

Planning Agenda

Tuesday, 12 December 2023 at 6.00 pm

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

For further information, please contact Democratic Services on 01424 451484 or email:
democraticservices@hastings.gov.uk

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(b)	40 Norman Road, St Leonards-on-sea (HS/FA/23/00620) <i>L Brooks (Planning Officer)</i> HS/FA/23/00620 Proposed change of use from shop (Class E) to cafe and bar (Class E and Sui Generis) and the installation of two louvered vents within the ground floor rear elevation of building (amended description). 40 Norman Road, St Leonards-on-sea, TN38 0EJ (hastings.gov.uk)	29 - 46

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A Stanyer (Senior Planning Officer)

[HS/FA/22/00872 | Conversion of house into two flats, and erection of side extension to create 5 flats. Creation of parking area at rear | 25 Eversley Road, St Leonards-on-sea, TN37 6QD \(hastings.gov.uk\)](#)

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Present: Councillors O'Callaghan (Chair), Collins, Bacon, Beaney, Beaver, Cannan, Edwards, Sinden, Williams and Webb

Officers: Eleanor Evans (Planning Service Manager), Suki Montague (Planning Lawyer), Paul Howson (Principal Planning Officer), Alexis Stanyer (Senior Planning Officer), William Larking (Planning Officer)

1. APOLOGIES FOR ABSENCE

Apologies received from Councillor Roberts, Substituted by Councillor Webb

2. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Cllr Beaver	all	Personal – East Sussex County Councillor
Cllr Webb	all	Personal – East Sussex County Councillor

3. MINUTES OF PREVIOUS MEETING 04/10/23

RESOLVED – that the minutes of the meetings held on 4th October 2023 be approved as a true record.

4. PLANNING APPLICATIONS

5. LAND TO THE REAR OF 419 TO 447 BEXHILL ROAD (HS/DS/22/00912)

Proposal	Approval of Reserved Matters relating to conditions 1 & 2 (layout, scale, external appearance, and landscaping); 11 (travel plan); 14 (drainage calculations); 25 (sustainable construction); and, 27 (bin storage) of Outline Planning Permission HS/OA/19/00153 (Outline application (seeking approval of access) for the reconfiguration of the car park, the erection of 16 units and
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	proposed flood risk mitigation measures). (Includes renewable energy).
Application No	HS/DS/22/00912
Conservation Area	No
Listed Building	No
Public Consultation	Yes

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The Principal Planning Officer presented the application for approval of reserved matters relating to conditions 1 & 2 (layout, scale, external appearance, and landscaping); 11 (travel plan); 14 (drainage calculations); 25 (sustainable construction); and, 27 (bin storage) of Outline Planning Permission HS/OA/19/00153 (Outline application (seeking approval of access) for the reconfiguration of the car park, the erection of 16 units and proposed flood risk mitigation measures) and explained there are no updates.

Councillors were shown plans and photographs of the application site. It is proposed that 100% of the units would be affordable, with eight two bed units and eight one bed units. There will be a rain garden which will provide a wetland habitat for wildlife by collecting excess surface water from the hard standing.

The Principal Planning Officer concluded the proposed layout resolves the constraints around the Southern Water infrastructure by keeping the built development outside the areas restricted by easements.

Councillor Beany asked the Principal Planning Officer regarding a decommissioned rising main pipe in the development site. The Principal Planning Officer answered that the final drainage layout would be secured by condition and Southern Water stated reinforcement works will take place before the site is occupied. The Planning Service Manager explained this is reserved matters application.

Councillor Colins asked the Principal Planning officer regarding the Wildflower Meadow. The Principal Planning Officer answered the communal area at the back of the site will be regularly maintained and there is a condition which requires that a management plan for the maintenance of that area is submitted.

Councillor Beaver asked why there 20 parking spaces is and not 22. The Principal Planning Officer explained East Sussex Highways accepted 20 parking spaces and state there would be no additional impact on the highway network.

Councillors debated.

Councillor O'Callaghan proposed approval of the recommendation, seconded by Councillor Bacon.

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RESOLVED (8 votes for, 2 against)

Approve reserved matters relating to conditions 1 & 2 (layout, scale, appearance, and landscaping); 11 (Travel Plan); 14 (Drainage Calculations); 25 (Sustainable Construction); and, 27 (Bin Storage) of Outline Planning Permission HS/OA/19/00153, subject to the following conditions:

Approve Reserved Matters subject to the following conditions:

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

Proposed Block Plan 0004 Rev P; Proposed Site Plan 0005 Rev J; Proposed Site Wide Sections 0006 Rev H; Proposed Floor Plans 0007 Rev G; Proposed Floor Plans - 1B2P House 0008 Rev H; Proposed Floor Plans - 2B4P House 0009 Rev G; Proposed Elevations 0010 Rev H; CCommunal Bin Storage 0011 Rev I; Communal Cycle Storage 0012 Rev G; Ramp Access 0013 Rev G; Proposed Site Access 0014 Rev C; Landscape Masterplan RCo453 Fig01 Rev 02; and, Drainage Layout 22309/10 Rev D
2. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been made available on site for inspection and approval in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such at all times thereafter.
3. 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 extensions or external alterations to the dwellings hereby permitted shall take place without the grant of an additional planning permission.
4. A maintenance and management plan, for the private communal spaces provided for the use of the residents of the dwellings hereby permitted, including details of the management company responsible, should be submitted to the Local Planning Authority for written approval prior to the occupation of any dwelling. This maintenance and management plan should evidence that these arrangements will remain in place throughout the lifetime of the development. The private communal spaces shall be maintained and managed in accordance with the approved details at all times thereafter.
5. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

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- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones”;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

6. No development shall take place (including any demolition, ground works, site clearance) until a method statement for translocation of protected species has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used including preparation of suitable receptor sites);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that translocation 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);

The works shall be carried out in accordance with the approved details to ensure the conservation status of protected species.

