainment area). The basement area is proposed to be used as an installation/storage space.

Granted 23 December 2015

HS/FA/05/00743 Mixed use development comprising hotel, workshops, restaurant and housing (Amended Application) (Application HS/CA/05/742 for demolition of existing building also applies)

Resolved to be approved subject to legal agreement 08 November 2006  
Withdrawn 16 October 2015

HS/CA/05/00742 Demolition of existing building (application no HS/FA/05/00743 also applies)

Granted subject to conditions 14 November 2006

HS/FA/04/01023 Conversion & roof extension to create 24 loft style apartments. (revised scheme)

Resolved to be approved subject to legal agreement 10 February 2005  
Withdrawn 16 October 2015

HS/FA/04/00728 Conversion including roof extension to create 23 loft style apartments

Refused 01/10/2004

HS/FA/92/00344 Change of use of ground, first and second floors to Class A2 and upper floors to residential

Granted subject to conditions 03 August 1992

HS/FA/91/00650 Amendment of Condition 3 of HS/FA/90/00320

Granted 06 December 1991

HS/FA/90/00320 Use as offices and additional floor

Granted subject to conditions 15 June 1990

HS/FA/89/00340 Conversion to 39 residential units with retail unit at ground floor and parking

Granted subject to conditions 26 June 1989

HS/FA/88/01167 Conversion to 59 self-contained flats, 15 car parking spaces and alterations to roof

Granted subject to conditions 17 November 1988

HS/OA/88/00231 Redevelopment to form 46 flats and 42 car parking spaces

Granted subject to conditions 01 August 1988

HS/DS/86/00898 Conversion to 40 self-contained flats

Granted subject to conditions 23 February 1987

HS/FA/86/00554 Conversion to housing

Granted subject to conditions 02 October 1986

HS/FA/85/00398 Change of use from printing works and offices to retail store and warehouse.

Granted subject to conditions 01 August 1985

## **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 SC2 - Design and Access Statements

Policy SC3 - Promoting Sustainable and Green Design

Policy SC4 - Working Towards Zero Carbon Development

Policy SC7 - Flood Risk

Policy EN1 - Built and Historic Environment

Policy H1 - Housing Density

Policy H2 - Housing Mix  
Policy H3 - Provision of Affordable Housing  
Policy E2 - Skills and Access to Jobs  
Policy E3 - Town, District and Local Centres  
Policy CI1 - Infrastructure and Development Contributions  
Policy CI3 - Children's Play Provision  
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 DM6 - Pollution and Hazards  
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 HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest  
Policy HN5 - Non-Designated Heritage Assets  
Policy CQ1 - Cultural Quarters  
Policy LP2 - Overall Approach to Site Allocations  
Policy HTC3 - The Observer Building

#### Other Policies/Guidance

Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England)  
Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England)  
Historic England Advice Note 4: Tall Buildings (Historic England)  
Seeing the History in the View: A method for assessing heritage significance within views (Historic England)  
Technical housing standards – nationally described space standard  
Sussex Air Quality and Emissions Mitigation Guidance 2013

Supplementary Planning Documents (SPDs):  
Parking Provision in New Developments

Supplementary Planning Guidance (SPGs):  
The Provision of Children's Playspace in Housing Developments  
Development Contributions

National Planning Practice Guidance:  
Decision-taking: historic environment  
Designated heritage assets

#### National Planning Policy Framework (NPPF)

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

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by

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

The NPPF should taken as a whole but sections 7 'Requiring good design' and 12 'Conserving and enhancing the historic environment' are particularly relevant to this proposal.

### **3. Consultations comments**

County Archaeologist - **No objection.**

Building Control - **No objection.**

Waste - **No objection.**

Sussex Police - **No objection.** Provides some advice on ensuring the building is safe for residents and tenants.

Environmental Health (contaminated land, food and noise) - **No objection.** Recommends conditions regarding noise and land contamination.

Historic England - When the application was originally submitted Historic England raised concerns about the scale of the extension, as, although the proposal had been reduced to three stories from the previous application's five, there was little reduction in the overall height and massing of the extension. The top floor 'pavilion' buildings, which had become larger, and the roof landscaping were also considered to be incongruous features in longer views. They considered that the proposal was harmful to the setting of a number of heritage assets, including the Town Centre Conservation Area, nearby listed buildings and Hastings Castle. Historic England specifically advised that the pavilion buildings and roof landscaping should be removed from the scheme and that the height and bulk of the extension should be reduced.

The proposal was subsequently amended, as explained in section 2 above. Historic England are now of the view that the amendments have improved the proposed extension to the building. However, although there have been significant improvements to the proposals due the reduced scale of the extension, the use of materials in the extension (which form a more contextual relationship with the host building and surrounding area), the varied design of the extension and the removal of the roof landscaping, the proposal, because of its height and massing the extension is still considered to cause harm to heritage assets. That said, Historic England are of the view that the scale has been reduced to a level where it would now be appropriate for the Local Planning Authority to consider whether the benefits of the scheme outweigh the identified harm.

The above advice is caveated on the premise that the applicant must demonstrate (on viability grounds) that the proposed extension is the minimum development necessary in order to make the redevelopment of the building viable. The issue of development viability is discussed in further detail below where additional, more recent comments from Historic England regarding development viability are noted.

Housing Renewal - **No comment received.**

UK Power Networks - **No objection.**

Natural England - **No comments.** It should be noted that the lack of comment from Natural England does not imply that there are no impacts on the natural environment but rather that the proposal is not likely to result in significant impacts on statutory designated conservation sites or landscapes (i.e SSSI).

Country Development Contributions Co-ordinator - **No comment received.**

East Sussex Fire & Rescue - **No comment received.**

Affordable Housing - **No objection.** Provides advice on the affordable housing requirements for a development of this size.

Highways - **No objection.** Comments are subject to conditions securing construction traffic management, provision of cycle and electrical vehicle parking and highway improvements. A travel plan is also required and the highway authority recommend this is secured by s106 given the requirement for an audit fee.

Licensing - **No objection.** Advises that a premises licence will be required in connection with the proposed commercial use.

Planning Policy - **No comment received.**

Play Development - **No comment received.**

Regeneration - **No comment received.**

County Flood Risk Team - **No objection.** Would like to see the suggested rainwater harvesting system and green roof proposals (as referenced in the submitted Sustainability Statement) taken forward to detailed design, but, otherwise recommends a condition regarding the management and maintenance of the surface water drainage system.

Southern Water - **No objection.** Southern Water confirm that they can accommodate foul water and supply water to the building. Concerns have been raised about surface water flows without additional infrastructure being provided. Southern Water recommend a number of informatives and conditions relating to these matters.

Ecology Officer - **No objection.** A bat survey has confirmed that bats are not present in the

building. However, as part of the building has medium potential for winter hibernating bats a condition, in line with the recommendations of the submitted survey report, to ensure no disturbance to bats as part of the works is recommended.

Conservation Officer - Acknowledges that the latest scheme - which shows a simplified roof form, reduced maximum height of roof extensions, more verticality to the designs and a lighter tone of cladding to the roof extension - is an improvement over the previous schemes in that it will reduce the level of harm to designated heritage assets. However, the Conservation Officer is still of the view that the proposals will cause extensive harm to numerous designated heritage assets. This harm ranges from significant to minor and impacts conservation areas, listed buildings, Hastings Castle and non-designated assets.

The Conservation Officer concludes that the harm to the local historic environment is widespread and some of it is at a significant level. They state that harm of this kind would normally result in an objection to the scheme and recommendation for refusal. However, they acknowledge that the degree of harm, which in terms of the NPPF is considered “less than substantial” (although at the very top end of that scale), needs to be weighed against the potential wider social benefits of the scheme, and issues around scheme viability. Only if the scheme delivers clear public benefits should this level of harm to the historic environment be countenanced.

A number of conditions are also suggested should the application be recommended for approval.

#### **4. Representations**

68 different residents have objected to the application. The following concerns were raised against the application as originally submitted:

- Proposal out of character with surrounding area
- Proposal represents an overdevelopment of the site
- The number of dwellings proposed is too high, scheme is too dense and proposal is above indicative capacity of the Local Plan (policy HTC3)
- Extension is too large
- Extension is too high
- Proposal is disproportionate to scale of neighbouring properties
- Poor use of materials in extension
- Inconsistency between windows in existing building and windows in proposed extension
- Roof buildings are inappropriately designed
- Impacts on view across town
- Vehicle access via Claremont is not suitable or safe
- Lack of affordable housing
- Inadequate parking
- Impact on parking in surrounding area
- Increased traffic generation
- Lack of sustainable transport measures
- Concerns regarding increased antisocial behaviour
- Harm to heritage assets including conservation areas, listed buildings and Hastings Castle
- Inadequately sized accommodation
- Loss of daylight and sunlight (including loss of light to commercial space and Holy Trinity

Church)

- Viability and deliverability of scheme
- Impact on neighbouring residential amenities
- Impact from construction on the surrounding area
- Structural safety
- Impact from lighting/light pollution
- Quality of submitted documentation - i.e. some documents still refer to previously submitted student accommodation application (ref HS/FA/15/01042) and daylight/sunlight assessment is inaccurate
- Inaccurate drawings
- Public consultation documents are out-of-date
- Loss of community/cultural uses - particularly the 'alleyway'
- Impact on drainage infrastructure
- Inadequate refuse storage and waste collection arrangements
- Noise pollution
- Lack of defined opening hours for commercial uses

The following concerns were raised following the submission of formal amendments:

- Proposal out of character with surrounding area and dominates skyline
- Impact on heritage assets - including their setting and views (i.e. views towards Hastings Castle)
- The number of dwellings proposed is too high, scheme is too dense and proposal is above indicative capacity of the Local Plan (policy HTC3)
- Increased traffic generation
- Vehicle access via Claremont is not suitable or safe
- Loss of community/cultural uses - particularly the 'alleyway'
- Inadequate parking
- Impact on daylight/sunlight and overshadowing
- Daylight/sunlight assessment is inaccurate
- Poor use of materials in extension
- The number of dwellings proposed is too high
- Light pollution
- Impact on drainage infrastructure
- Inadequate refuse storage and waste collection arrangements
- Inadequately sized accommodation

2 different residents have supported the application raising the following:

- The proposal will reuse a unoccupied building
- The proposed design will add interest to the existing building
- The surrounding area has a mix of architectural styles and this development would fit with that mix

1 resident raised concerns about not being included within the initial consultations on the application. They were subsequently consulted but raised no objections.

The following matters have been raised but are not considered material to the determination of



the application:

- 'Violation' of air space above Rock House - i.e. proposal restricts development opportunities above adjacent building. The impact of a development on the development aspirations of an adjoining land owner is considered a private matter.
- Party wall concerns - The adjoining owners raised concerns about the roof extension being built on the party wall with Rock House. The applicant subsequently updated their application by serving notice on the adjoining land owner. Following this the owners of Rock House objected to the development on the party wall raising concerns about construction and glazing overhanging/overlooking the roof of Rock House which would impact on the future development potential of Rock House. These matters are not material to the planning application. As stated above these party wall issues and future development aspirations are a private matter.
- Encroachment into space above properties on Prospect Place (due to overhanging glass box features/windows). This is similar to the issue with Rock House. Whilst the potential impact on neighbouring amenities of this arrangement is material, the matter about encroachment is a private Party Wall matter.
- Consideration should be given to the use of conditions to complete works within an agreed timescale or to restrict the further sale of the building. Neither of these conditions is considered to be reasonable taking into account the 6 tests for the imposition of conditions as set out in paragraph 206 of the NPPF.
- Planning application is speculative and building will be sold upon permission being obtained. The Local Planning Authority have no control over these matters.
- Lack of barrier to the roof top terraces/gardens to ensure safe development. Whilst clearly necessary were there to be any roof terraces, this would actually be considered a Building Control matter. However, this element of the scheme has been removed since the scheme was amended.
- Some of the submitted comments relate to the character of the applicant or local residents' and business' relationship to the applicant. These comments are considered personal in nature and have no bearing on the determination of the planning application.
- Concerns about development and planning process being related to fraudulent activity. Fraud is a criminal offence and should be reported to Sussex Police, however, whether substantiated or not it has no bearing on the determination of a planning application which is merely concerned with assessing the proposed land uses and not the credibility of developers/applicants.
- Building should be compulsory purchased by the Council. Although the process of compulsory purchase orders is contained within planning legislation, whether this is appropriate is not for consideration in determining a planning application.

## **5. Determining Issues**

The main considerations are the principle of the development; the impact on heritage assets and whether any harm has been sufficiently minimised before subsequently weighing up the benefits of the scheme against that harm; the impact on the character of the area; the quality of the proposed residential accommodation; the impact on neighbouring residential amenities; and the impact on highway safety and parking related matters.

### 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 and the considerations regarding heritage below.

The redevelopment of the site is also further supported by policy HTC3 which allocates the site for a mixed use, encouraging uses that include tourist accommodation, retail, education or leisure facilities in addition to residential units. This proposal includes 50 flats, artist studio space, restaurant and retail area and as such is considered to be in general conformity with the objectives of policy HTC3.

#### b) Impact on heritage assets

The application is being considered on a revised scheme that was submitted in January 2016. The proposal includes the conversion of the existing building along with a three-storey roof extension consisting of two full storeys and a recessed top floor. The Observer Building is already a substantial construction, larger than many of the properties in its immediate surroundings (although the immediately adjacent Rock House is taller), and it is not generally characteristic of the Hastings Town Centre Conservation Area although there are tall modern additions in the Priory Quarter area (i.e. Lacuna Place, Priory Square, Havelock Place, Queensbury House and Hastings College). Any addition to this building, given the scale of local development and the topography of Hastings, is likely to be noticeable.

In the context of this area, being noticeable means that there is a likelihood of heritage assets being impacted by development. In this instance the site is located within the Hastings Town Centre Conservation Area (HTCCA), to the west lies White Rock Conservation Area (WRCA), opposite the site is Cornwallis Gardens Conservation Area (CGCA) and further to the east is the Old Town Conservation Area (OTCA). The Old Town and the Town Centre are dominated by Hastings Castle, which is a scheduled ancient monument, and there are some views of the castle where the Observer Building sits in the foreground.

The application site is also considered to fall within the setting of a number of listed buildings, including:

- Holy Trinity Church (Grade II\*)
- The Brassey Institute (Grade II)
- 13 Claremont (Grade II)
- 40-41 White Rock (Grade II)
- United Reform Church (Grade II)
- Palace Court (Grade II)
- Memorial Art Gallery (Grade II)

#### Significance of heritage assets

In order to understand any impact on the identified heritage assets it is important to understand their significance and what contributes to their special character.

The HTCCA, after the Old Town, is the historical core of Hastings. Its character is centred on its history which is derived from the development of Hastings as a successful, Victorian seaside resort. This success led to rapid expansion and a large quantum of development with a high degree of architectural integrity. This is evidenced by the general consistency in scale and heights, plot sizes, use of materials and ornamental detailing of buildings in the area.

The area is laid out so streets radiate outwards like spokes from the former Albert Memorial clocktower (Havelock Road) and then distinctive listed buildings, such as Holy Trinity Church

and the Brassey Institute, with their individual roof forms, provide focal points and terminate views along these streets.

The collective built form of the HTCCA is otherwise drawn from the dynamic topography of the Hastings area. Hastings lies beyond a ridge of the High Weald and subsequently cascades to the coast. There are also a number of valleys, for example those created by the Bourne and Priory Stream watercourses (creating the East and West Hills), which add to this interesting landscape. The HTCCA sits within one of these valleys and the scale of the development responds accordingly. These changes in land levels also create a number of important views and vistas around the town which add to how the character of the HTCCA is experienced.

The surrounding conservation areas have their own special character but they are unified by the way they collectively respond to the changing topography creating interesting views through and across the HTCCA which sits within a valley floor. This all adds to a unique and strong sense of place.

Surveying the central conservation areas is Hastings Castle, a scheduled ancient monument which sits proudly atop the West Hill area. Not only is the character of the HTCCA informed by the dominance of the castle but the setting of the castle is wide-reaching given the extent of views that can be obtained from as far as Falaise Gardens, Magdalen Road and Norman Road in St Leonards.

As mentioned, there are also a number of listed buildings located close to the application site or likely to be impacted by the proposed development. Of particular importance are Holy Trinity Church and the Brassey Institute which, aside from their unique architecture, have interesting roofscapes that stand out due to their height and scale. These buildings are focal points along street views and, although their special character is drawn from their history and bespoke designs, their interest also lies in the way their roofs sit above surrounding development, prominent in the foreground of views towards the sky. This adds to the interest of these buildings and is an important part of their setting.