7. The approved development shall operate in accordance with the Travel Plan Statement hereby approved, which shall be adhered to in full.
8. The approved development shall be constructed in accordance with the Energy & Sustainability Statement hereby approved, and maintained as such at all times thereafter.
9. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate surface water network capacity is available to adequately drain the development. No occupation of any dwelling hereby

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approved shall occur until the Local Planning Authority in consultation with Southern Water has confirmed in writing the necessary drainage infrastructure capacity is available to serve the development. Thereafter, the phased occupation shall be in accordance with the approved implementation details.

10. A maintenance and management plan for the waste facilities should be submitted to and approved in writing by the Local Planning Authority before occupation of any dwelling hereby permitted. This plan should clearly state who will be responsible for managing all aspects of the household waste storage and collection. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided within the maintenance and management plan. The approved details shall be adhered to in full at all times thereafter.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. In the interests of the visual amenity of the area.
3. In the interests of the visual amenity of the area.
4. In the interests of visual and residential amenity.
5. To ensure that any adverse environmental impacts of development activities are mitigated.
6. To protect habitats and species identified in the ecological surveys from adverse impacts during construction.
7. To secure a sustainable development that functions well and provides opportunities for sustainable modes of transport.
8. To secure a sustainable development.
9. To prevent increased risk of flooding.
10. In the interests of residential amenity.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National

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Planning Policy Framework.

3. This approval is linked to a S106 legal agreement attached to outline planning permission HS/OA/19/00153 and the obligations within that legal agreement must be complied with.
4. This approval of reserved matters is subject to conditions attached to outline planning permission HS/OA/19/00153 being fully complied with.
5. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
6. Under current legislation, Southern Water can consider the adoption of SuDS if they are to be designed and constructed in line with the Design and Construction Guidance (water.org.uk/sewerage-sector-guidance-approved-documents/). No new soakaways, swales, ponds, watercourses, associated attenuation tanks or any other surface water retaining or conveying features should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.
7. If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

Please note: There is a decommissioned 800 mm public foul rising main within the development site.

8. Due to the proximity of the site to an operational railway line, the applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

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To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/assetprotection-and-optimisation/>). This website also provides more information about our Asset Protection team and the services they offer.

Where applicable, the applicant must also follow the attached Asset Protection informatives. The informatives are issued to all development within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

**6. HIGH BEECH CHALET PARK, (ADJACENT TO CHALET NO 98),
WASHINGTON AVENUE (HS/FA/22/00993)**

Proposal	New one bedroom chalet
Application No	HS/FA/22/00993
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 13 Objections, 1Support

-
The Senior Planning Officer presented the application for a new one bedroom chalet and there are no updates

A history of planning was given explaining there had been two previous similar applications.

Councillors were shown plans and photographs of the application site.

Councillor Edwards asked the Senior Planning Officer what the limits of the development of the site are and whether the Council could create a plan setting out which parts of the chalet park were designated communal recreational areas that could not be developed that could then be referenced in the case of future applications. The Senior Planning Officer answered that there may be restrictive covenants in place restricting the development of certain areas of the park but as they are legal restrictions and not planning considerations, they wouldn't be taken into account for the purpose of our assessment. The Planning Service Manager requested an email to investigate the feasibility to create a plan. The Councillors discussed French drains and Cllr Sinden explained these are also known as leaching field.

Councillors debated.

Councillor Beaver proposed approval of the recommendation, seconded by Councillor Sinden.

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RESOLVED (9 votes for, 1 against)

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:

Topographical Survey, 1837 [23] -2, 1837 [23] -1A, 1847 [25] - Site Plan Rev A, Site Plan @scale of 1:500 (Sheet B) dated 22nd July 2023, 22-0576 C10111 Rev A, 22-0601 C10521 Rev A, 22-0601 C10522 Rev A
3. The materials to be used in the construction of the external surfaces of the chalet shall match those detailed on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.
4. The development shall not be occupied until a bin store has been provided in accordance with approved details which shall be submitted to and approved in writing by the Local Planning Authority and it shall thereafter be retained on the site for that purpose.
5. The development shall not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all areas of hardstanding or decking, and all planting on the land including details of those plants to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
6. 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.
7. The foul and surface water drainage systems shall be fully installed and fully operational prior to occupation and the systems shall be installed in

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accordance with details contained in drainage drawing ref: 22-0576 C10111 Rev A and in accordance with the recommendations set out in the flood risk assessment and drainage strategy report prepared by BdR Civil and Structural Engineering Consultants (1847(25)), as already submitted to and approved by the Local Planning Authority in consultation with the ESCC Lead Local Flood Authority and Southern Water as part of the current application submission. The approved drainage system shall be maintained in good condition throughout the lifetime of the development.

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

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.
9. The chalet shall not be occupied between 16th January and 29th February in any given year and it shall not be used to provide permanent residential accommodation at any time unless otherwise agreed in writing by the Local Planning Authority.
10. The car parking space shown on the approved plan shall be made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for that use and shall not be used for any purpose other than for the parking of vehicles unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure a satisfactory visual appearance in the interest of the amenities of the area.
4. In order to secure a well planned development.
5. In the interests of the visual amenity.
6. In the interests of the visual amenity.
7. To prevent increased risk of flooding.
8. To safeguard the amenity of adjoining residents.

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9. In the interest of ensuring a satisfactory standard of accommodation for future occupants due to the inadequate facilities and amenities available on site for permanent residents.
10. To ensure a satisfactory form of development and to reduce the potential for parking congestion within the site.

Notes to the Applicant

1. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
2. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

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 Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
4. Hastings Borough Council is working in partnership with Southern Water to identify foul water drains discharging into the surface water sewer system, often referred to as a misconnection that can pollute local watercourses and impact on bathing water quality.

The Local Authority has powers to rectify misconnected drains under section 59 of the Building Act 1984. If your development includes new or changes to existing drainage connections, you must ensure that it discharges to the correct sewer system. For more advice on misconnections please visit:

<http://www.connectright.org.uk/water-pollution>

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5. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read their New Connections Charging Arrangements documents which are available on their website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

6. The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

7. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

8. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

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- The applicant is advised to contact East Sussex Fire and Rescue Service in respect of any improvements required to support the access and egress of fire engines.

7. **FLAT 5, 16 CHAPEL PARK ROAD (HS/FA/23/00638)**

Proposal	Replacement of three timber single-glazed double hung sashes (front elevation) to UPVC double-glazed, double hung sashes (retrospective) (amended description)
Application No	HS/FA/23/00638
Conservation Area	No
Listed Building	No
Public Consultation	Yes

The Planning Officer presented the application which is retrospective. The application proposes the replacement of 3 timber single-glazed sash windows with uPVC double-glazed sash windows in the same design and opening arrangement as the original.

Councillors were shown plans and photographs of the application site. The Planning Officer explained the site is not in a conservation area.

Councillor Beaver asked for future Council applications to be made clearer and expressed his frustration that it's a retrospective application. The Planning Services Manager explained that the applicant's name is at the top of the report.

Councillors debated.

Councillor Beaver proposed approval of the recommendation, seconded by Councillor Edwards.

RESOLVED (Unanimously)

Grant Full Planning Permission subject to the following condition:

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

ES2125/23/01A, TQRQM23068170306159

Reason:

- For the avoidance of doubt and in the interests of proper planning.

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Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

3. 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 paragraph 38 of the National Planning Policy Framework.

8. PLANNING APPEALS AND DELEGATED DECISIONS

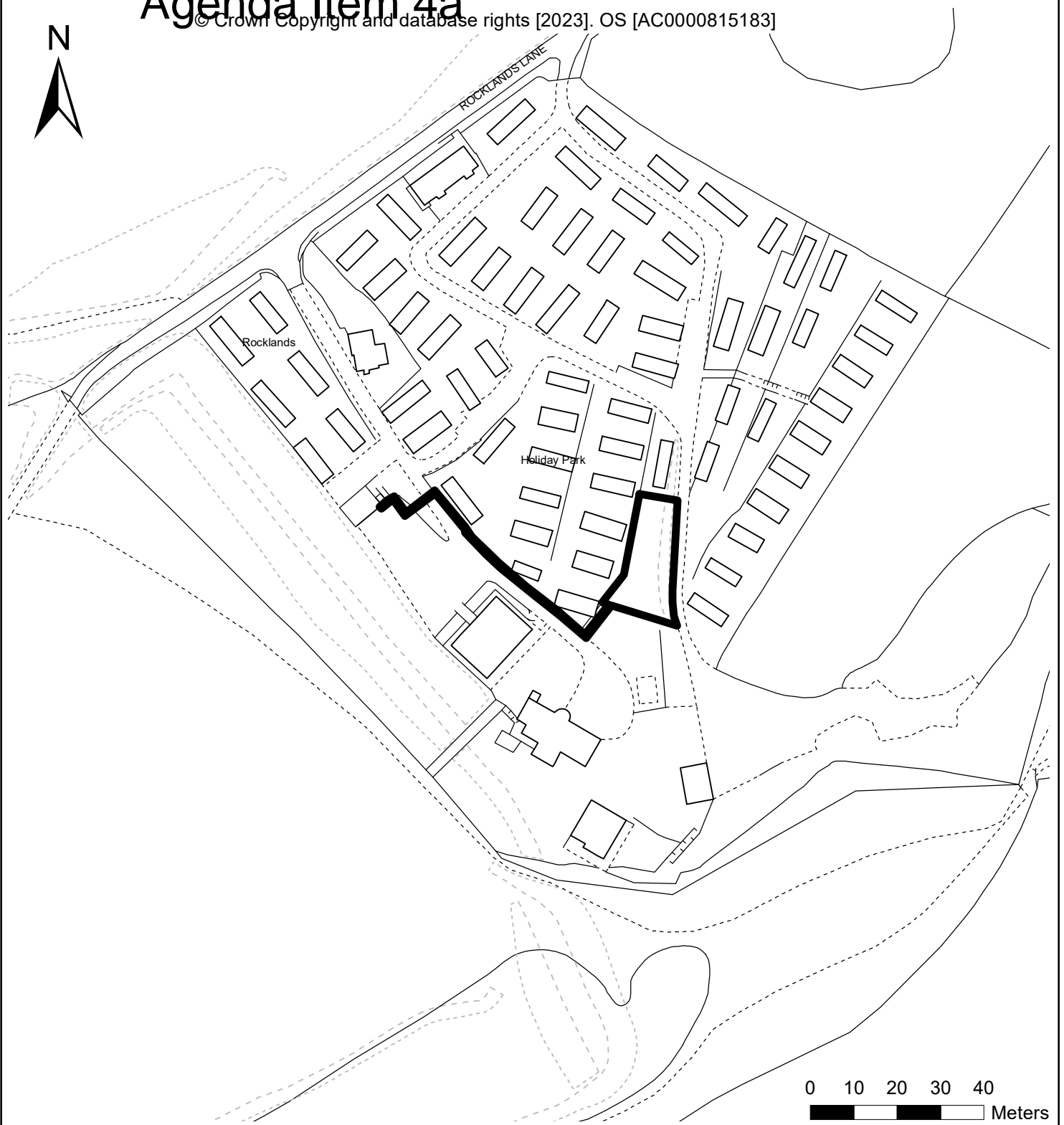
The Committee noted the report and the continued hard work of the Planning department.