#### Impact on significance

There is a long planning history related to this site much of which consists of pressure, either as new build redevelopment or extensions, to increase the height and/or capacity of the site. It is acknowledged that the existing building is not characteristic of the HTCCA but, nonetheless, the building principally because of its frontage contributes to local character. Additions to the building, even though it is already comparatively tall, carry the risk of creating a scale of development incompatible with its surrounding as well as harming the integrity of the existing building.

It was considered that the previous application, HS/FA/15/01042, which was for a five-storey roof addition, would have created substantial harm to a number of the town's heritage assets. Its scale, massing, use of materials, roof top structures and garden area were considered to be out-of-keeping with the design of the existing building and would have appeared as an incongruous, strange element in longer views. This would have harmed the existing character of the building and impacted negatively on the setting of the conservation areas, listed buildings and Hastings Castle.

The initial scheme submitted with this new application, whilst different, hadn't significantly overcome many of these previous concerns. Although the proposal had been reduced to three additional storeys, the pavilion buildings and garden area remained, and the overall scale and height of the scheme hadn't been significantly reduced. This was because the floor heights of the proposed extension had been increased even though the number of floors had decreased.

Following discussions with the local authority and Historic England the applicant agreed to revise the scheme further and the current proposal includes three storeys, as two full storeys and recessed top floor. It is 5m lower than the initially submitted scheme.

These changes have significantly improved the scheme. Other changes, like the use of materials and form of the extension, are much more contextual and complementary to the host building's industrial character. The varied design of the extension also helps to lessen its impact.

It is accepted that the applicant has worked hard to address the concerns that have been raised, and as such the proposed development would have a much better relationship with the existing building and the surrounding townscape. However, although the reduction in the height of the extension will lessen its impact, the height and massing of the extension will create a visible structure that will cause some harm. Views of Hastings Castle, particularly from the west will be blocked, the extension will still sit within the background of key listed buildings (i.e. Holy Trinity Church, the Brassey Institute and Palace Court) whose character is drawn from their interesting roof forms sitting against the sky, and the development will be noticeable in a number of views, vista and panoramas around the town due to its changing topography.

Although the scale of the building is still considered to cause some harm, the amount of development has been reduced to a minimum. This has been agreed by the District Valuer Service (DVS) who confirm that, at a 20% developer profit, the conversion of the existing building would not be viable nor would a lesser amount of development. The DVS consider that the proposed scheme is also not viable, but, given that Historic England have made it categorically clear that any increase in the height of the extension would not be acceptable, it is considered that the applicant has sufficiently demonstrated that harm cannot be further minimised.

As the harm to local heritage assets has been reduced to a minimum level, as mentioned by both Historic England and the Conservation Officer, it is appropriate, in the context of paragraph 134 of the NPPF, to weigh the harm against the benefits of the scheme. The following sections, therefore, explain the other planning aspects of the scheme with the balance of the harm against benefits being revisited and considered at the end (section 8).

#### c) Impact on the character of the local area

This proposal includes 50 flats, artist studio space, restaurant and a retail area. The impact of its design is considered above in relation to local heritage but the proposed uses are otherwise considered to be generally acceptable and will not impact negatively on the local character of the area.

Policy HTC3 seeks a mixed use for the site and this proposal includes residential, commercial and cultural uses and all are consistent with the general character of this area where the town centre shopping area transitions into the residential areas of White Rock, Bohemia and Cornwallis Gardens.

The retail and restaurant use on the ground floor will add interest and activity at street level, which is essential in this periphery location to maintain vitality and vibrancy, and the artist studio uses will add to the cultural opportunities in the town which are promoted by policy CQ1.

The building being brought back into use after such a long period of inactivity (notwithstanding the short lived temporary uses last year) has inevitably resulted in concerns, especially with regard to traffic generation and parking. Although the highway safety implications of this are discussed below, it can otherwise be concluded that the building is within a very sustainable location and the proposal will not significantly intensify uses in the area over and above that which already exist in this town centre location. Cambridge Road is one of the main thoroughfares into town, there is a large concentration of retail and other town centre uses close by and there are a high proportion of residential uses. The proposed uses are considered compatible with the surrounding area, and the long awaited reuse of the building will potentially encourage regeneration to help achieve positive changes in the area.

The proposed uses and the relationship with the surrounding area is not considered to conflict with policies FA2, FA3, SC1 and DM1.

#### d) Quality of proposed accommodation

The proposed development includes 50 residential flats as a mixture of 1, 2 and 3 bedrooms. The majority of the proposed units exceed the minimum floorspace standards as set out in the *Technical housing standards – nationally described space standard* which supersede the requirements of policy DM3. Of the 50 units proposed it is considered that 6 of the units fall below the minimum standard. Four of these units fall below by approximately 10sqm and two units fall below by approximately 5sqm. A shortfall does not mean that a development is unacceptable, however, consideration needs to be given to the quality of the accommodation that may otherwise be created and whether a shortfall is acceptable in the context of the whole scheme. In this instance:

- the number of units falling short of the minimum floorspace guidelines as a proportion of the total is low (12%);
- although the units fall below the recommended minimum, the identified shortfall is based on the properties being considered two-person one-bedroom properties. Were the properties considered one-person units, which they could be as the size of the bedrooms are only just large enough to be considered suitable for two persons, the flats would not be below the recommended standard;
- the layout of the flats is not contrived and the existing building has been subdivided in a logical way with useable bedroom and living space;
- the scheme includes a dedicated communal storage area on the lower mezzanine floor which could compensate for any short fall of space in the proposed flats;
- the proposal includes a gym for residents to encourage a healthy and active lifestyle; and
- the proposed development is in a sustainable location with very good access to shops, services, transport links and recreational opportunities.

Given the above it is not considered that the smaller units would result in a poor accommodation.

The applicant was also asked to consider the quality of the accommodation in terms of access to daylight. This was requested as some of the properties on the east side of the building are single aspect and would face on to the narrow alleyway behind Claremont.

The applicant has confirmed that of the 25 rooms on the lower floors - the lower floors being lower ground, ground and first floor where windows would sit below the buildings on Claremont - that 23 out of the 25 rooms would achieve an Average Daylight Factor (ADF) that meets the requirements of the BRE sunlight and daylight standards. ADF being a measure of how rooms are naturally lit. The two that fall short are living room/kitchen/diner areas which would fall marginally below the requirement of 1.5% (achieving 1.37% and 1.3%). The rooms would therefore still achieve some daylight and would likely not be too different to some of the existing properties that back on to the Claremont alleyway or within other tightly knit buildings. Overall 97% of the scheme would meet the minimum ADF requirement.

The applicant also tested for Daylight Distribution, essentially a measure of sky visibility. All rooms achieved some access and the majority - 19 of 25 lower floor rooms - exceeded the minimum BRE level of 80%. The fact that some rooms have limited sky visibility is not ideal but the applicant rightly concludes that the majority rooms are otherwise adequately lit achieving appropriate ADF values. The scheme overall achieves 95% DD above the BRE minimum. Given the position of the building there is little that can be done to improve light levels. The proposal is also comparable with other nearby properties in terms light and outlook and similar layouts have been accepted in the previously approved Observer Building schemes. Because of this, it is not considered that the units that have reduced access to daylight is sufficient enough reason to refuse the proposed development.

Taking all of the above into account it is considered that the proposed development will provide an adequate or, in most instances, a very good standard of accommodation.

#### e) Impact on neighbouring residential amenities

The proposed development will increase the size of the building on the site substantially. Some of the existing development located immediately adjacent to the site or in close proximity is much smaller, as little as two storeys tall, and as such contrasts sharply not only with the proposed development but also the existing building. Given the proposed changes a number of properties are likely to be impacted and the most significant impacts are likely to include those on Cambridge Road, Prospect Place, Claremont, Northholt Place, Dorset Place and Priory House.

The main consideration in terms of neighbouring amenities is noise, the impact on sunlight and daylight and any feeling of oppressions from the substantial increase in size. Concerns regarding matters such as privacy and overlooking have been discounted on the basis that existing building is tall and includes windows in all four elevations so there is already a high level of overlooking. This relationship is typical of a dense town centre location and the additional stories will not significantly alter this situation.

In order to explain the impact on neighbouring properties the applicant has submitted a daylight and sunlight report. There have been a number of objections to this report on the basis of its accuracy and references (or lack thereof) to certain properties. It is accepted that the report is lacking in some respects (e.g. some of the windows are not in their true locations and some properties were missing), but, the applicant has updated the report on two separate occasions to correct these issues and it is considered unreasonable to expect a report of this nature to have precisely surveyed the dimensions of all the properties likely to be impacted by the development. The more important matter to consider is the applicant's approach to assessing potential impacts, and in this respect it is clear that the applicant has focused their attentions over an appropriate area, it is clear that assessed buildings are in their correct locations and the general impact of development on existing residential properties can be understood.

The submitted report concludes "that the proposed development of The Observer Building would have a limited effect on the daylight and sunlight amenity received to the neighbouring

properties when assessed in accordance with the guidelines given in Hastings Borough Council's saved policies in the Local Plan and more specifically, with the guidelines set-out in BRE Report. Analysis shows that the majority of windows to the neighbouring properties will be compliant with the daylight and sunlight guidance given in the BRE Report. Where transgressions of the guidance occur, the majority of windows retain levels that are consistent with the levels normally seen in town centre locations."

One could argue that the 'transgressions' are not acceptable; however, the submitted documents explain that the majority of windows meet acceptable levels and those that don't still receive a degree of daylight. Some of the largest losses also relate to non-residential buildings, such as Hastings Library, where loss of natural daylight is not usually considered to be detrimental. In the context of this proposal, which offers the opportunity for a long disused building to be regenerated, the small degree of daylight reduction to some properties or rooms is considered to be acceptable.

Aside from matters relating to daylight and sunlight the impact of the increased scale of the development has been considered. This is a difficult matter to address as the perception of a building's dominance can change from one person to another. In this instance the additions are acceptable for the following reasons:

- The properties on Claremont and Prospect Place, for example, are already so close to the building that the additional vertical emphasis that the extension would provide is unlikely to be too discernible.
- As one moves further away the impact of the additions would be lessened by distance and slight obscurity from existing buildings.
- Although a three-storey extension is proposed, the top floor is inset so the mass of the proposal is reduced which further reduces the impact of the extension on its surroundings.

Lastly, an additional noise report the Council's Environmental Health Officer considers that noise from mechanical plant would be low but that further information in relation to sound attenuation will be required. The submitted information suggests that harm would be low but the further information can be requested by condition.

#### f) Highway safety and parking

The applicant proposes no on-site parking for privately owned cars, however, the Local Highway Authority (LHA) do not raise an objection to this stating:

*"...the site is in a sustainable location in close proximity of employment and leisure opportunities with very good access to public transport. With this in mind the need to travel via privately owned car is lessened and the parking demands generated by the site will be lower. Despite this some users of the facilities proposed will drive to the site whilst some residents are still likely to be car owners and it is acknowledged that this could have an impact on parking pressures on the surrounding highway network; however, given the central location on street parking is controlled by permits and/or pay and display so residents and visitors will be unable to park in the immediate vicinity of the site without first purchasing a ticket or gaining a permit for longer stay. Resident permits can be obtained; however, parking Zone B (where the Observer building is) has a ratio of 1.42 whilst zone C is currently at 1.26. It should be noted that parking permits are no longer made available once a ratio of 1.5 is reached. With this in mind parking permits would currently be an option for residents to purchase; however, the availability is limited, especially in the immediate vicinity of the site, whilst it should also be noted that owning a permit does not guarantee a parking space.*

*The parking demands associated with the proposal could also be satisfied to some extent by making use of public car parks in the area. A number of these car parks are located in close*

*proximity to the site; however, it is acknowledged that for residents this not ideal from a convenience perspective whilst annual season passes are also relatively expensive.*

*Although no on-site parking for privately owned vehicles will be provided spaces will be available for five electric vehicles and these can be leased by residents wishing to travel by car.*

*Fifty covered and secure cycle storage spaces along with four motorcycle parking bays will also be provided in the basement area.*

*To conclude, the lack of on-site parking is less than ideal, specifically for the residential element of the proposal; however, taking into account the highly accessible location of the site a recommendation for refusal on these grounds could not be justified. It is also noted that in the past this site has had planning consent for office, residential and retail uses and in most instances there has been no requirement to provide on-site parking due to the accessible location of the site. These previous uses and their associated parking demands must also be taken into account when assessing the likely impact of this proposal."*

In order to monitor the communal parking arrangement and to promote other sustainable travel measures the applicant has submitted a Travel Plan framework. The LHA state that the plan covers the main requirements but that a final version, including additional information and audit fee should be secured by s106. There is no s106 in place at present, so, the recommendation is for the application to be approved subject to completion of the legal agreement.

With regard to highway safety the LHA states that "a significant number of injury collisions have occurred on roads in the vicinity of the site and in particular at the Cambridge Road/Cornwallis Gardens/Prospect Place junction. This junction suffers from constrained visibility for pedestrians and there is a lack crossing facilities."

To resolve these issues the applicant proposed a new crossing and crossing improvements. Following some initial comments by the LHA about the proposed improvements to address the potential vehicle and pedestrian safety issues, the applicant entered into a dialogue with the LHA. Whilst no final scheme has been approved it has been agreed that a suitably worded Grampian style condition to finalise and secure the off-site road improvement would be appropriate.

The LHA otherwise confirm that the access and refuse collection arrangements for the development are acceptable.

A large number of the objections to this application relate to parking and highway safety but aside from anecdotal references there is no material evidence provided to outweigh the opinion of the LHA.

Considering the above, subject to suitable conditions, the proposed development is not considered to create harm with regard to highway safety and includes suitable travel options. The development does not conflict with policies DM3 and T3.



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

#### h) Ecology

Although a town centre building does not initially raise any concerns about harm to protected species the applicant's initial ecology survey flagged up potential for bats and recommended a further bat survey be undertaken. The bat survey has confirmed that bats are not present in the building. However, as part of the building has medium potential for winter hibernating bats the report recommends that an inspection is carried out prior to works being undertaken avoid disturbance to bats. The Ecology Officer agrees with this recommendation and has suggested an appropriate condition.

#### i) Affordable Housing and other contributions

As part of demonstrating that the proposal is the minimum amount of development necessary to reduce harm to heritage assets the developer has shown that there is no money available for development contributions including affordable housing. Therefore no contributions are sought.

#### j) Sustainable construction

The applicant has submitted a sustainability report and an energy strategy report. Both of these documents explain that the applicant has investigated how renewable energy, energy reduction and other sustainable practices can be incorporated into the development. However, the documents read as feasibility studies and neither commit the applicant to any one solution. The documents do show that carbon reduction and climate adaptation measures can be introduced and a condition securing the final details of these measures is recommended.

#### j) Other

Neither Southern Water nor the Lead Local Flood Authority (LLFA) have raised objections to the proposed development in terms of drainage. Southern Water confirm there is sufficient capacity for foul drainage but state additional infrastructure is required to meet surface water flows.

The LLFA state that the scheme is acceptable in principle and that they would like to see the rainwater harvesting and green roof should be brought forward into the detailed design. They also require a condition about the maintenance and management of the drainage system. The green roof is no longer part of the proposal but the provision of rainwater harvesting could still be considered. These matters as well as the Southern Water comments can be dealt with by condition.

The application is accompanied by structural stability assessment. The report highlights the building's problems with deterioration, mainly due to water ingress, but suggests this can be rectified. The report otherwise concludes that the building is capable of accommodating between 4 to 7 additional storeys. No objection from Building Control has been raised and, although concerns about stability have been mentioned by objectors, no material evidence to contradict the conclusions of the submitted report has been submitted. The proposed development is therefore considered acceptable in terms of stability.

The application is accompanied by an appropriate phase 1 land contamination report. The Environmental Health Officer notes the references in the submitted report to the former printing works and the potential risk from vapours. A condition for a phase 2 report is therefore recommended.

Although not required the application has been accompanied by a wind study to explain the impact of the proposed extension on the microclimate of the area. The study concludes that there will be no serious impact upon wind speeds experienced at pedestrian level. This is considered acceptable.

## **6. Local Finance Considerations**

As discussed above the developer is required to make a payment of £6,500 towards the monitoring of the required Travel Plan. This is considered to be the only Local Finance Considerations that are material to the application.

## **7. Evidence of Community Involvement**

The application is accompanied by a report on community involvement. Although the inclusion of the report with the application has been criticised by those that produced it, the report does highlight that members of the public have been consulted on the most appropriate use of the building and options for its redevelopment. The applicant considers that they have taken these into account in determining the application.

## **8. Conclusion**

It has been identified above that proposed development will result in less than substantial harm to heritage assets. Although the harm has been deemed less than substantial by both the Conservation Officer and Historic England, there should be no doubt that the impact on some assets, like the Hastings Town Centre Conservation Area and some listed buildings, is significant. As this harm has been identified, in accordance with policies EN1 and DM1 and paragraph 134 of the NPPF, the public benefits of the proposal need to be weighed against the harm. In this respect the proposal:

- includes the reuse of a long derelict building that is of significant local interest (as stated by Historic England, the Conservation Officer, and the draft Hastings Central Conservation Area Appraisal);
- includes the restoration of the existing facade which is attractive and highlighted as one of the building's key components;
- includes residential units which will help the Council achieve its housing targets;
- includes commercial and cultural uses which will help encourage the revitalisation of this section of the town centre (as supported by policies FA3, CQ1 and HTC3) and support wider regeneration; and
- potentially includes an array of green design and climate change adaptation measures.

Collectively these benefits are not insignificant and are considered to outweigh the harm identified to heritage assets. The proposal is otherwise considered to be acceptable in terms of other planning matters, including, impacts on local character, impacts on neighbours, quality of accommodation and highways impacts. The proposal is therefore otherwise considered 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.

## 9. Recommendation

- **That the Planning Services Manager be authorised to issue planning permission upon completion of a S106 Agreement to secure a Travel Plan and Travel Plan audit fee. In the event that the Agreement is not completed by 14 June 2018 that permission be refused on the grounds that the application does not comply with policies T3 and T4 of the 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.**

**A) Subject to A) above:**

**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:  
  
A-0001G, 0002G, 1001F, 1002F, 1003F, 1004F, 1005F, 1006F, 1007F, 1008F, 2001F, 2002F, 2003H, 2004F, 3001F, 3002F, 1101H, 1102H, 1103H, 1104H, 1105H, 1106H, 1107H, 1108H, 1109H, 1110H, 1112H, 2101H, 2102H, 2103H, 2104H, 3101H and 3102H
3. Before they are installed full joinery details (1:10 elevations and 1:2 or full size horizontal and vertical cross sections) or, alternatively, sample units of all new and replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. No development of the extension hereby approved or replacement of materials on the existing building shall take place until samples (in the form of sample board(s) measuring at least 1m x 1m) of the materials to be used in the construction of the external surfaces of the extension or the existing building have been made available on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. The samples required by condition 4 above shall include options for the tile

cladding of the extension with the agreed tile being approved in writing by the Local Planning Authority. The sample panel of the agreed tile shall show how the tiles will be fixed and how they will be configured at window reveals and at the corners of the building. The development shall be carried out in accordance with the agreed details.

6. Before the development hereby approved is brought into use the existing faience tiles to the front elevation of the building shall be restored. Before this restoration is begun a full schedule of works covering the tile repairs and any related structural works needed to secure the tiles in place shall be submitted to and approved in writing by the local planning authority for approval. The works shall be carried out in accordance with the approved schedule of works and completed prior to the building being brought into use.
7. At any time prior to or during the restoration, as approved under condition 6 above, it should become necessary to replace any of the existing faience tiles on the building frontage then, before such replacement, samples of the proposed replacement tiles shall be submitted to and approved in writing by the Local Planning Authority. The replacement shall be carried out in accordance with the approved details.
8. Prior to the commencement of development, including any internal alterations to facilitate the conversion of the existing building, a Traffic Management Scheme shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). This shall include the size of vehicles, routing of vehicles and hours of operation. (Given the restrictions of the access and/or the approach road the hours of delivery/collection should avoid peak traffic flow times). The development shall be carried out in accordance with the approved scheme.
9. The development shall not be brought into use until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
10. The development shall not be brought into use until parking areas for the electric vehicles have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of electric vehicles.
11. No development shall take place until there has been submitted to and approved by the Local Planning Authority schemes for the construction of a controlled crossing on Cambridge Road and improved crossing points on Cornwallis Gardens. Such scheme shall provide for the timing of the works in relation to the implementing of the development, and shall be implemented in accordance with such timing before the approved development is brought into use.
12. **B)** Prior to the commencement of development a remediation scheme relating to contamination including suitable monitoring and verification methodologies shall be submitted to and agreed in writing by the Local

Planning Authority.

- i) 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.
  - ii) On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.
13. Prior to the commencement of development, including any works to facilitate the conversion of the existing building, a detailed sound attenuation assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include measures to attenuate noise as necessary. The development shall be carried out in accordance with the approved details.
14. No activities that could result in disturbance to bats (such as internal works, demolition, roof stripping, excavations, building works or associated operations) shall be carried out between the dates of 01 December and 01 April in any year. Any works undertaken during the specified periods should only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.
15. The retail and restaurant premises hereby approved shall not be used except between the following hours:-  
  
7am to 11pm Monday - Saturday,  
7am to 10pm Sunday and Bank Holidays.
16.
  - iii) 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.
    - (i) Development shall be carried out in accordance with the details approved under (i) and the development shall not be brought into use until those works have been completed.
    - (iii) The building shall not be brought into use 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.
17. 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.

18. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.
19. Before the development hereby approved is commenced a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include hours of building work, measures to control noise, dust and other potential sources of pollution relating to construction. The development shall be carried out in accordance with the approved plan.
20. (ii) No development shall commence on site until a local labour strategy has been submitted to and approved in writing by the local planning authority.
  - i) The strategy approved by the local planning authority under part (i) shall be implemented in its entirety and distributed to all contractors, sub-contractors, agents and employers engaged in the construction of the development.
  - ii) Within three months of development commencing and quarterly thereafter until the development is complete, evidence shall be submitted to demonstrate compliance with the approved strategy and monitoring information submitted to the local planning authority in writing, giving the social and demographic information of all contractors, sub-contractors, agents and employers engaged to undertake the construction of 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. In the interests of the character and amenity of the Hastings Town Centre Conservation Area.
4. In the interests of the character and amenity of the Hastings Town Centre Conservation Area.
5. In the interests of the character and amenity of the Hastings Town Centre Conservation Area.
6. In the interests of the character and amenity of the Hastings Town Centre Conservation Area.
7. In the interests of the character and amenity of the Hastings Town Centre Conservation Area.

8. In the interests of highway safety and for the benefit and convenience of the public at large.
9. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
10. In order that the development site is accessible by non-private car modes and to meet the objectives of sustainable development.
11. In the interests of highway safety and for the benefit and convenience of the public at large.
12. To protect those redeveloping the site and any future occupants from potential contamination.
13. In the interests of the amenity of the future occupants and neighbouring residential occupiers.
14. To protect features of recognised nature conservation importance.
15. In the interests of the amenity of the neighbouring residential occupiers.
16. To prevent increased risk of flooding.
17. To ensure the development complies with policies SC3 and SC4 of the Hastings Local Plan: The Hastings Planning Strategy.
18. In order that the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
19. In the interests of the amenity of the neighbouring residential occupiers.
20. In order that the development complies with the requirements of policy E2 of the Hastings Local Plan: The Hastings Planning Strategy.

### **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. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.
6. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
7. 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).
8. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should 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) in to order to progress the required infrastructure.
9. A formal application for connection to the water supply 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).

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### **Officer to Contact**

Mr S Batchelor, Telephone 01424 783254

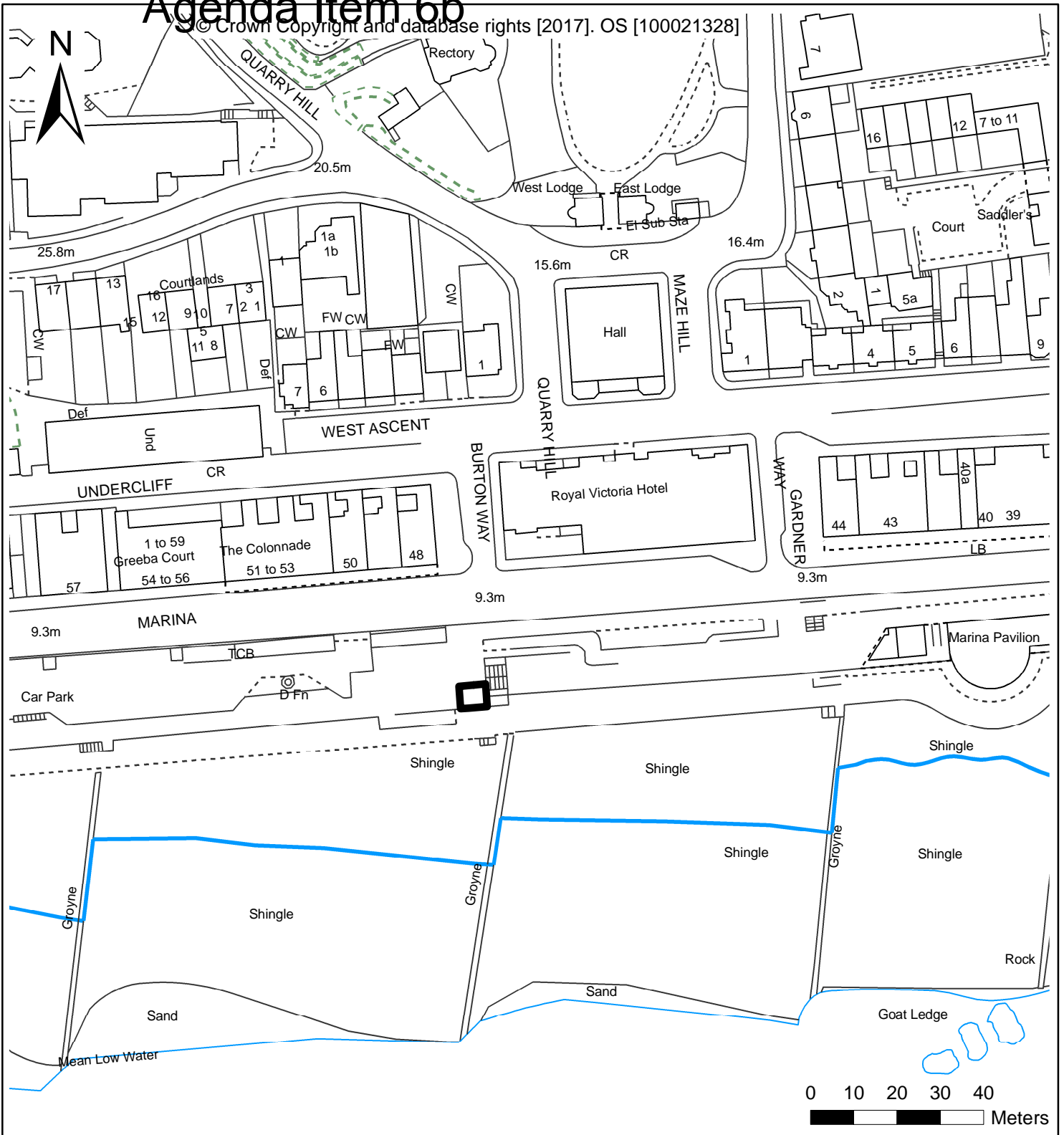
### **Background Papers**

Application No: HS/FA/16/00367 including all letters and documents



# Agenda Item 6b

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**Proposed Catering Unit  
Upper Promenade  
Marina, St Leonards-on-Sea**

Change of use of land to concession site for stationing of catering vehicle (non permanent)



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: DEC 2017

Scale: 1:1,250

Application No. HS/FA/17/00885

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**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 14 December 2017  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** **Proposed Catering Unit, Upper Promenade, Marina, St Leonards-on-sea**  
**Proposal:** **Change of use of land to concession site for stationing of catering vehicle (non permanent)**  
**Application No:** **HS/FA/17/00885**

**Recommendation:** **Grant Full Planning Permission**

**Ward:** CENTRAL ST LEONARDS  
**Conservation Area:** Yes - Burtons' St. Leonards  
**Listed Building:** No

**Applicant:** Estates Service Muriel Matters House Breeds Place Hastings TN34 3UY  
**Interest:** Freeholder

**Existing Use:** Public Pavement

**Public Consultation**

**Site Notice:** Yes  
**Press Advertisement:** Yes - Conservation Area  
**Letters of Objection:** 0  
**Petitions of Objection Received:** 0  
**Letters of Support:** 0  
**Petitions of Support Received:** 0  
**Neutral comments received** 0

**Application Status:** Not delegated -  
 Application on Council owned land

**1. Site and Surrounding Area**

The site consists of a 30m<sup>2</sup> area of land, located on the promenade on the St Leonards seafront. At this point of the promenade the pavement is approximately 18 metres in width, with a cycle track running parallel to the pavement for pedestrians. To the south is a ramped access to the lower promenade and access to the beach. To the east are the steps to the raised promenade and to the west is the Marina public car park. The site is accessed from the public highway via a barrier on Marina.

The closest residential dwelling, No. 48 Marina, is approximately 30 metres away on the opposite side of the highway. The site is within the Burton's St Leonards Conservation Area and in close proximity to several listed buildings, included Western Colonnade and The Royal Victoria Hotel.

### Constraints

Flooding Groundwater

Flooding Surface Water 1 in 100

Flooding Surface Water 1 in 1000

Flood Zone 2 Environment Agency

Flood Zone 3 Environment Agency

Land Owned Leased Licensed or Held by Tenancy at Will by HBC

Land Owned by the Foreshore Trust

SSSI Impact Risk Zone

Conservation Area - Burton's St Leonards

## **2. Proposed development**

This application seeks permission for the change of use of an area of the promenade to be used for the stationing of temporary catering vehicles such as 'The Little Vintage Tea Box'. There is to be one catering vehicle at any one time and these are to be removed from the site at the end of each day. The site has been used over the summer on 2017 for such a use and, due to the popularity, it is proposed for this to continue.

The hours proposed are:

- Monday to Friday - 09:00 - 20:00
- Saturday - 09:00 - 20:00
- Sundays and Bank Holidays - 09:00 - 20:00

The application is supported by the following documents:

- Design and Heritage Statement
- Flood Risk Assessment
- Site Waste Management Plan

### **Relevant Planning History**

None

### **National and Local Policies**

Hastings Local Plan – Planning Strategy (2014)

Policy FA2 - Strategic Policy for Central Area

Policy FA4 - Strategy for Central St Leonards

Policy FA6 - Strategic Policy for The Seafront

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

Policy EN1 - Built and Historic Environment (CA2 BURTONS' ST. LEONARDS)

Policy E4: Tourism and Visitors

### 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 HN1 - Development affecting the significance and setting of designated heritage assets (including conservation areas) (CA2 BURTONS' ST. LEONARDS)

### 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**

Estates - **No objection**

Foreshore Trust - **No objection received**

Conservation - **No objection, subject to conditions**

Environmental Health Commercial - **No objection, subject to conditions**

Environment Agency - **No objection**

Highways - **No objection**

Refuse - **No objection**

Marketing & Major Projects Manager - **No objection**

## **4. Representations**

In respect of this application a site notice was displayed and an advert placed in the local paper. No responses were received.

## 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.

The principle of the application is also supported by Policy E4 of the Hastings Planning Strategy which states that new visitor attractions will be encouraged and those that already exist will be protected, unless it can be demonstrated that they are no longer economically viable either in existing or adapted form. The upgrading of provision will be encouraged where it increases the range and/or quality of tourist facilities. Proposals for new visitor attractions will be considered sympathetically anywhere within the Borough subject to other policies. The seafront is seen as the core resort area and particular support will be given to measures and proposals which are well related to the seafront.

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

Policy HN1 of the Hastings Development Management Plan states that applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed against the following criteria, to ensure that the proposed development sustains and enhances the significance of the heritage asset.

As stated above, the site is located within the Burton's St Leonards conservation area. The Council's Conservation Officer has raised no objection towards the proposal, however, has commented that, should the catering vehicle become a permanent feature, objections would be raised on the grounds of harm arising to the setting of the character of Conservation Area and surrounding Listed Buildings.

It is proposed that only one catering unit is to be on the site at any one time and this is to be removed by 20:00 each day. In light of this, it is considered that, due to the temporary nature of the use, there would not be a detrimental impact to the character of the conservation area and no harm will be caused to the significance of the setting of the surrounding listed buildings. The proposal is therefore acceptable and complies with the aims of Policy HN1 as quoted above.

### c) Highway Safety/Parking

The site is accessed from the public highway via an existing lift-up, lockable barrier. The junction on to the highway has clear, unrestricted views in both directions and the public pavement in this area is wide, with ample space for cyclists and persons on foot.

The Highways Officer has raised no objection to the proposal and it is considered the use of the existing access is acceptable as there would not be a detrimental impact on highway safety. The proposal therefore complies with point h of Policy DM1 of the Hastings Development Management Plan which states that permission will be given if it can be adequately demonstrated that there is no safety risk to the public.