(The Chair declared the meeting closed at. 6.36 pm)

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Agenda Item 4a

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Rocklands Private Caravan Park
Rocklands Lane
Hastings
TN35 5DY

Erection of 30 ground based solar panels with associated base and electrical cabling (includes renewable energy)



Planning Services Manager
Hastings Borough Council,
Muriel Matters House, Breeds Place,
Hastings TN34 3UY
Tel: 01424 451090
email: planning@hastings.gov.uk

Date: Nov 2023

Scale: 1:1,250

Application No. HS/FA/23/00344

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Report to: PLANNING COMMITTEE

Date of Meeting: 12 December 2023

Report from: Planning Services Manager

Application address: Rocklands Private Caravan Park, Rocklands Lane, Hastings, TN35 5DY

Proposal: Erection of 30 ground based solar panels with associated base and electrical cabling (includes renewable energy)

Application No: HS/FA/23/00344

Recommendation: Grant Full Planning Permission

Ward: OLD HASTINGS 2018

Conservation Area: No

Listed Building: No

Applicant: Mr & Mrs Guilliard and Mr S Guilliard per CLM Planning Limited 14 Magpie Close Bexhill on Sea East Sussex TN39 4EU

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	9
Petitions of objection received:	0
People in 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 site comprises land within Rocklands Private Caravan Park, which is accessed from Rocklands Lane, Hastings. The caravan park is situated within the High Weald Area of Outstanding Natural Beauty (AONB), and an Archaeological Notification Area (ANA).

The site lies to the east / south-east of the bulk of the caravans within the park and to the north-east of Rocklands House (the residential property of the site's owners). The red line area allows for a run of ancillary cabling linking to an outbuilding (former site laundry) where the existing site generators are located, to the west of the main body of the site.

The main part of the site consists of a vacant caravan pitch, made up primarily of lawn with a concrete caravan base, on a narrow terrace below the main caravan park, albeit there is a further row of caravans on lower land to the east of the application site. There is a Tree Preservation Order (TPO) tree at the southern end of the site, a retaining wall on the western side, and an established hedge along the eastern perimeter.

Constraints

- High Weald Area of Outstanding Natural Beauty (AONB)
- Archaeological Notification Area (ANA) - (Hastings Historical Core)
- Licensed Caravan Park
- Tree Preservation Order (TPO)

Nearby designations

- Hastings Old Town Conservation Area
- Hastings Country Park Local Nature Reserve
- Hastings Country Park Local Wildlife Site
- Scheduled Ancient Monument (SAM)

2. Proposed development

The proposal is for the erection of a 17.3m x 3.4m array of 30 ground based solar panels mounted on timber supports, on a type 1 stone base. The peak height of the proposed panels would be 0.9m. The associated cabling would be laid in a 600mm deep x 100mm wide trench along a grass verge and crossing an internal road, to connect to an existing outbuilding.

The proposed solar panels are intended to provide renewable energy for the caravans within the park, to reduce the reliance on fossil fuels. The existing solar panels supply Rocklands House.

The application is supported by the following documents:

- Cover Letter
- Tree Survey Arboricultural Impact Assessment & Tree Protection Plan (AR/29614)
- Heritage Statement
- Site Waste Management Plan
- Manufacturers Specification (LONGI)
- Reflectivity of LONGI Solar PV Panels

Relevant planning history

Application No. HS/FA/15/00528

Description

Retention of ground mounted solar panels within the garden

Decision Refused on 11/12/15

Application No. HS/FA/17/00294

Description

Erection of 13 ground based solar panels on hardstanding to be retained with associated cabling and wall mounted controllers

Decision Permission with conditions on 20/10/17

Application No. HS/FA/20/00470

Description

Variation of condition 2 (approved plans) of Appeal Decision APP/B1415/C/15/3029007 (EN/15/00028, HS/FA/14/01036) Amendments to balcony fenestration, appearance of the dining area window (north side - omitting opening casement) and omission of middle balcony post on south side