## **6. Conclusion**

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.

## **7. Recommendation**

### **Grant Full Planning Permission subject to the following conditions:**

1. Only one catering unit shall be stationed on the site at any one time and any associated vehicles required to move the unit shall only be on the promenade at drop-off and collection times and at no point parked on the promenade.
2. The catering unit shall only be located on site during the following times :-  
  
09.00 - 20.00 Monday to Friday  
09.00 - 20.00 Saturdays  
09:00 - 20:00 Sundays or Public Holidays.
3. Upon removal of the catering unit each day the site shall be left clear of litter and refuse associated with the use.

### **Reasons:**

1. To ensure a satisfactory form of development in the interests of the character and amenity of the conservation area and surrounding listed buildings.
2. To ensure a satisfactory form of development in the interests of the character of the conservation area and surrounding listed buildings and the amenities of the local residential properties.
3. To ensure a satisfactory form of development in the interests of the character of the conservation area and surrounding listed buildings and the amenities of the local residential properties.

### **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 the Local Planning Authority 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. Any proposed catering unit is strongly advised to contact the Environmental Health Division for advice on satisfying the requirements of food safety law.
4. The Food Business Operator will be required to register the food establishment with the Hastings Borough Council 28 days prior to opening. The registration form can be found online at [http://www.hastings.gov.uk/environmentalhealth/food\\_safety/businesses/foodpacks/caterers/](http://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers/)
5. Any proposed catering unit is strongly advised to contact the Environmental Health Division before services, fixtures and fittings etc. are installed for advice on satisfying the requirements of Health and Safety Law.
6. All trade business must have the correct commercial waste disposal receptacle and contractor in place To fulfil their 'duty of care' (sec 34 EPA 1990).

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### **Officer to Contact**

Mrs E Meppem, Telephone 01424 783288

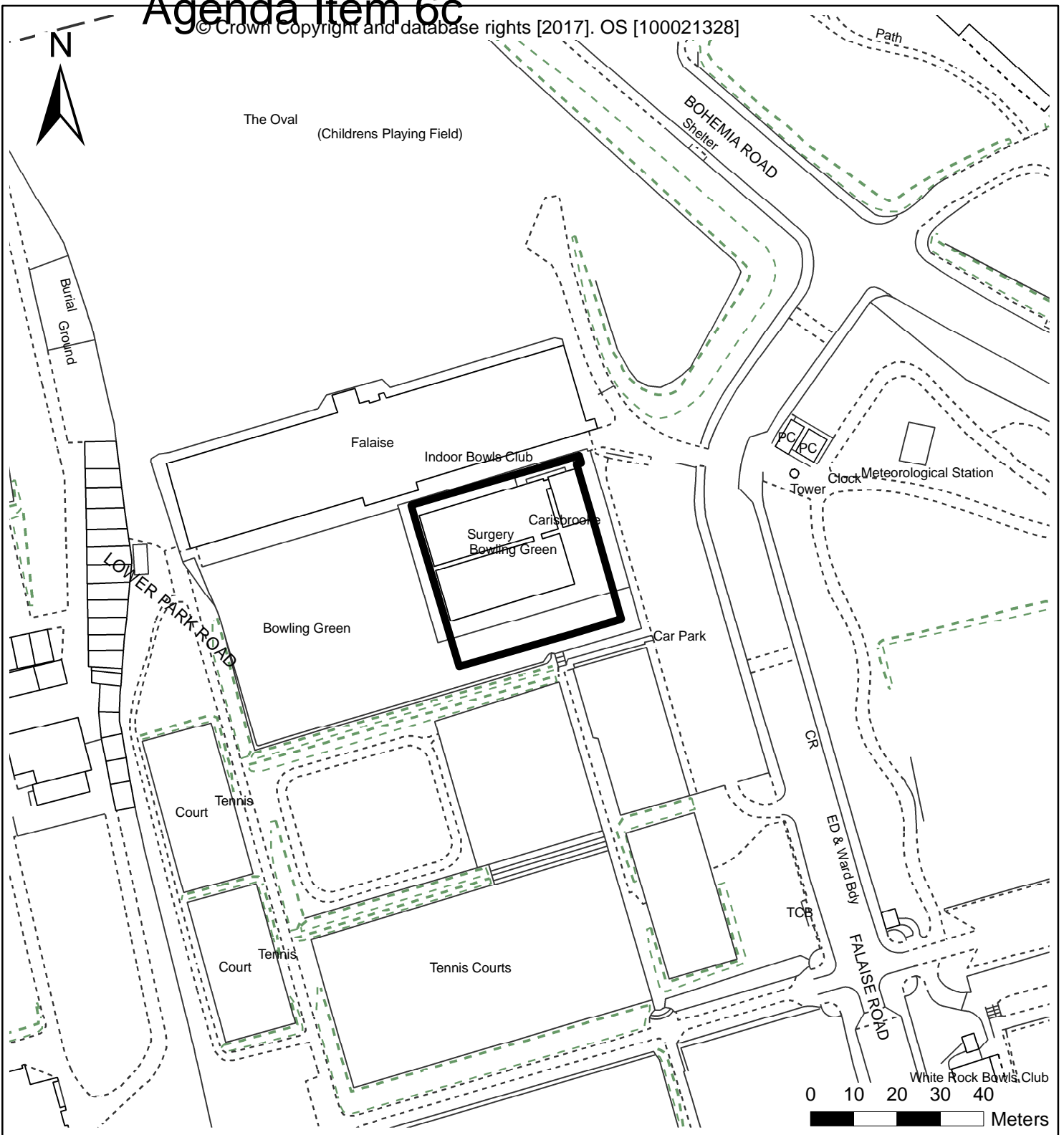
### **Background Papers**

Application No: HS/FA/17/00885 including all letters and documents



# Agenda Item 6c

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**Carisbrooke Surgery, Bowling Green,  
White Rock Pleasure Gardens,  
Falaise Road, Hastings**

Variation to condition 1 of Planning Permission HS/FA/15/00742 -  
To extend the temporary permission granted for 2 years for a further  
2 years.



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: DEC 2017

Scale: 1:1,250

Application No. HS/FA/17/00827

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**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 14 December 2017

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** Carisbrooke Surgery, Bowling Green, White Rock Pleasure Gardens, Falaise Road, Hastings, TN34 1EU

**Proposal:** Variation to condition 1 of Planning Permission HS/FA/15/00742 - To extend the temporary permission granted for 2 years for a further 2 years.

**Application No:** HS/FA/17/00827

**Recommendation:** Grant Full Planning Permission

**Ward:** CENTRAL ST LEONARDS

**Conservation Area:** No

**Listed Building:** No

**Applicant:** Carisbrooke Surgery & Paydens Ltd per Till AM Limited MIOC Styal Road Manchester M22 5WB

**Interest:** Applicant

**Existing Use:** Bowling Green and associated car park

**Public Consultation**

**Site Notice:** Yes

**Press Advertisement:** Yes - General Interest

**Letters of Objection:** 0

**Petitions of Objection Received:** 0

**Letters of Support:** 0

**Petitions of Support Received:** 0

**Neutral comments received** 0

**Application Status:** Not delegated - Application on Council owned land

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

The application site is one of two disused bowling greens, west of Falaise Road. Although the site is not within a Conservation Area, it is within an area identified as a Historic Park and Garden. The site is adjacent Falaise Indoor Bowls Club to the north and there are various recreational areas including tennis courts, ball court, bike/skate board ramp, etc to the south.

Falaise Road Car Park and White Rock Gardens sit to the east of the site and the second disused bowling green and tennis courts lay to the west, with the Magdalen Road Conservation Area beyond. The site has been the location of the temporary Doctors' Surgery since November 2013.

The temporary buildings consist of three 'portakabins' linked together providing a pharmacy with consulting room and kitchenette, doctors' surgery with 6 consulting rooms, 3 nurse rooms, one minor operations room, associated administration rooms and WC facilities.

### Constraints

SSSI Impact Risk Zone

Historic Parks and Gardens (Non-Registered)

Flooding Surface Water 1 in 1000

Land Owned Leased Licensed or held by Tenancy at Will by HBC

Magdalen Road Conservation Area Buffer - 71 metres away

## **2. Proposed development**

This application seeks permission for the continued placement of the Carisbrooke Surgery buildings on the Bowling Green at White Rock Pleasure gardens for a further 2 years. This use was originally approved in 2013 and again in 2015, each time for a temporary period of two years.

### Details of the proposal and Other Background Information

The Warrior Square and Carisbrooke doctors' surgeries and pharmacy were originally located in Marlborough House, Warrior Square. Following a major roof fire on 29 July 2013, which resulted in water damage to the lower floors, the building has been completely vacated until repair works have been completed. It was originally estimated that the repairs would take a minimum of eighteen months and the temporary buildings would be on site for two years. Due to the level of time taken to commence repairs on the site and adverse weather conditions, a significant mould and bacteria infestation has occurred. As a result of this, since September 2014 no person has been allowed to enter Marlborough House without full personal protective equipment (PPE). As a result of this the Marlborough House site is clearly presently unfit for purpose as a Doctor's surgery and pharmacy.

## Relevant Planning History

HS/FA/13/00745 Erection of temporary portakabin buildings for use as Doctors Surgery and Pharmacy  
Granted 28 October 2013

HS/FA/15/00742 Variation to condition 1 of Planning Permission HS/FA/13/00745 - To extend the temporary permission granted for 2 years for a further 2 years. The original premises, Marlborough House, was badly damaged by fire & water and is yet to be repaired.  
Granted 21 October 2015

## National and Local Policies

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

Policy EN1 - Built and Historic Environment (Historic Parks and Gardens)

Policy FA2 - Strategic Policy for Central Area

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

### 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 HN1 - Development affecting the significance and setting of designated heritage assets (including conservation areas) (Historic Parks and Gardens)

Policy HN3 - Demolition involving heritage assets (Historic Parks and Gardens)

Policy HN8 - Biodiversity and Green Space (Historic Parks and Gardens)

### 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.

Para 131: In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Para 132: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's 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. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

#### Planning Practice Guidance (PPG)

**When can conditions be used to grant planning permission for a use for a temporary period only?** Paragraph: 014 Reference ID: 21a-014-20140306 Revision date: 06 03 2014

Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only. A condition limiting use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity.

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

A temporary planning permission may also be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward (a meanwhile use) or more generally to encourage empty property to be brought back into use. This can benefit an area by increasing activity.

It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently.

A condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. Conditions requiring demolition of buildings which are imposed on planning permissions for change of use are unlikely to relate fairly and reasonably to the development permitted.

### **3. Consultations comments**

Estates - **No objections**

Refuse Storage - **No objections**

Amenities and Leisure - **No objections**

## 4. Representations

In respect of this application a site notice was displayed at the site. An advert was also placed in the local paper. No responses were received.

## 5. Determining Issues

### a) Principle

As stated above, paragraph 14 of the Planning Practice Guidance states that it will rarely be justifiable to grant a second temporary permission. It goes on to state that further permissions should normally be granted permanently or refused if there is clear justification for doing so. However, there is no presumption that a temporary grant of planning permission should be granted permanently. Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

This is the second application for the retention of the doctors surgery on this site. In support of the application the applicant has provided details to justify the continued use of this site for a further two years. The Agent has advised that meetings have been held with East Sussex County Council with regards to the potential development of a Medical Centre at an alternative site within the Borough. The agent has also advised that they are formally under offer for the purchase of a site and the respective solicitors are now engaged. It is hoped that contracts are to be exchanged by the end of January 2018.

It is apparent that there has been clear progression towards finding an alternative site within the Borough and, while the granting of a second temporary permission is not generally considered acceptable in principle, due to the clear need to provide a doctors surgery to the local residents, it is considered that a further temporary permission for two years should be approved in this instance.

### b) Impact on Character and Appearance of the Historic Park and Garden

Paragraph 134 of the National Planning Policy Framework states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The character and appearance of the temporary buildings has previously considered and approved under the planning application HS/FA/13/00745 and HS/FA/15/00742. At this time it was decided that, although the buildings are not of an appearance that would normally be acceptable in this location, due to the exceptional circumstances as detailed above and the buildings being for a temporary period only, the application is considered acceptable.

It was also considered that due to the level of screening around White Rock Gardens, overall there would be a minimum impact on the designated Historic Parks and Gardens and as such the application is acceptable. The proposal is therefore considered to meet the aims of the National Planning Policy Framework as quoted above.

### c) Highway Safety/Parking

The site is located in close proximity to the Falaise Road public car park and is in easy access to main bus routes on Bohemia Road and the seafront. There are no alterations the existing parking provision due to the constraints of the site. The current parking provision has been serving the doctor's surgery since 2013 and as such is considered acceptable.

## **6. Conclusion**

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.

## **7. Recommendation**

### **Grant Full Planning Permission subject to the following conditions:**

1. This permission shall be for a limited period of two years from the date hereof and on or before the expiration of such period the building hereby permitted shall be removed and the use hereby permitted shall be discontinued and the site shall be restored to the condition in which it was before such building was erected and such use was commenced and left in a clean and tidy condition.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

P040-PL01

### **Reasons:**

1. In the interests of the character and amenity of the White Rock Gardens and the area in general.
2. For the avoidance of doubt and in the interests of proper planning.

### **Notes to the Applicant**

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.



**Officer to Contact**

Mrs E Meppem, Telephone 01424 783288

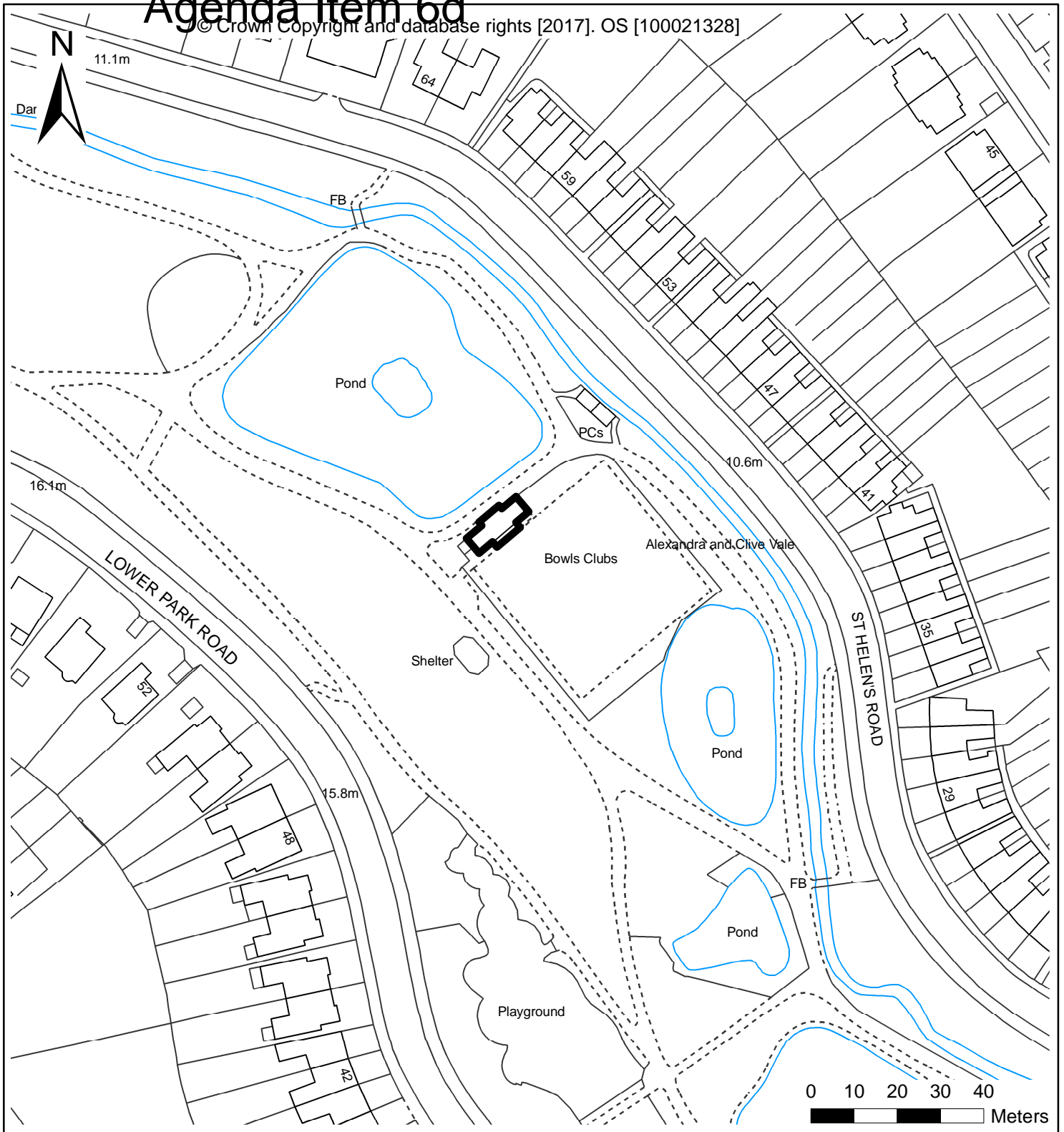
**Background Papers**

Application No: HS/FA/17/00827 including all letters and documents

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# Agenda Item 6d

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**Bowling Green Pavilion  
Alexandra Park  
Hastings**

Change of use from a ladies changing room to a food and drink kiosk (A1 use).



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: DEC 2017

Scale: 1:1,250

Application No. HS/FA/17/00342

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**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 14 December 2017  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** **Bowling Green Pavillion, Alexandra Park, St Helens Road, Hastings**  
**Proposal:** **Change of use from a ladies changing room to a food and drink kiosk (A1 use).**  
**Application No:** **HS/FA/17/00342**

**Recommendation:** **Grant Full Planning Permission**

Ward: BRAYBROOKE  
 Conservation Area: Yes - Blacklands  
 Listed Building: No

Applicant: Eat @ Hastings per Mr Derhun 108 Victoria Avenue Hastings TN35 5BT  
 Interest: Prospective user (HBC is landowner)

Existing Use: Bowling pavilion

**Public Consultation**

Site Notice: Yes  
 Press Advertisement: Yes - Conservation Area  
 Letters of Objection: 21  
 Petitions of Objection Received: 0  
 Letters of Support: 0  
 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 small, single storey bowling green pavilion to serve the Alexandra and Clive Vale Bowls Clubs, situated in the heart of Alexandra Park, a historic park and garden both nationally and locally designated. It is one of the key buildings within the park and provides for a well-known feature in this lower section. There are no residential properties in the immediate vicinity of the pavilion, just ponds, pathways, greenspace associated with the

Park's use, as well as the designated bowling green immediately to the south-east of the pavilion building.

Alexandra Park is Council owned land, although the application is brought forward by Eat@, who propose to bring the proposed food and drink kiosk into use.

### Constraints

- Blacklands conservation area
- Flood Zones 2 and 3
- Area affected by surface water flooding
- Area affected by groundwater flooding
- Historic Park and Garden
- Grade II\* Registered Park and Garden
- SSSI Impact Risk Zone

## **2. Proposed development**

It is proposed to change the use of the existing attendants room (also used as a ladies changing room) to a food and drink kiosk within an A1 use, as designated by the Town & Country Planning (Use Classes) Order 1987 (as amended). The kiosk is to face out from the north-western side of the building facing towards St Helens Road, which runs to the north of the park. The kiosk will sell tea, coffee, soft drinks, ice creams and sandwiches only, and shall not be used for the cooking or sale of hot food.

External alterations are limited to the removal of the existing mullions and casements of the existing casement window on the north-western elevation (leaving the frame in situ) and display of new signboards on either side of this opening. A new paved area will form the frontage to the kiosk and railings to match the existing perimeter fencing around the bowling green will be installed at the front of the kiosk providing its enclosure.

The application is supported by the following documents:

- Design and access statement (drawing number D/573/02D)

### **Relevant Planning History**

No relevant planning history

### **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 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 HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

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

## 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. Consultation comments**

Conservation Officer - **no objection**

Considers that the external alterations proposed are relatively minor and will not harm the significance of the Bowling Pavilion or the wider registered park

Environmental Health - **no objection**

Recommend food safety and health and safety informatives

The Gardens Trust - **no comment**

No comments to make on the proposal

Historic England - **no comment**

No comments to make on the proposal

Estates - **no objection**

Verbal response received - no objection to the proposals

Waste Management - **no objection**

Consider that there is sufficient space for waste storage within the site and raise no objection to the proposal

## 4. Representations

22 letters of representation have been received following the display of site notices at both the initial consultation, and amended plans stages. 21 of these were objections and 1 neutral comment was received.

The neutral comment focused on procedures of the decision-making process and did not make any specific comments in respect of the proposal.

The objections raised the following concerns:

- Proposed store room is insufficient to be used as a ladies changing room
- Increased litter as a result of the change of use
- Will discourage the use of the Bowls club by women
- Need to separate male and female changing rooms
- Space to store equipment will be lost
- Disturbance to bowlers from activity around the kiosk

## 5. Determining Issues

This is a relatively minor application that has attracted some significant public interest, mostly centred around the loss of the female changing area to facilitate the proposed kiosk. It is therefore, important to consider these concerns in terms of the layout and functionality of the pavilion, as well as the impact of the proposed use on the character and appearance of the area in respect of its location in a conservation area and within a registered park and garden.

### 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 area and the Blacklands Conservation Area

The change of use involves only minimal external alterations to the building itself which are not considered to cause harm to the character and appearance of the building or wider conservation area. The existing window opening and frame will remain, with the casement and mullions removed to make for a more functional opening. The proposed signage either side of this opening is proposed to be removed at the end of each day but is of an appropriate size and appearance to be in keeping with the existing building. The proposed paved area to the front of the kiosk is identified as being of sandstone construction which is an appropriate material for use in areas such as this, and is considered to be complementary to the historic significance of the area. Similarly, it is proposed to continue the existing style of perimeter fencing that currently surrounds the bowling green, which will ensure continuity in the design and appearance of the area as a whole.

It is therefore considered that the proposal has reached a good standard of design that shows an appreciation of its surroundings and use of materials. The outdoor advertisements do not detrimentally affect the appearance of the pavilion building itself or the surrounding area. Policies DM1 and DM3 of the Development Management Plan are, therefore complied with in these respects.



#### c) Impact on Heritage (Grade II\* Registered Park and Garden)

Given the minimal scale of external alterations, it is not considered that the works will have a negative impact on the significance of this registered park and garden. The Council's conservation officer raises no objection on these grounds.

#### d) Layout

Numerous objections have been received regarding the loss of the attendants room, which is used as a ladies changing area. The case officer has received verbal confirmation from Bowls England that there are no minimum requirements for changing facilities in pavilions such as this. In some cases, no changing facilities are provided at all. Furthermore, it is important to note that as a Council owned building, the Bowls club have free use of its facilities as a goodwill gesture. There is no obligation on the Council, or any other party, to maintain the internal layout in a certain way. Eat@ cafe also use some of the space within the pavilion for storage of equipment, as well as the bowls club.

It is therefore considered that given the proposal to use the existing equipment store as a ladies' changing area, this still provides a functional use for the bowls club in accordance with the requirements of the National Planning Policy Framework, despite it being smaller in size than the attendants room currently used. There is also the potential to use the larger changing area as a mixed changing area (or to insert partitions) if considered necessary by the occupants, although there are no planning or leisure facility requirements to ensure this is the case by condition.

There is ample external space adjacent to the building for refuse storage. The Council's Waste Management Team raise no objection to the proposal, and consider there are sufficient means for its removal.

Taking into account the above considerations, it is considered that the proposal accords with the requirements of Policy DM3 of the Development Management Plan in that the proposed internal layout is fit for purpose and adequate refuse storage space is available.

#### e) Proposed A1 use

The proposed kiosk is intended to be managed by the existing occupants of the Park (Eat @) Cafe, and will serve basic food and drink only. No hot food will be prepared or sold on site. This will provide a commercial element to the pavilion and help bring in more revenue for this lower end of the park, whilst minimising any disturbance to bowlers who may be playing at the time - as no full meals will be served or consumed on site. It is important to note that whilst the bowling green is well used, the kiosk offers an all year round, and all day activity in this area, and will provide an additional service to the users of the Park overall. There are no residential properties in the immediate vicinity, or other occupants that may be affected by the proposal. It is not considered that the type of food/drink being served will result in a significant increase in litter, and bins are located in numerous locations around the Park to ensure that there are enough disposal option for users.

The proposed A1 use is therefore considered acceptable in this location.

#### f) Impact on neighbouring residential amenities

There are no residential properties within the immediate area, so, residential amenities remain unharmed. Policy DM3 of the Development Management Plan is therefore complied with in this respect.

#### g) Other site constraints

The site is located within an area at high risk of flooding. However, the application does not propose any increase in footprint and as such, will not cause any further harm in terms of flood risk. No further action is therefore required in respect of Policy SC7 of the Planning Strategy.

The development is not of sufficient scale to warrant further consideration in respect of its location within a SSSI Impact Risk Zone.

## 6. Conclusion

The proposed change of use of the existing attendants room, currently also used as a ladies changing area, is considered to be an appropriate use of the space, providing a benefit to the users of the wider Park. The loss of this space is not considered to result in the loss of a functional or fit for purpose bowls pavilion, which can still operate alongside the new kiosk. The change of use will bring a commercial element to the space, enhancing its current viability. It has been demonstrated that there will be no harm to residential amenities or the significance of this heritage asset as a Registered Park and Garden.

The proposal therefore complies 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 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:

SD/573/02D,SD/573/03

3. No development shall commence until the following details of materials have been submitted to and approved in writing by the Local Planning Authority:

- External block paving
- Perimeter fencing

Development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.

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

08.00 - 17.30 Monday - Friday,  
08.00 - 18.00 Saturdays,  
10.00 - 16.00 Sundays or Bank Holidays.

5. If at any time the use of the cafe intensifies to include the provision of hot meals and more complex catering a scheme for the fitting of odour control equipment and its sound insulation to the building shall be submitted to and approved by the Local Planning Authority prior to the use commencing. The odour control equipment and sound insulation shall be maintained thereafter to the satisfaction of the Local Planning Authority in accordance with the manufacturers instructions and records of cleaning/replacement of filters/fans etc. shall be kept available on the premises for inspection.

#### **Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure a satisfactory form of development in the interests of the character and amenity of the registered park and wider conservation area.
4. To safeguard the amenity of nearby residents.
5. To safeguard the amenity of nearby residents.

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

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

3. The Health and Safety at Work Etc. Act 1974 will apply. The applicant is advised to contact the Environmental Health Division before services, fixtures and fittings are installed for advice on satisfying the requirements of Health and Safety Law.
4. The Food Safety Act 1990 will apply. The applicant is advised to contact the Environmental Health Division before services, fixtures and fittings are installed to the kitchen and other food rooms/areas for advice on satisfying the requirements of food safety law.
5. The Food Business Operator will be required to register the food establishment with the Local Council 28 days prior to opening. The registration form can be found online at [https://www.hastings.gov.uk/environmentalhealth/food\\_safety/businesses/foodpacks/caterers/](https://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers/)

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### **Officer to Contact**

Miss S Roots, Telephone 01424 783329

### **Background Papers**

Application No: HS/FA/17/00342 including all letters and documents

# Agenda Item 6e

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**Flat 1**  
**1 Wykeham Road**  
**Hastings**

Conversion of existing outbuilding to summerhouse/annexe



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: DEC 2017

Scale: 1:1,250

Application No. HS/FA/17/00751

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**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 14 December 2017  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** Flat 1, 1 Wykeham Road, Hastings, TN34 1UA

**Proposal:** Conversion of existing outbuilding to summerhouse/annexe

**Application No:** HS/FA/17/00751

**Recommendation:** Grant permission

**Ward:** BRAYBROOKE  
**Conservation Area:** No  
**Listed Building:** No

**Applicant:** Miss Bland per SJB Architectural Design Rosemeath Little Common Road Little Common, Bexhill on sea. TN39 4SB

**Interest:** Leaseholder

**Existing Use:** Garden building.

### **Public Consultation**

**Site Notice:** Yes  
**Press Advertisement:** No  
**Letters of Objection:** 0  
**Petitions of Objection Received:** 0  
**Letters of Support:** 0  
**Petitions of Support Received:** 0  
**Neutral comments received** 0

**Application Status:** Not delegated -  
The applicant is related to a Councillor

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

The application site comprises a single storey outbuilding located in the rear garden of Flat 1, 1 Wykeham Road, located on the west side of Wykeham Road, a large four-storey property which is currently in use as flats. The outbuilding which is the subject of this application is located adjacent the rear / western boundary of the site. The internal floor area of the building measures 25sqm. The outbuilding has rendered walls with a flat roof above.

The rear boundary of the application site backs onto Linton Gardens which is a designated historic park and garden. There is a pedestrian access along the southern side of the application site from Wykeham Road to Linton Gardens.

### Constraints

SSSI Impact Risk Zone

## **2. Proposed development**

The application proposes the conversion of the existing garden outbuilding into an annex / summerhouse to be used in conjunction with the host dwelling / flat. The submitted floor plans indicate the internal space would be utilised as a bedroom / living space with a small en-suite shower.

No external alterations or extensions are proposed to the building.

The application is supported by the following documents:

- Site Waste Management Plan

### **Relevant Planning History**

55/00400            Change of use and conversion of private hotel into 7 self-contained flats  
- Approved 26.07.1955

### **National and Local Policies**

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

LP1 - Considering planning applications

DM1 - Design principles

DM3 - General amenity

DM4 - General access

DM5 - Ground conditions

HN1 - Development affecting the significance and setting of designated heritage assets (including conservation areas) (Historic Parks and Gardens)

Hastings Local Plan – Planning Strategy (2014)

SC1 - Overall strategy for managing change in a sustainable way

FA2 - Strategic Policy for Central Area

EN1 – Built and Historic Environment

Other Policies/Guidance:

Sussex Air Quality and Emissions Mitigation Guidance 2013

National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Para 14 sets out a general presumption in favour of sustainable development and states that



development proposals which accord with the development plan should be approved without delay.

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

#### National Planning Policy Guidance (NPPG)

Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use – over the long as well as the short term.

### **3. Consultations comments**

None

It is acknowledged that the site falls within the designation of 'flooding surface water 1 in 1000'. However, the proposed conversion does not include any extensions to the existing building or external alterations. In light of this it is not considered necessary to require further investigation in to the potential for surface water flooding on site.

### **4. Representations**

No responses were received.

### **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) Proposed ancillary residential use:

The proposed conversion relates to an annexe to the host property to be used as ancillary living accommodation. The converted living accommodation would not function as primary living space nor would the conversion constitute an independent self-contained residential unit, therefore, it is not considered necessary to fully comply with the national space standards in terms of new residential units. However, having carried out the floorspace calculations on the proposed annexe, it is apparent that the internal bedroom / living floor space meets the requirements of the 'Technical housing standards - nationally described space standards' and the building would also have openings affording in natural light and ventilation.

The proposed conversion would not constitute a self-contained unit as the internal alterations do not include a kitchen area and the annexe would clearly be reliant on, and tied to, the main residential property. The internal floor area would also restrict the building from being used as an independent residential unit. In this regard, a condition is suggested to ensure the building is used as an annex to the host residential flat.

Taking the above into account it is considered that the proposed development is in accordance with the aims of Planning Policy DM3 of the Hastings DM Plan which states that in order to achieve a good living standard for future users of proposed development it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes.

c) Impact on Character and appearance of area:

No external alterations are proposed to the building so there would not be a detrimental impact on the character of the existing dwelling or the surrounding area, including the setting of the historic park to the rear of the site.

d) Impact on Neighbouring Residential Amenities:

No external alterations or extensions are proposed and it is considered that the conversion of the existing outbuilding to an annexe would not have a detrimental impact on the residential amenities of the flats located at 1 Wykeham Road or any other adjoining properties. The garden area of the application site would continue to be used as private residential amenity space and the conversion of the building to ancillary living accommodation is not considered to result in any unacceptable noise or disturbance to neighbouring properties compared to the existing use and residential garden area.

e) Air Quality and Emissions:

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. No external lighting is proposed and residential amenities are not harmfully affected. The development will also not give rise to ground or surface water pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

## **6. Conclusion:**

These proposals comply with the development plan in accordance with Section 38 (6) of the Page 37 Planning and Compulsory Purchase Act 2004 which states:

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

The 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 conversion hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Flat 1, Wykeham Road, Hastings, TN34 1UA
3. The development hereby permitted shall be carried out in accordance with the following approved plans:

17.128/01

### **Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The building is not capable of functioning as an independent dwellinghouse and to safeguard the amenity of neighbouring residents and future occupants of the building.
3. For the avoidance of doubt and in the interests of proper planning.