Decision Permission with conditions on 20/01/21

Application No. HS/FA/22/00339

Description

Proposed asphalt surface to existing hardcore access ramp

Decision Permission with conditions on 21/07/22

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA5 - Strategic Policy for Eastern Area

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

Policy SC3 - Promoting Sustainable and Green Design

Policy SC4 - Working Towards Zero Carbon Development

Policy SC6 - Renewable Energy Developments

Policy EN1 - Built and Historic Environment

Policy EN3 - Nature Conservation and Improvement of Biodiversity

Policy EN5 - Local Nature Reserves (LNR)

Policy EN6 - Local Wildlife Sites (LWS)

Policy EN7 - Conservation and Enhancements of Landscape

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM5 - Ground Conditions

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

Policy HN4 - Development affecting Heritage Assets with Archaeological and Historical Interest or Potential Interest

Policy HN9 - Areas of Landscape Value

Revised Draft Local Plan

Policy OSP1 - Tackling Climate Change

Policy SP5 - Conserving and Enhancing the Natural Environment

Policy SP6 - Enhancing the Historic Environment

Policy SP7 - Managing Coastal Erosion and Flood Risk

Policy DP4 - Flood Risk and Water Quality

Policy DP5 - Biodiversity

Policy DP6 - Green Infrastructure

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

Paragraph 9 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 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 158 of the NPPF states when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon

energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;

b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas, and

c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.

Paragraph 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or landowner.

3. Consultation comments

HBC Arboricultural Officer - **No objection subject to conditions**

HBC Conservation Officer - **No objection subject to conditions**

HBC Environmental Health - **No objection**

HBC Licensing - **No objection**

ESCC Archaeology - **No objection**

Building Control – **Have not commented**

Fire Brigade – **Do not wish to comment**

High Weald Area of Outstanding Natural Beauty (AONB) – **Have not commented**

Historic England – **Do not wish to comment**

Natural England - **No objection**

Tackling Climate Change – **Have not commented**

4. Representations

In respect of this application site notices were displayed on Rocklands Lane at the junction with Barley Lane and adjacent to the caravan park main entrance.

16 letters of objection were received from 6 different households (one person made 8 representations).

The letters of objection have raised the following concerns:

- Proximity to caravans [Officer note: SV Panels are designed for residential use and are routinely installed on buildings; a ground mounted array represents an even safer option. Nevertheless, the safety of the panels is not a planning consideration, as it would be covered by other legislation such as building regulations or under the jurisdiction of the Health & Safety Executive. HBC Environmental Health, HBC Licensing, and the Fire Brigade raise no objection]
- Array is not enclosed [Officer note: the existing ground mounted solar panels nearby are not enclosed. A fenced enclosure would increase visual impact, from an

- otherwise low impact development]
- Alternative sites within the park [Officer note: the location is a low-lying terrace where the development would have a neutral impact]
- Technical details not submitted [Officer note: submitted subsequent to the initial application submission]
- Landscape Visual Impact Assessment (LVIA) not submitted [Officer note: not required as officers were able to assess on site, see section c) below]
- Harm to TPO trees [Officer note: see section d) below]
- Ecology [Officer note: the development area is mowed lawn and hardstanding with no ecological value, see section e) below]
- Drainage / Land stability [Officer note: see sections f) & g) below]
- Panels not for caravan park [Officer note: the development would provide renewable energy for the caravan park]

It should be noted the application is for a minor development that can adequately be assessed on site and no further documentation or plans are required to assist with the assessment. There are no material planning issues that warrant requesting additional information.

5. Determining issues

The main issues to consider are the principal of the development, the impact on heritage assets, the impact on landscape, and the impact on trees. These matters are discussed in further detail below.

a) Principle

In principle the development of solar panels is supported by the Council in pursuit of its sustainable objectives.

Amongst others the following policies in the Hastings Local Plan: The Hastings Planning Strategy 2014 support renewable energy:

- Policy SC1 m) supports the move to a low carbon economy.
- Policy SC4 encourages on-site renewable energy generation in working towards zero carbon development.
- Policy SC6: Renewable Energy Developments:-

Proposals for renewable energy developments, including any ancillary infrastructure or building will be supported unless:

- a) their scale, form, design, material and cumulative impacts is unacceptable to the local landscape or built environment; and
- b) they would adversely impact on the local community, economy, biodiversity or historic interests
- c) the scale and impact of developments in nationally recognised designations, such as the High Weald Area of Outstanding Natural Beauty, Sites of Special Scientific Interest, Scheduled Monuments, Conservation Areas, Listed Buildings or Registered Parks and Gardens, is not compatible with the purpose of their designation

Similarly, the National Planning Policy Framework, encourages the provision of renewable energy generation:

Paragraph 158 of the NPPF states when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas, and
- c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.

Paragraph 158 of the NPPF is quite clear that applications for renewable energy should be approved if its impacts are acceptable.

Given the above the development is acceptable in principle and the strong policy support carries great weight in the planning balance, subject to other material planning considerations and relevant local plan policies.

b) Impact on heritage assets

There is a presumption in favour of the conservation of heritage assets and their setting, as set out in the NPPF and reiterated in local plan policies EN1, HN1 and HN4. Due to the proximity to the East Hill iron age fort Scheduled Ancient Monument (SAM) the site is a designated Archaeological Notification Area (ANA), and also the site is nearby to the Hastings Old Town Conservation Area. As such, the setting of the conservation area and SAM, and the impact on buried archaeological remains are the key heritage considerations to be assessed in determining this application.