### **Notes to the Applicant**

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

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### **Officer to Contact**

Mr A Jolly, Telephone 01424 783250

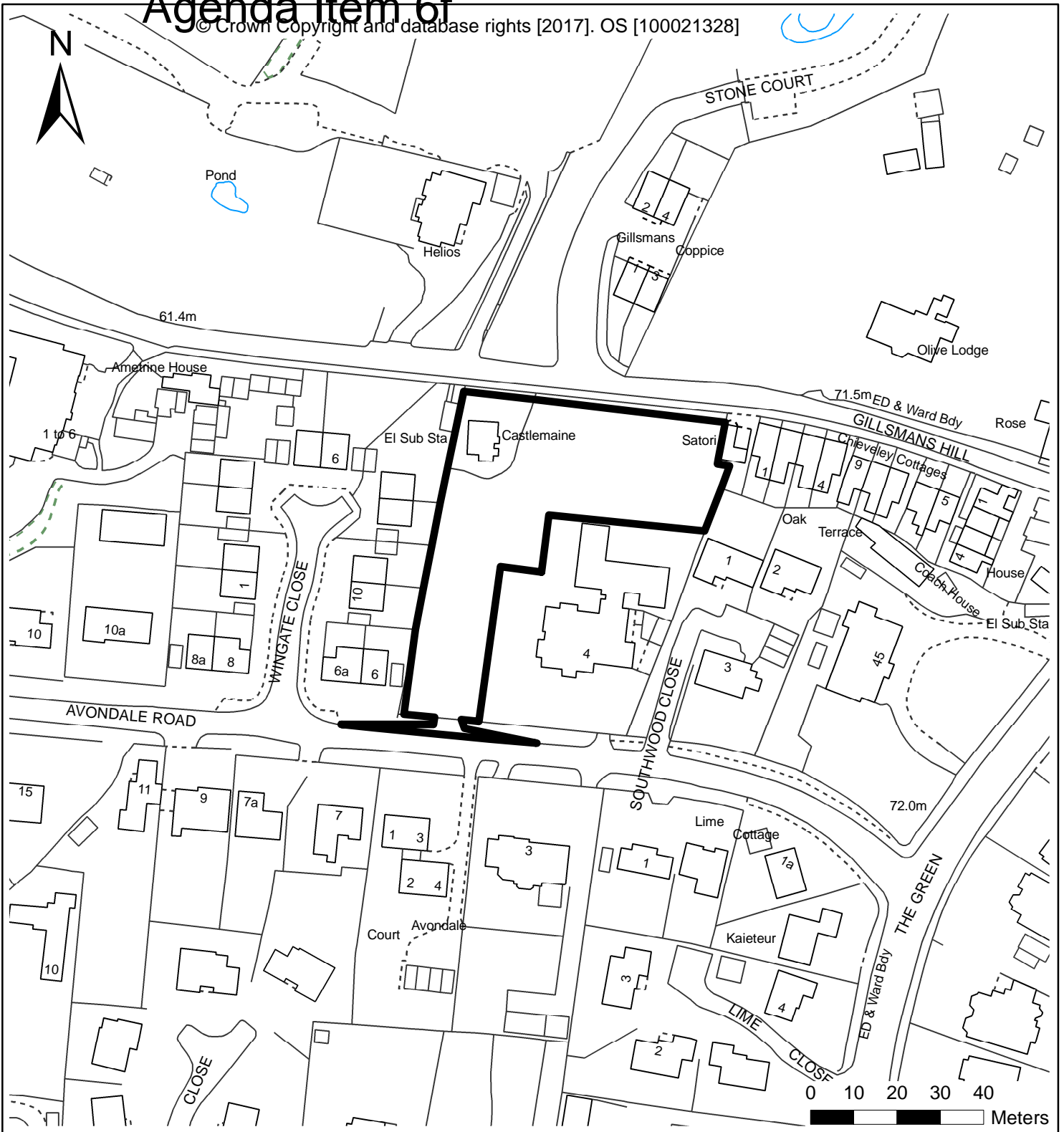
### **Background Papers**

Application No: HS/FA/17/00751 including all letters and documents

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# Agenda Item 6f

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**Castlemaine, 4 Avondale Road & Castlemaine Cottage, 5 Gillsmans Hill St. Leonards-on-Sea**

Outline application, (seeking approval of Access), for erection of up to 7 dwellings and a replacement dwelling together with access 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: DEC 2017

Scale: 1:1,250

Application No. HS/OA/17/00522

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**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 14 December 2017  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** **Castlemaine, 4 Avondale Road and  
Castlemaine Cottage, 5 Gillsmans Hill, St  
Leonards-on-sea, TN38 0SA**  
**Proposal:** **Outline application,(seeking approval of  
Access), for erection of up to 7 dwellings and a  
replacement dwelling together with access and  
parking**  
**Application No:** **HS/OA/17/00522**

**Recommendation:** **Grant Outline Planning Permission**

**Ward:** MAZE HILL  
**Conservation Area:** Yes - Springfield Road  
**Listed Building:** No

**Applicant:** Quality Development Property Ltd. per Town &  
Country Planning Solutions Sandhills Farmhouse  
Bodle Street Green HAILSHAM BN27 4QU

**Interest:**

**Existing Use:**

**Public Consultation**

**Site Notice:** Yes  
**Press Advertisement:** Yes - Conservation Area  
**Letters of Objection:** 19  
**Petitions of Objection Received:** 0  
**Letters of Support:** 0  
**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 application proposes residential development in the grounds of an existing 2-3 storey large detached care home. The immediate area when seen from Avondale Road is characterised by a mixture of modern semi-detached properties in Wingate Close to the west of the application site, detached residential dwellings to the east (Southwood Close) and large detached Victorian properties in use as care facilities or other residential use opposite. On the Gillsmans Hill frontage, a detached three-storey property identified as 'Satori' abuts the eastern boundary, with a row of terraced cottages to the east of this.

Castlemaine itself is partially screened from the road to the front elevation by established tree and hedge planting, with a grass verge directly adjacent to the road. No footpath fronts the property, although this is apparent elsewhere along Avondale Road. On-street parking is readily available and the care home is accessed by a gravel driveway close to the eastern boundary of the application site.

The portion of land within the application site, directly to the west of the care home, is currently fenced off and used as supervised recreational space for the care home's residents. This land is flat and well-maintained, and extends up to the rear boundaries of the properties in Wingate Close. The upper storey windows of Wingate Close properties are clearly visible from the application site. The remaining land to the rear of the care home comprises more open grassland, which is not currently actively used by the care home. Within this area are several large protected trees and other forms of vegetation. This slopes gently downwards towards a steep embankment on the Gillsmans Hill boundary at the rear of the site, where a stone retaining wall, fencing and boundary planting are in place. This frontage is almost entirely screened from the road. Castlemaine Cottage is sited in the north-west corner of the application site, accessed by a pedestrian entrance from Gillsmans Hill.

There are three TPO trees located along the northern (rear) site boundary, one TPO tree adjacent the proposed site entrance, two TPO trees are located to the south of the existing (to be demolished) house and there are two TPO trees located in the grounds of the care home to the east of the proposed site entrance.

### Constraints

The following site constraints are relevant to this application:

- TPO 296 relating to individual trees
- 20m buffer zone of Conservation Area
- SSSI Impact Risk Zone

## 2. Proposed development

This is an outline planning application for the erection of up to 7 dwellings, with a replacement dwelling at the site of Castlemaine Cottage. All matters are reserved except for access. Reserved matter details relating to the appearance, layout and scale of the proposed housing will be submitted for approval should Members be minded to grant outline planning permission.



Taking account of the active use of the current care home which is to be retained, the development results in an L-shaped application site that has a 17m frontage on Avondale Road and an 80m frontage to Gillsmans Hill. In order to establish whether the proposed development can be accommodated on site, the applicant has submitted an indicative layout of the site, together with indicative elevations and floor plans for further clarification. The indicative plans show the following units:

Plot 1 - 1 x 2 bed detached dwelling

Plot 2 - 1 x 3 bed end of terrace dwelling

Plots 3 and 4 - 2 x 2 bed mid and end of terrace dwellings

Plots 5 and 6 - 2 bed semi-detached dwellings

Plot 7 - 1 x 3 bed detached dwelling

Plot 8 - 1 x 4 bed detached dwelling (in place of existing Castlemaine Cottage)

Plots 1-7 are identified as being located in the rear portion of the application site, behind the existing care home with plot 8 located in the north-west corner of the site in broadly the same position as Castlemaine Cottage which would be demolished. Plots 1-7 are to be located to the east of the replacement dwelling at Castlemaine Cottage, with rear gardens extending back towards the Gillsmans Hill boundary. The indicative plans show conventional pitched roofs with a varied ridge line, although the eaves height remains consistent.

Plot 8 is shown to comprise a detached chalet style bungalow, comprising accommodation over 2 storeys. This dwelling would be set back in the north-west corner of the site and would be located at the apex of the proposed access road from Avondale Road.

Bin storage areas are proposed either at the front or rear of the houses. Bike storage is proposed in the rear gardens.

The indicative layout proposes a communal parking area providing 17 parking spaces, enabling 2 per dwelling and 1 visitor space. This parking area is to be located on either side and at the end of the proposed access road. The access enters the site between 6 Avondale Road and Castlemaine Care Home and incorporates a turning head within the site to allow vehicles to enter and leave the site in forward gear. No access to Gillsmans Hill will be provided. A communal waste storage / collection area is proposed to be located to the east of this turning head on the eastern boundary of the site next to the care home.

New planting is proposed at various locations to provide additional screening. Most notably, this is identified on the eastern boundary separating the site from the rear garden of Satori on Gillsmans Hill and 1 Southwood Close; the front of the Plots 1-7, on the rear boundary of the care home, and to the east of the access road, also on the boundary with the care home. The indicative layout plan identifies further trees to be retained on site, as well as the relevant root protection zones.

## Amendments

A revised indicative layout has been submitted during the course of the application to allow additional room for tree root protection areas along the northern boundary at the rear of plot 5 and 6. The footpath link to the rear of plot 5 has been removed and a shared footpath link for plots 6 and 7 is proposed with a repositioned footpath link for plot 8. The revised indicative layout demonstrates that the proposed layout can be implemented without harming the root protection area of TPO trees along the northern boundary. Plot 7 is now detached and this dwelling has moved slightly closer to the eastern boundary as a result.

The application is supported by the following documents:

- Planning Statement
- Preliminary Ecological Appraisal
- Bat Survey
- Bat Presence-Absence Report
- Tree Report
- Waste Management Plan
- Sustainability Statement

### **3. Relevant Planning History**

HS/OA/16/00598 - Outline application, (seeking approval of Access) for the erection of up to 7 dwellings and a replacement dwelling together with access and parking – Refused on 17.03.2017 for the following two reasons:

1. The proposal fails to demonstrate the site's capability of accommodating the level of residential development proposed without potentially causing harm to European protected species. Further information is required to determine the presence or absence of bats within the application site, in order to determine the full extent of habitat loss and potential measures for mitigation if necessary. The application therefore fails to provide adequate information to ensure all material considerations are taken into account, demonstrate the population of protected species is strengthened, or that there will be no net loss of biodiversity, contrary to Policy EN3 of the Hastings Planning Strategy 2015 and Policy HN8 of the Development Management Plan 2015.

2. The proposed development is unable to demonstrate functionality and useability of space in respect of the excessive distances residents will need to travel from their homes to the waste storage point, and then to waste collection point on Avondale Road. The proposal therefore fails to achieve a good performance against nationally recognised best practice guidance on urban design and place-making, and causes difficulty and inaccessibility for the removal of waste. The development is therefore contrary to both Policies DM1(c) and DM3(c) of the Development Management Plan 2015.

### **4. National and Local Policies**

Hastings Local Plan – Planning Strategy (2014)

Policy DS1 - New Housing Development

Policy FA1 - Strategic Policy for Western Area

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

Policy SC7 - Flood Risk

Policy EN3 - Nature Conservation and Improvement of Biodiversity  
Policy H2 - Housing Mix

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 HN8 - Biodiversity and Green Space

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

National Planning Policy Framework (NPPF)

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

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

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 109 requires the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

Paragraph 113 requires local planning authorities to set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by ensuring that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused

## Government Circulars

Defra circular 01 2005, Biodiversity and geological conservation - statutory obligations and their impact within the planning system (2005) states that "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"

## British Standards

BS42020 Biodiversity - code of Practice for Planning and Development explains that where European Protected Species are affected, planning conditions are only used to secure method statement and/or controls and restrictions in situations where protected species are present and where it can be demonstrated that the construction can proceed without an offence being committed.

## **5. Consultations comments**

### Highways - **No objection subject to conditions**

No major concerns raised from a highways perspective. Consider that in order for suitable pedestrian access to be provided, a footway to Avondale Road needs to be included in the plans to support the pedestrian demand generated by the proposal, so that public transport links can be reached on The Green. In accordance with the ESCC Parking demand calculator the development should be provided with 19 spaces (2 of which should be allocated for visitors). The 17 spaces provided therefore fall slightly short of what should be provided. The full parking requirement should be provided at reserved matters stage.

### Conservation Officer - **Objection**

Consider the proposal may be too dense for the site and does not reflect the existing urban form. Proposal will not enable further planting between residences to lessen the impact of mass and scale that the illustrated scheme suggests. Suggest plots 1-7 are reduced to provide 3 pairs of semi-detached properties.

### Environment and Natural Resources Manager – **No Objections subject to conditions**

The application has been accompanied by a Preliminary Ecology Survey in line with BS42020. The survey concludes that no further protected species surveys are required and identifies a number of good practice proposals for construction.

### East Sussex County Council Flood Risk Management – **No Objection**

The applicant has amended the proposals and surface water and foul drainage would discharge to the combined sewer in either Avondale Road or Gillmans Hill. Suggest that the applicant consults Southern Water to confirm that they have sufficient capacity within their network to accept the proposals. Request surface water management proposals.

### Southern Water - **No objection subject to conditions**

Request that a formal application is made for connection to the public sewer and that details of drainage are submitted for approval in writing.

## Arboricultural Officer - **No Objection subject to conditions**

The amended layout sufficiently reduces the impact of the proposal upon retained trees.

## Waste – **No Objection**

The re-submitted plans provide access for a refuse vehicle to enter and leave the site in forward gear and the layout provides an acceptable location for temporary refuse storage for refuse collection.

## **6. Representations**

23 letters received from 21 different properties. The letters of objection raise the following concerns:

- Increased traffic and parking in Avondale Road
- Traffic safety concerns on Avondale Road and The Green
- Overdevelopment of site
- Out of character in Avondale Road
- Noise pollution due to the proximity of the car parking area to the rear of houses in Wingate Close and Southwood Close.
- Loss of neighbour amenity
- Loss of amenity trees
- Existing oak tree on the site boundary is dangerous.
- Impact on local wildlife.
- Loss privacy, light and overbearing impact to neighbouring properties
- Loss of privacy from plot 8.
- Impact to neighbour amenity adjoining the eastern boundary
- What consultation would occur when the reserved matters (layout, appearance, scale, landscaping) is submitted?
- Proximity of plot 7 to the shared boundary would not provide space for screening and maintenance.
- The development should consider arrangements to maintain an access strip of 2m wide along the western façade of plot 7 and boundary of Satori and Southwood Close.
- Damage and disturbance during construction (not a material planning consideration)
- The ecology report declaring that there are no great crested newts is over assumption.
- Amendments do not address neighbour objections.
- Impact of site drainage on neighbouring properties.
- Neighbours were not notified of the application by letter.

## **7. Determining Issues**

This is an outline planning application with all matters reserved except for access. The main issue to be considered is whether the site is capable of accommodating the amount of development proposed and whether the proposed access is acceptable from a highways safety perspective, taking account of the ecological value of the site, impact on residential amenity and the character and appearance of the area. Consultation responses and

neighbouring objections have been assessed and considered within the main body of this report.

This is an amended version of the previously refused planning application (HS/OA/16/00598) for broadly the same form of development for seven new houses and replacement of one existing house. The principle of residential development at the application site was found to be acceptable during the previous application and this current application seeks to overcome the two refusal reasons; namely the potential impact on ecology / bats and the location of waste storage / collection facilities.

#### 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.

#### b. Impact on Character and appearance of area/Conservation Area

The site borders the boundary of the Springfield Road conservation area so its impact on the setting of this designated heritage asset must be fully considered. Appropriate materials should be used and the development needs to be respectful of the existing built form. The relative isolation of the site within the grounds of the existing care home also means that it is particularly important that new views into, and out of the site, are as high quality as possible. The area is generally characterised by large plots and established natural screening, although there is a mix of dwelling types and sizes surrounding the application site.

The majority of the development is proposed to take place to the rear of the existing care home and would therefore be screened from views by the 2-3 storey detached care home. The proposed location of the two-storey housing development at the rear of the site would not appear as a prominent form of development on Avondale Road and would preserve the setting of the conservation area, subject to an acceptable design and scale at reserved matters stage. The only significant change to the Avondale Road frontage would be the creation of the vehicle entrance and access road leading to the dwellings at the rear of the site and the parking proposed adjacent the access road and the viewpoints created as a result. Established trees are to be retained either side of the proposed access and two sections of wall would be located some 12.5m back from the highway. The trees and new wall would provide an element of screening from the parking areas proposed either side of the access road. The scheme would benefit from additional landscaping to the front of the new wall to soften the impact of the wall. However, appropriate materials, including road surfacing materials, respectful to the surrounding buildings should be incorporated in construction, in order to minimise the negative impact on the character and appearance of the area and the setting of the adjacent conservation area. The final design of the dwellings will be considered at reserved matters stage, although particular consideration will need to be given to the frontage of plot 8, which will be the most visible from Avondale Road. Subject to these details being agreed at reserved matters stage, as well as a robust landscaping scheme, it is not considered that significant harm will be caused to the streetscene when viewed from Avondale Road and the setting of the conservation area would be preserved.

The application site is currently well screened from Gillsmans Hill by an existing roadside embankment, established trees, fencing and shrubs. The existing care home is not easily visible from Gillsmans Hill. The roadside embankment and boundary treatment would be retained and no access points would be created into the site from this frontage. Therefore, subject to the use of appropriate materials and a suitable landscaping scheme that retains and enhances the screening adjacent to Gillsmans Hill as much as possible, it is not considered that the impact of the development on the streetscene would cause significant harm. Furthermore, additional planting along the Gillsmans Hill boundary will reinforce the existing screening which would reduce the visual impact of the proposed development upon the views and vistas within the conservation area.

The indicative plans indicate that the new dwellings will be of brick construction with cedar weatherboarding to the upper storey. Plain tiles are also proposed in the roof. Whilst these details will be considered further at reserved matters stage, subject to sympathetic colouring of bricks, tiles and weatherboarding, it is not considered that such materials would cause harm to the character or appearance of the area, or the setting of the adjacent conservation area.

Whilst the immediate Avondale Road area is generally characterised by large buildings within large plots, the new dwellings are to be located towards the rear of the site, with a closer relationship to 'Satori' and the Oak Terrace properties fronting Gillsmans Hill directly. Semi-detached and detached dwellings are also located nearby, and as such, it is not considered that the mix of detached, semi-detached and terraced dwellings as proposed is out of keeping with the character of the surrounding area, despite objections in this regard.

### c. Layout

The application proposes the subdivision of an existing large plot occupied by the care home. The dwellings will be built towards the rear of the site, leaving the care home in situ, with just access from Avondale Road. This results in an L-shaped plot where development will mostly take place on the northern strip.

### Positioning and density of development:

Objections have been raised that the 7 dwellings plus a replacement dwelling on this site would result in development too close to its boundaries. However, what is clear is that seven dwellings could be accommodated on site, the manner to be agreed by reserved matters. An informative (no.3) is attached to bring the applicants attention to concerns in respect of the position of plot 7 and its relationship to the neighbouring property.

The indicative layout attached to the previous application, demonstrated that seven dwellings could be accommodated on site and would not appear as a cramped form of development. The current layout proposes unit 7 is detached and moves closer to the boundary with Satori. This is considered to be a concern and is addressed under the 'residential amenities' section below.

#### Refuse storage and collection:

Two wheelie bin spaces per dwelling are proposed at either the front or rear of the dwellings, with private access to the rear gardens of plots 1, 2, 4, 5, 6 and 7. The rear of plots 3 can only be accessed through the dwelling with bin storage proposed at the front of plot 3. A bin collection point is proposed to the east of turning head, south of plot 1, to allow future occupiers to move their bins to this area on refuse collection days. The site entrance and turning head have been designed to allow a refuse vehicle to enter and exit the site in forward gear. The previous application proposed electric gates at the front of the site which would have prevented refuse access. The gates have been removed from the current proposal which would enhance the overall design and ensure the development is not a gated community and would also enable refuse vehicle to access the site. Due to the location of the temporary storage area and accessibility for refuse vehicle, future residents would not need to put their bins on Avondale Road on collection day and the previous reason for refusal in this regard has been overcome. The council's Waste Management Team raises no objection to the proposed location of the refuse storage area and collection point and has confirmed that refuse vehicles could enter the site. The proposal is therefore considered to be in accordance with the nationally recognised best practice guidance on urban design and place-making, contrary and Policy DM1(c) of the Development Management Plan 2015 and Policy DM3(c) of the Development Management Plan 2015.

#### External amenity space:

The indicative plans proposes some 10m long rear gardens for plots 1-7 with the replacement dwelling at plot 8, proposing a 4m rear garden, only. However, given the availability of space around the building, particularly the 10-12m at the front, it is not considered that living conditions of future occupiers would be harmed. It is also important to note that as this is a replacement dwelling in a similar position to the house that would be demolished; the amenity space layout is already established and considered acceptable.

#### Internal floorspace:

The submitted planning statement identifies the internal floorspace standards that could be achieved in the development. With the exception of plot 1, all the houses marginally meet the minimum standards as set out in the government publication "Technical housing standards – nationally described space standard" (CLG, May 2015). Plot 1 falls short of these standards by 2sqm, but given that this could be rectified by limiting the dwelling to be a 2 bed, 3 person dwelling rather than a 4 person dwelling, it is not considered that refusal of permission on these grounds could be adequately justified in this instance.

#### d. Loss of existing use

The care home would be retained in its existing use and, whilst its amenity space would be significantly reduced, there would still be several areas of space of adequate size for the residents' use. Therefore, the loss of the existing garden areas and rear portion of land (currently unused and fenced off) is not considered to be harmful in respect of the care home use.



## e. Impact on Neighbouring Residential Amenities

### Future Residential Amenities

#### Care home residents:

The northern projecting wing of the care home is sited opposite proposed plots 3 and 4 and will be the most affected in terms of any intrusion into the privacy of residents of the care home. This projection measures 6.8 metres in width and is located some 9m away from the front elevation of plot 3 and some 6.6m away from the front elevation of plot 4. The windows in the northern projecting wing of the care home serve bathrooms and are obscure glazed so it is not considered that the residential amenities of the residents will be harmed in terms of overlooking or loss of privacy. A distance of approximately 15m will separate the remaining rear elevation of the care home from the front of plots 4-7, which is considered an acceptable distance to reduce impacts from overlooking and loss of privacy. In addition, enhanced planting is proposed along this boundary, which, taken together with the existing trees to be retained, will help to ensure that the privacy of existing residents will be protected.

#### New occupiers:

As stated above, the windows in the closest projection of the care home are obscure glazed, minimising potential impact in terms of overlooking from the care home, towards the new dwellings. A distance of 15m separates the new dwellings from the main rear elevation of the care home, which taken together with enhanced landscaping, will bring the impact of overlooking from other rear windows of the care home to within acceptable limits.

#### Other neighbouring properties:

Whilst the upper floor windows of the properties in Wingate Close are clearly visible from the application site, they would be directed towards the proposed access road and parking area only and are not in line with the proposed dwellings. Therefore, the residential amenities of these and future occupiers will remain protected in terms of overlooking and loss of privacy. Objections have been raised with regard to noise pollution from the use of the parking area in proximity to the rear boundary / garden areas of the properties in Wingate Close. The parking spaces would be located behind existing hard and soft boundary treatment along the shared boundary which would serve to screen the parking areas and the spaces would be located some 10m from the rear elevation of the properties fronting Wingate Close. It is therefore considered that there would not be an unacceptable impact resulting from manoeuvring cars using the parking spaces.

An objection has been raised with regard to the proximity of plot 7 to the neighbouring property at 1 Southwood Close in that it will cause loss of light and overshadowing. 1 Southwood Close occupies a relatively large plot and the front elevation of new dwelling at plot 7 would be sited approximately 7m from the rear elevation of 1 Southwood Close, with the southeast corner of plot 7 located some 2m from the shared boundary with plot 7 orientated at an oblique angle to 1 Southwood Close. Given these distances, the additional screening proposed on the south and east boundary and the new dwelling being orientated at a slightly different angle, there would be no direct overlooking towards this neighbouring property and it is not considered that there will be a significant negative effect in terms of loss of light, overshadowing or loss of privacy to 1 Southwood Close. Notwithstanding this, it is considered that the dwelling proposed at plot 7 could be located further away from the

shared boundary as was the case in the previous application and an informative is attached advising the applicant of this point.

'Satori' is a 3 storey property located adjacent to the north-east boundary. The premises aligns with the rear garden of proposed plot 7. Objections have been raised with the lack of land separating this from the existing dwelling for maintenance and the potential for overlooking and loss of privacy.

The existing dwelling adjoins the boundary of the care home and it is not apparent that any additional land for maintenance is currently in existence. Fencing and established landscape already forms boundary treatment. The indicative site layout plan indicates additional planting on the north east corner of the site, between the front of Satori and at the north-east corner of the rear garden of plot 7. This planting will provide an element of screening between Satori and the application site, softening the visual effect of development in this location.

The western side elevation of Satori does not consist of any windows and so overlooking towards, or from, the adjacent garden area of plot 7 will be limited. In addition, it is noted that the rear elevation of plot 7 is generally in line with the rear of Satori, resulting in restricted visibility and oblique viewing angles towards the rear windows of the existing dwelling. The dwelling at plot 7 would be located some 3.5m from the rear garden of Satori with additional planting proposed along the shared boundary. The separation distances and additional planting would ensure the proposed development would not appear unacceptably overbearing from the rear garden area of Satori. Therefore, it is not considered that the impact on the amenity of the occupiers of Satori will be significantly affected by the development of plot 7.

The replacement dwelling at plot 8 would be located in broadly the same position as the dwelling to be demolished and by virtue of the proposed siting, scale and separation distance from the nearest neighbouring dwelling there would be no unacceptable amenity impacts arising from plot 8.

#### f. Impact on tree and landscape

Whilst this application relates to a substantial site, its positioning and existing screening makes for relative isolation. It currently contains both deciduous and evergreen trees of varying landscape value including several TPO trees.

21 trees would be removed in order to accommodate the proposed development. Of the trees proposed be removed, 5 are classed as category B trees and 16 are category C trees. No category A or TPO trees would be removed.

Subject to a robust landscaping and planting scheme being submitted, it is not considered that as a result of development, there would be a significant negative impact on the landscape and the Borough Arboriculturalist does not object to the proposal in terms of landscaping and impact on existing / retained trees. Significant trees potentially at threat from this development have been made subject to a Tree Preservation Order and root protection zones are identified on the indicative layout plan. The trees to be removed are located more centrally within the site and so the loss of these is not considered to cause harm to the wider landscape or streetscene. The loss of trees would be mitigated through new tree planting within the site and would be secured at reserved matters stage or by

condition.

(Conditions 1, 12, 13, 18 relate to tree protection, planting and landscaping details)

#### g. Ecology

The previous application was refused (inter alia) due to the potential impact on bats within the site and the absence of adequate information to assess the potential impact on bats.

Since the previous application two bat emergence surveys have been carried out at Castlemaine cottage to determine the presence or absence of bats within the application site. The completed surveys confirm the likely absence of any bat roosts at Castlemaine cottage. In turn, the proposed demolition of the property will not impact upon any bat roosts and works may proceed without the need for a European Protected Species Mitigation (EPSM) licence or detailed mitigation strategy. The Ecology Officer has advised that the surveys conclude that no further protected species surveys are required and identifies a number of good practice proposals for construction. The previous reason for refusal has therefore been addressed and ecology conditions are recommended in accordance with the NPPF to provide ecological enhancements within the site.

(Condition 17 relates to ecology protection and enhancements)

#### h. Air Quality and Emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions, and the development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

#### i. Drainage

It is proposed to discharge surface water drainage to combined sewers in Avondale Road and Gillsmans Hill. Whilst Southern Water do not object to this method their permission for this new connection (and foul drainage connection) to the combined sewer will be required prior to approval of permission. The connection to existing sewers is controlled by the Water Industry Act and is a matter between the developer and Southern Water. East Sussex County Council's Flood Risk Management Team have raised no objection to the proposed drainage.

(Condition 7 and 24 relate to drainage)

#### j. Highway Safety/Parking

Approval of access is sought as part of this outline planning application, and the application proposes an access road to the west of the care home, from Avondale Road. Two parking spaces per dwelling are shown to be provided as well as a visitor space, together with a proposed footpath to the front of the site on Avondale Road. This new footpath will link to the existing footpath to the east of Southwood Close to provide for improved accessibility for residents, and will address objector concerns regarding pedestrian safety.

The design and position of the vehicular access is considered acceptable in this lightly trafficked area, and no objection is raised from the Highway Authority in this regard. The proposal for seven additional houses is not considered to result in a significant or severe increase in vehicle trips. As such the proposal is considered to be in accordance with the NPPF which advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The amount of parking provision proposed is slightly below East Sussex County Council's parking standards and two further spaces would be required to meet standards. It is considered that there is sufficient space adjacent the proposed parking spaces to accommodate two additional parking spaces and these details could be secured at reserved matters stage when the proposed layout is assessed.

As with the previous application, concern is raised regarding the location of the parking area at the front of the site, at least 20m away from plot 1 and 60m away from plot 7 in terms of its functionality and useability for residents. However, it is also noted that as set out in Manual for Streets (DfT, CLG, 2007) a balance does have to be struck between the desire of car owners to park as near to their dwellings as possible and the need to maintain the character of the overall setting and in this instance also the setting of the conservation area.

The access road and parking area are separated from the houses to the rear, which enables a clear pattern of residential development that is not interrupted by parking areas. Therefore, given that adequate parking could be provided within the boundaries of the application site, it is not considered that a refusal of permission of these grounds could be fully substantiated, in light of the attempt to achieve an appropriate setting of residential development in this sensitive location.

Manual for Streets also states that, where cars are parked in courts or squares, the design should ensure that they are overlooked by adjoining buildings. Whilst the new dwellings will not directly overlook the parking area, it will be visible from the first floor windows of the properties in Wingate Close and the first floor west facing windows of the care home. The parking areas would also be overlooked to some degree from the road toward the front of the site and it is therefore considered that adequate security to this area will be provided.

(Condition 19, 20, 21, 22, 23 relate to highways and parking)

## **8. Conclusion**

This is an outline planning application with access considered at this stage and all other matters reserved for future consideration. Full details of appearance, scale, layout and landscaping will be submitted at the reserved matters stage, however, there is sufficient information to establish the principle of development at this site for the proposed development of up to seven houses and one replacement dwelling.

It is considered that the indicative plans show a well-designed development that would respond positively to the character and appearance of the locality. The number of dwellings as shown would not give rise to any over-development of the site and the development would be discreetly located towards the rear of the site thus preserving the setting of the conservation area and character of the area.

The development would also not impact upon existing residents to a significantly detrimental degree, with the ability to develop the site and to provide appropriate separation between the existing and proposed dwellings, which would ensure no unacceptable loss of neighbouring residential amenity. It is also considered that the living environment of future occupiers could be successfully accommodated.

Where appropriate, existing trees will be retained. There are some well-established trees within the site and around the perimeter which would be retained hereby ensuring that the character of the area and setting of the conservation area would not be compromised. There will not be any harm to ecology or the protected trees within or adjacent to the site subject to conditions.

The site can accommodate sufficient parking and there are no objections to the development in terms of the highways impact with the proposed point of access considered to be appropriate by East Sussex County Council. There are no objections therefore, on highway safety grounds or parking grounds subject to conditions.

The two previous reasons for refusal under application HS/OA/16/00598 in terms of ecological impacts and waste collection have been overcome.

Taking all matters into consideration, on balance, it is considered that this is an acceptable proposal and it is for this reason that it is recommended that Members give this application favourable consideration, and grant permission, subject to the imposition of suitable safeguarding conditions.

These proposals comply with the development plan in accordance with Section 38 (6) of the Page 37 Planning and Compulsory Purchase Act 2004 which states:

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

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

## **9. Recommendation**

### **Grant Outline Planning Permission subject to the following conditions:**

1. Approval of the details of the layout, scale, external appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, parking, cycle storage and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
4970/16/LBP  
4970/16/EX  
4970/16/1/D  
4970/16/2/B  
4970/16/3/A  
4970/16/4/A
6. No dwelling hereby approved shall be occupied until readily accessible external storage space for refuse bins awaiting collection has been provided to the satisfaction of the Local Planning Authority.
7.
  - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water.
  - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of the dwelling hereby approved shall occur until those works have been completed.
  - (iii) No occupation of the dwelling hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
8. The reserved matters details submitted for conditions 1 and 2 above shall include details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 of the Hastings Planning Strategy 2014. The details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
9. Before the development hereby approved is occupied, provision shall be made for the ability to connect to fibre based broadband.