The applicant has submitted a Heritage Statement to demonstrate an understanding of the impact of the development in relation to heritage assets. It sets out the proposed development would not be prominent in views of the key features of the SAM and as such, the solar panels would not detract from the significance or appreciation of the heritage asset. Furthermore, the solar panels would not be visible from the conservation area due to their low profile and the intervening screening and no adverse effects would be caused by the proposed development on its setting. Also, the limited trench depth in an area of the park where there has been previous ground disturbance reduces the possibility of any archaeological features being found or disturbed.

Conservation area setting

The proposed development area is outside the Old Town Conservation Area, which lies to the west and south of the application site. This designated heritage assets not only includes the Old Town urban area, but also the open cliff top landscape of East Hill, which contributes to the significance of the conservation area by acting as an open land buffer. Therefore, whilst being outside the conservation area, the proposed development needs to be assessed regarding the impact on its setting.

The proposed development would not be visible from the Old Town part of the conservation area, due to the distance and the small-scale nature of the proposal. It is specifically the impact on the setting of the heritage asset as experienced from the wide open spaces of the East Hill and in views westwards from Hastings Country Park. Considering first the views eastwards from East Hill, dense vegetation forms the boundary of the conservation area and Rocklands, which along with the distances involved, would prevent the solar panels being

visible from East Hill, ensuring that the setting of the conservation area would not be harmed from that viewpoint. Turning to views from Hastings Country Park, whilst caravans within the park are visible in views toward the conservation area from these vantage points, being set at a low point in the hilly topography and situated behind a band of mature trees and an established hedgerow, the proposed solar panels would be completely screened from view. As such, there would be no harm to the setting of the conservation area from either of these panoramas.

Scheduled Ancient Monument setting

Similarly, East Hill Scheduled Ancient Monument also lies to the west and south of the application site. Due to the distances involved and the extensive mature trees and vegetation surrounding the park boundaries and within the site, the understanding or appreciation of the setting of the scheduled monument would not be harmed by the proposed development, and it would not detract from the key features of the Scheduled Monument. The minor nature of the proposal does not warrant involvement from Historic England.

Archaeology

In terms of the archaeological significance of the site, the proposed panels would sit on timber sleepers atop a stone base rolled into the ground, with minimal ground disturbance, avoiding any harm to potential buried remains. The cable run would follow the grass verge of an internal road, and cross to an outbuilding containing the site generators serving the campsite. The cabling would be buried below the surface in a 600mm deep trench, with the excavated spoil used to backfill the trench. It is an area of previously disturbed ground, and as such, would not be considered to cause harm to potential archaeological remains, with no objections being raised from the County Archaeologist.

Therefore, in light of the above, the proposals would not harm the setting of the nearby designated heritage assets and do not conflict with heritage protection policies and guidance. The absence of harm identified when weighed against the benefits of providing a source of renewable energy for the holiday park, is considered, when applying the balance judgement required by paragraph 202 of the NPPF, that the proposal is acceptable from a heritage point of view. Equally, Policy HN1 of the Planning Strategy, and Policy HN4 of the Development Management Plan are also complied with.

c) Impact on landscape

The site is within the High Weald Area of Outstanding Natural Beauty (AONB) a designated landscape with the highest level of national and local protection to preserve its scenic beauty and landscape character. As such, the proposal needs to be assessed in terms of its impact on the designated landscape.

The context against which to assess this proposal for an array of low-level solar panels is the chosen proposed location is within a large static caravan park, where the steep sloping land has been terraced to provide level pitches for the caravans. The selected site is one of the lower terraces, where the retaining walls and caravans on the higher terraces loom large over the application site and provide the visual back drop. There is an existing smaller array slightly further to the south, towards the house. The site is bordered by a hedge on its eastern side, beyond which the land levels fall away significantly to a line of mature conifer trees beyond.

In terms of context, it should also be noted that a previous approval for the smaller array of solar panels just to the south of the current application site are more prominently sited, and

yet they were assessed as having “no impact” on the landscape. The site the subject of this application is significantly less open to incoming views, due to the greater screening afforded it, and the lower profile of the units.

The proposed panels would be set at an incline of approximately 10% and would be 0.9m at their highest point. To get some perspective on this, that equates roughly to the waist height of a person, as opposed to the height of a static caravan of 3m, which previously occupied the site.

The proposed location for the solar panels is well considered. The low lying terrace selected would ensure the proposed array would not be visible in the wider landscape, due to screening provided from the mature trees around the Rocklands site. The screening is reinforced by an existing established hedge immediately adjacent which is higher than the proposed array and is a dense thicket which will provide screening all year round. Condition 3 will secure that the hedge is to be maintained at a height above the peak height of the panels, to ensure the panels remain obscured from wider views. The panels would have an outward facing finish in black, with an anti-reflective layer to further safeguard that the presence of the panels would be unintrusive in the park setting, with the aforementioned screening preventing views of any minimal solar glare.

With the existing hedge screening the panels on the eastern edge of the terrace, the backdrop to the rear of the panels would be the retaining wall of the terrace above and the caravans atop it, which would dwarf the 0.9m high panels. It is also noted that the proposed solar panels would be on a caravan pitch, the static caravan having been removed to be replaced by the array. Clearly, the visual impact of a 0.9m high array finished in black would be far more discrete than a much bulkier cream finished static caravan that would have illuminated windows at night, and as such the proposal represents a betterment in term of visual impact.