10. 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.
11. During any form or earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site. Details of this equipment should be submitted to and approved in writing by the Local Planning authority prior to the commencement of development.
12. 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 (including replacement trees for those lost); written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
13. 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.
14. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant.
15. 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.

16. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
17. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal, Land at Castlemaine Care Home 4 Avondale Road St Leonards on Sea TN38 0SA prepared by The Mayhew Consultancy and dated February 2016 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
18. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BS5837:2012: Trees in relation to design, demolition and construction, standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
19. No part of the development shall be occupied until such a time as the vehicular access serving the development has been constructed in accordance with details to be submitted and approved by Local Planning Authority, to include the reposition of the lamp column.
20. Prior to the commencement of development on site, detailed drawings, including a new pedestrian footway to link eastwards to the existing footway network, site levels, sections and constructional details of the proposed access road, surface water drainage, outfall disposal, on-site turning, and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority
21. The completed access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater, and 11% (1 in 9) thereafter.
22. The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use.



23. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
24. 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.

**Reasons:**

1. The application is in outline only.
2. The application is in outline only.
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. For the avoidance of doubt and in the interests of proper planning.
6. In the interests of the visual amenity of the area.
7. To prevent increased risk of flooding.
8. To ensure a satisfactory standard of development in accordance with Policy SC3 of the Hastings Planning Strategy 2014.
9. To ensure a satisfactory standard of development in accordance with Policy SC1 of the Hastings Planning Strategy 2014.
10. To safeguard the amenity of adjoining residents.
11. To prevent contamination and damage to the adjacent roads.
12. In the interests of the visual amenity.
13. In the interests of the visual amenity.
14. To ensure a satisfactory form of development in the interests of the visual amenity.
15. To ensure a satisfactory form of development in the interests of the visual amenity.

16. In the interests of the visual amenity of the area.
17. To protect features of recognised nature conservation importance and to secure ecological enhancements.
18. To protect the retained trees within the site and adjacent the site boundary.
19. In the interests of road safety.
  
20. In the interests of highway safety and for the benefit and convenience of the public at large
21. To ensure the safety of persons and vehicles using the access and/or proceeding along the highway.
  
22. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
  
23. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
  
24. In the interests of road safety.

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

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The applicant is advised that the reserved matters details should show the house at plot 7 sited further from the shared boundary than shown on the indicative layout, to safeguard the amenities of the neighbouring properties. The applicant is advised to contact the planning department prior to the submission of the reserved matters to discuss this matter in greater detail.
4. Southern Water advise that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

5. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water.
6. In respect of condition 7 the applicant is advised that surface water management proposals should be supported by detailed hydraulic calculations.
7. The proposed access and footway will need to be secured through a Section 278 Legal Agreement between the applicant and East Sussex County Council.

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**Officer to Contact**

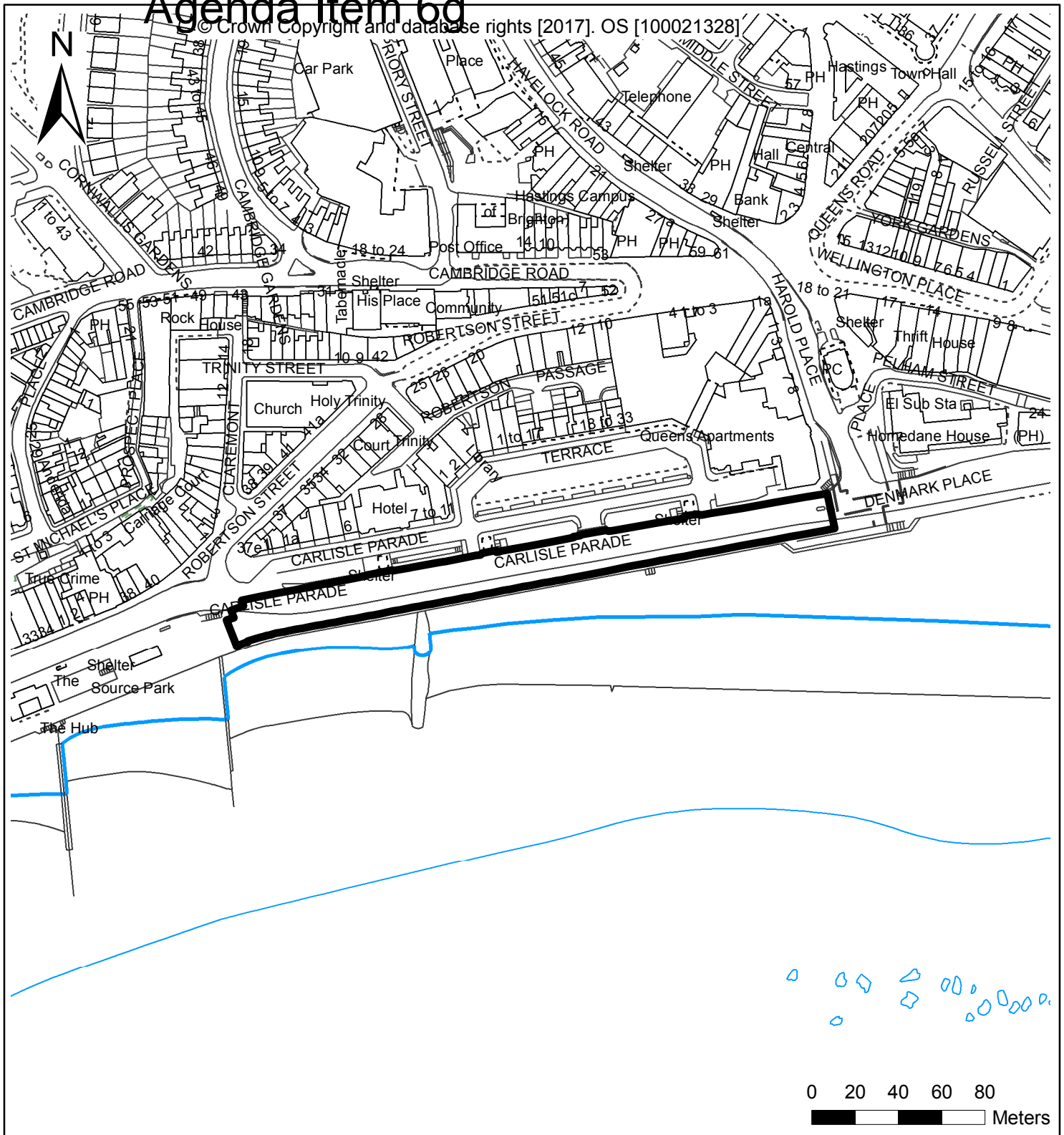
Mr A Jolly, Telephone 01424 783250

**Background Papers**

Application No: HS/OA/17/00522 including all letters and documents

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# Agenda Item 6g



## Underground Car Park Carlisle Parade Hastings

Redecoration of the car park with adjustments to the existing decoration as follows: 1) Concrete wall and ceiling surfaces to be ainted white to replace existing cream colour 2) Old sea wall to have decorative coatings removed back to original natural stone. 3) Removal of timber used for gutter support.



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: DEC 2017

Scale: 1:2,500

Application No. HS/LB/17/00721

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**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 14 December 2017  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** **Underground Car Park, Carlisle Parade, Hastings**  
**Proposal:** **Redecoration of the car park with adjustments to the existing decoration as follows: 1) Concrete wall and ceiling surfaces to be painted white to replace existing cream colour 2) Old sea wall to have decorative coatings removed back to original natural stone. 3) Removal of timber used for gutter support.**  
**Application No:** **HS/LB/17/00721**

**Recommendation:** **Grant Listed Building Consent**

**Ward:** CASTLE  
**Conservation Area:** Yes - Hastings Town Centre  
**Listed Building:** No

**Applicant:** Hastings Borough Council Muriel Matters House  
Breeds Place Hastings TN34 3UY  
**Interest:** Tenant - Cert. B

**Existing Use:** Car Park

**Public Consultation**

**Site Notice:** Yes  
**Press Advertisement:** Yes - Affects a Listed Building  
**Letters of Objection:** 0  
**Petitions of Objection Received:** 0  
**Letters of Support:** 0  
**Petitions of Support Received:** 0  
**Neutral comments received** 0

**Application Status:** Not delegated -  
Application on Council owned land

## 1. Site and Surrounding Area

This application refers to the underground car park at Carlisle Parade, a Grade II listed building. The site is located beneath the A259 seafront road and is accessed underground from Carlisle Parade. The one-way access road slopes down from Robertson Terrace to the underground car park entrance and then back up to Robertson Terrace on the opposite side for exiting the car park.

This application relates to the underground car park at Carlisle Parade as stated above, the car park is owned by East Sussex County Council and leased to Hastings Borough Council (HBC) which has submitted this listed building application. In accordance with Part 8 of the Council Constitution, this application has to be decided by Members at a Planning Committee Meeting.

### Constraints

SSSI Impact Risk Zone

ANA Archaeological Notification Area

Flooding Groundwater

Flood Zone 2 Environment Agency

Flood Zone 3 Environment Agency

### Listing

*CARLISLE PARADE CAR PARK Underground Car Park including the subway, entrance ramps, sunken garden and three shelters, opened in 1931 as part of phase 1 of Hastings Promenade, built by Sidney Little, Borough Engineer.*

*An underground structure, approximately 300m long by 20m wide, beneath the slab of the promenade above, and between the Victorian sea wall and 1930s sea wall, creating car parking bays either side of a central access road, reached by ramped drives. It is formed of reinforced concrete haunched portal frames, where the internal columns are supported on piles, while the ends of the spans bear directly on the Victorian sea wall to the north and the 1930s sea wall to the south. The Victorian wall is constructed of mass concrete faced with coursed stone. The roof slab is of in-situ reinforced concrete and supports the main road carriageway and the sea front promenade. The floor slab of the car park is a suspended in-situ reinforced concrete slab with a concrete surface which has recently been covered with an asphalt wearing course. The entrance and exit ramps are located at mid-length of the car park with a third, now redundant ramp to the west.*

*Three decorative reinforced concrete shelters, which include timber seating, are located at street level and house ventilation shafts for the car park. Each has a curved splayed canopy with supporting stub columns and corner wing walls.*

*The parapet wall and balustrade at the main entrance, which flank the ramp and ornamental gardens, is constructed of decorative concrete 'panels' with shallow fluting detail and rendered brickwork 'piers'. The planting beds are retained by shallow concrete parapet walls, faced in stone. As would be expected the planting within the gardens has changed throughout its history, and is thus not of special interest, but overall the hard landscaping remains largely as built and contributes to the car park's interest.*

*A subway located at the east end of the car park, connects the town to the promenade under*



*the road. Its structure is the same as the car park but includes rendered blockwork walls with a false ceiling and tiled walls at the entrances.*

## **2. Proposed development**

This listed building application is seeking listed building consent for redecoration work of the car park, the proposed works comprise :

- Concrete wall and ceiling surfaces to be painted white instead of existing cream colour
- Old sea wall to have decorative coatings removed back to its original natural stone
- Removal of timber used as support for gutters.

The application is supported by the following documents:

- Carlisle Parade Car Park 2018 - Decoration Works Photo Schedules (November 2017)
- Stonehealth Ltd Report
- Design & Access Statement
- Heritage Statement

### **Relevant Planning History**

None relevant

### **National and Local Policies**

Hastings Local Plan – Planning Strategy (2014)

EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan (2015)

HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets

Other Policies/Guidance

Planning (Listed Building and Conservation Areas) Act 1990

National Planning Policy Framework (NPPF)

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's 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. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

## **3. Consultations comments**

Conservation Officer - **No Objection - subject to conditions**

## **4. Representations**

None received

## 5. Determining Issues

In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) the main consideration in determining a listed building consent is to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Whilst not directly applicable by law the NPPF and the Local Plan are material in this determination and the relevant policies are listed above.

### Heritage

The application proposes redecoration works of the Grade II listed building. The redecoration works include painting the concrete wall and ceiling surfaces white, the removal of the decorative coating to expose the original natural stone of the old sea wall and the removal of a redundant timber post used to support the gutters.

There will be no other works affecting the structure or internal layout of the historical asset.

The redecoration of the walls and ceilings with a white paint will improve the quality of the lighting and would adjust to the colour used throughout the area including the Pier underground car park and areas of the promenade towards the Pier.

It is noted that during the course of this application an amended decoration scheme was submitted. The amended paint scheme still includes the painting white of the concrete wall and ceiling surfaces. However, while in the previous scheme the colour of the columns were to match existing colours, the amended scheme proposes "Dove Grey" paint for some of the columns as shown within the "Decoration Works Photo Schedule" document supporting this application.

The removal of the decorative coating to expose the original natural stone, following the appropriate methodology, would enhance the appearance of the listed building and reinstate its unique character.

Details have been provided as to how the existing paint and decorative finishes are to be removed from the old sea wall (see Stone health Ltd Report). The Doff steam system, after a demonstrative test, has been identified as the adequate Method to be used for the removal of the existing layers of Acrylic paint. The Doff masonry cleaning system while removing the paint from the old sea wall stones will ensure that no damage is caused to the wall.

Finally, the removal of the timber, up until recently used as a gutter support, is also considered to be beneficial for the appearance of the building. The timber support is no longer in use and is not an original feature of the listed building. Its removal will positively contribute to the character of the heritage asset.

Overall, it is deemed that the application proposal will conserve and enhance the significance of the listed building.

The works, therefore, meet the requirements of the NPPF in relation to the need to preserve heritage assets. The works also meet the requirement of Policies EN1 and HN1 of Hastings Local Plan.

## **6. Conclusion**

The listed building application proposes to redecorate the car park at Carlisle Parade, a Grade II listed building. The works will include the painting of the internal wall and ceiling in white, the removal of decorative coating from the old sea wall and the removal of timber used for gutter support. The proposal is considered to positively maintain the listed building and is in accordance with both the relevant Policies of Hastings Local Plan the requirements of the NPPF.

These proposals comply with the development plan in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

## **7. Recommendation**

Grant Listed Building Consent

**Grant Listed Building Consent subject to the following conditions:**

1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.
2. The works hereby permitted shall be carried out in accordance with the following approved plans:  
  
7105-01
3. Prior to commencement of development a detailed specification and method statement for the removal of existing paints and decorative coatings from walls, ceilings, and piers, including the method and materials to be used, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be completed in accordance with the approved details.
4. Prior to commencement of the development details of the paint to be used on concrete ceiling, wall and unpainted block work, including colour and manufacture, shall be submitted to and approved in writing by the Local Planning Authority. The paint shall be water-based and micro-porous.

### **Reasons:**

1. This condition is imposed in accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the architectural and historic character of this Grade 2 Listed Building is adequately protected.

4. To ensure the architectural and historic character of this Grade 2 Listed Building is adequately protected.

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

1. Failure to comply with any condition imposed on this consent 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.

The reason for granting this consent is:

- 1 National Planning Policy Framework Section 12 applies. The works proposed will positively enhance the designated heritage asset.

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#### **Officer to Contact**

Mrs Rossella Gough, Telephone 01424 783267

#### **Background Papers**

Application No: HS/LB/17/00721 including all letters and documents

# Agenda Item 7

## Agenda Item:

<b>Report to:</b>	Planning Committee
<b>Date:</b>	14 December 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 6 November 2017 to 1 December 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>
100 Filsham Road, St Leonards-on-sea, TN38 0PG HS/TP/00659	Remove 1x Corsican Pine	Refuse Planning Permission	DELEGATED	PLANNING
585 Bexhill Road, St Leonards-on-sea, TN38 8AX HS/FA/17/00329	Two storey extension	Refuse Planning Permission	DELEGATED	PLANNING
180 Elphinstone Road, Hastings, TN34 2BN HS/FA/17/00663	First floor side extension	Refuse Planning Permission	DELEGATED	PLANNING

**The following appeals have been dismissed:**

<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>
1 Collinswood Drive, St Leonards-on-sea, TN38 0NU HS/FA/17/00216	Single storey detached dwelling	Refusal of planning permission	DELEGATED	PLANNING
77 The Ridge, Hastings, TN34 2AB HS/FA/17/00075	Proposed new semi detached dwelling	Refusal of planning permission	DELEGATED	PLANNING

**The following appeals have been allowed:**

Nothing to report

<b>Type of Delegated Decision</b>	<b>Number of Decisions</b>
Granted Permission	58
Refused Permission	5
Self Certificate - Permitted	1
Withdrawn by Applicant	2

**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)