In conclusion, it is considered that the solar panels would be logically located so as not to have a harmful impact on the landscape character or scenic beauty of the High Weald Area of Outstanding Natural Beauty nor the Hastings County Park vistas. It would have at worst a neutral impact in that the proposal would not result in a discernible change to the character of the landscape, but in all likelihood would represent an enhancement compared to the static caravan it would replace. Therefore, the proposal would accord with policy EN7 of the Hastings Planning Strategy and the National Planning Policy Framework in terms of impact on the AONB and wider landscape, subject to condition 3 to maintain the hedge as an effective screen.

d) Trees

There are two TPO protected trees south of the proposed development area (Tree of Heaven and Sweet Chestnut), one inside the application site, and one just outside. As such, an Arboricultural Impact Assessment accompanies the application, which concluded the development posed no threat to these protected trees, subject to the root systems being protected during construction through the erection of tree protection barriers; hand excavation of the cable run in the vicinity of the root protection area (RPA); and, that access to the site does not cross the RPA. The Council’s arboriculture officer raises no objection subject to these measures being secured by conditions 4 & 5.

e) Ecology

The site is maintained lawn and concrete caravan supports with no ecological value, and no protected species would be impacted by this low intensity form of development. The proposal represents a net gain in biodiversity terms, in that the removal of a static caravan pitch with associated amenity grassed area, eradicates the footfall of visitors in the amenity space around the caravan, and guarantees the protection of the hedges by condition 3,

where presently none exists.

Natural England have also confirmed that statutory protected sites (SSSI and SAC) around the caravan park would not be harmed by the development.

f) Drainage

The development would not use a soakaway. The panels would be mounted on a permeable stone base and rainwater would 'soakaway' to ground naturally as is the existing case.

g) Other

Land both within Hastings Country Park (owned by Hastings Borough Council) and the caravan park (owned by the applicants) has in the past been subject to a land slip, which resulted in the loss of vegetation on the southern slopes of the caravan park and the cliff. The current proposal for a lightweight array would be dispersed over a greater area with less weight than the static caravan it replaces, as such the proposal would not pose an additional risk to land stability.

6. Conclusion

In the light of this assessment, the proposed solar panel array would have a neutral impact on the wider area outside of Rocklands Caravan Park, and as such, would not cause any harm to heritage assets, landscape character, or protected trees. Given the strong policy support for renewable energy projects weighing in favour of the proposal and no negative planning considerations against the proposal, the application is recommended for approval.

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:

21.408/02F, Manufacturers Specification (LONGI)

3. The existing hedgerow east of the proposed solar panel array, and shown on approved drawing 21.408/02F, shall be retained at all times the solar panels remain in situ and shall be maintained at a minimum height of 1.5m above ground level along the entire eastern side of the application site. Should the hedgerow become damaged, diseased or die it should be replaced within the next planting season at a planted height that is greater than the solar panels.
4. No development shall take place until temporary protective fences to safeguard the trees and hedges to be retained on the site have been erected in accordance with the current BSI 5837 standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
5. All arboricultural measures and/or works shall be carried out in accordance with the details contained in Tree Survey Arboricultural Impact Assessment & Tree Protection Plan (AR/29614) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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 interest of protecting the setting of designated heritage assets and the local landscape.
4. In the interests of visual amenity.
5. In the interests of visual amenity.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

Officer to Contact

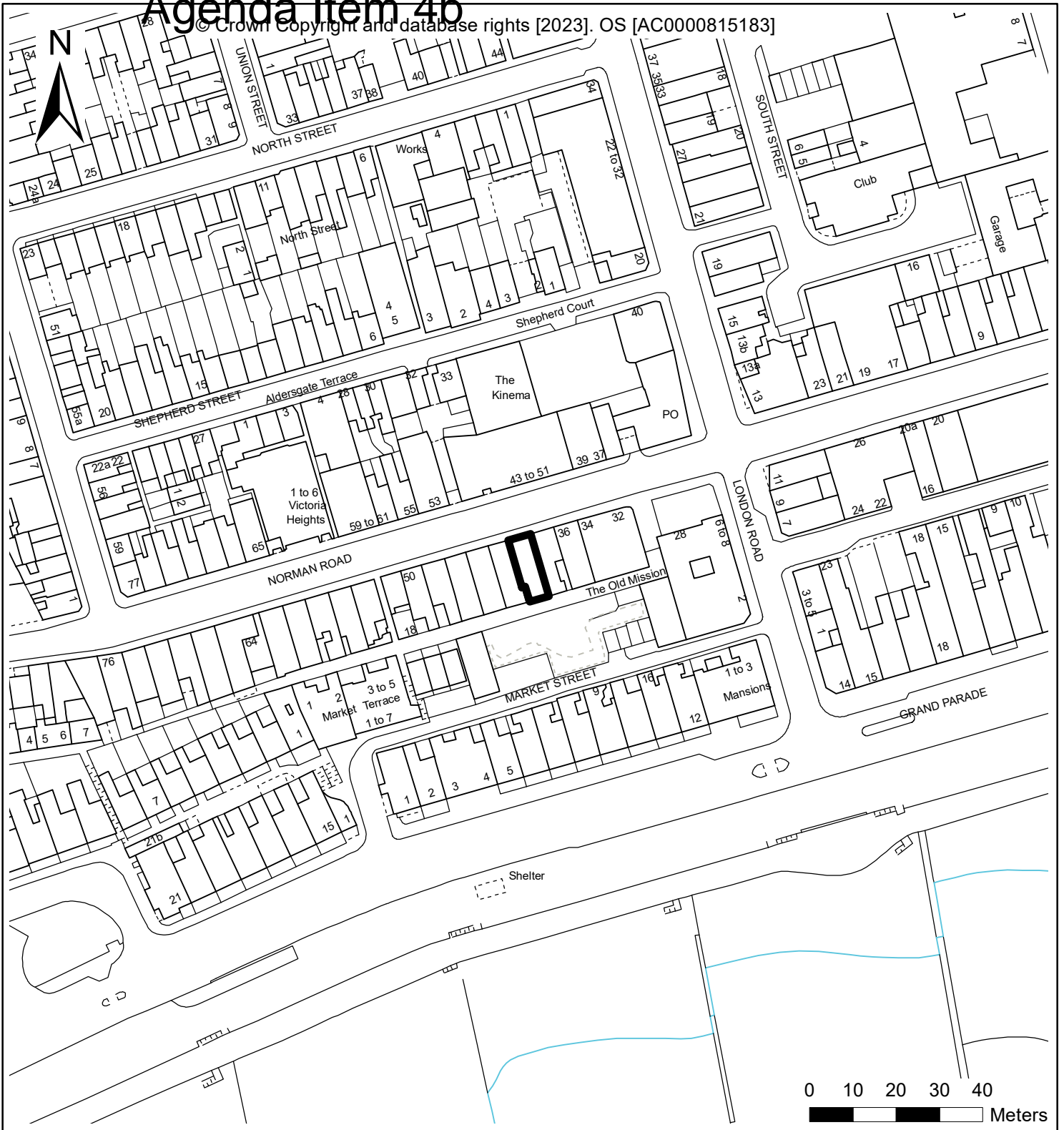
Mr Paul Howson, Telephone 01424 783279

Background Papers

Application No: HS/FA/23/00344 including all letters and documents

Agenda Item 4b

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40 Norman Road
St Leonards-on-sea
TN38 0EJ

Proposed change of use from shop (Class E) to cafe and bar (Class E and Sui Generis) and the installation of two louvered vents within the ground floor rear elevation of building (amended description).



Planning Services Manager
 Hastings Borough Council,
 Muriel Matters House, Breeds Place,
 Hastings TN34 3UY
 Tel: 01424 451090
 email: planning@hastings.gov.uk

Date: Nov 2023

Scale: 1:1,250

Application No. HS/FA/23/00620

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Report to: PLANNING COMMITTEE

Date of Meeting: 12 December 2023

Report from: Planning Services Manager

Application address: 40 Norman Road, St Leonards-on-sea, TN38 0EJ

Proposal: Proposed change of use from shop (Class E) to cafe and bar (Class E and Sui Generis) and the installation of two louvered vents within the ground floor rear elevation of building (amended description).

Application No: HS/FA/23/00620

Recommendation: Grant Full Planning Permission

Ward: CENTRAL ST LEONARDS 2018

Conservation Area: Yes - St. Leonards East

Listed Building: No

Applicant: Mr Parkin and Ms J Lloyd per Elevations Design Ltd
Junction House 1 Sedlescombe Road South St
Leonards on Sea, East Sussex. TN38 0TA

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Conservation Area
Neighbour Letters:	No
People objecting:	27
Petitions of objection received:	0
People in support:	13
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 site relates to the ground floor of No. 40 Norman Road, a three-storey, Victorian terraced property with a mansard attic addition. The ground floor until recently was

used as a retail shop but is now vacant, situated above is residential accommodation. The surrounding development is similar to that of the existing building with commercial uses found at ground floor level with residential use above. The site is located within the St Leonards East Conservation Area and the St Leonards Centre Shopping Area. The property is located on the south side of Norman Road, east of the Grade II listed buildings Nos. 66 and 68 Norman Road and Nos. 1-8 Undercliff Terraces, and west of the London Road junction. To the front at ground floor there is an impressive timber glazed shop front with slimline joinery, ornate pilasters, consoles and brackets and a glazed recessed doorway, all of which allow clear views through to the premises. The rear elevation has a more subservient appearance, with a two-storey, flat roof rear addition that faces on to the narrow footpath, Market Passage. The rear façade of this addition has a distinctive service access appearance, with fenestrations that reflect those on neighbouring properties and a ground floor elevation which is obscured from Market Street by the high boundary walls opposite and the local steep topography.

Constraints

SSSI Impact Risk Zone

Groundwater Flooding

GCN District Licensing Scheme IRZ - White

St Leonards East Conservation Area

St Leonards Centre Secondary Shopping Area

2. Proposed development

This application is seeking planning permission for a change of use of the shop (Class E) to cafe and bar (Class E and Sui Generis).

The café and bar will serve a varied and flexible food offering with a range of hot and cold small plates on Monday to Thursday, plus larger plates on Friday to Sunday. In terms of drinks a variety of cocktails, wines, local beers, spirits, low alcohol beers and soft drinks will be available. There will not be any live music on the premises. The floor plan for the café and bar shows internal seating for approximately 37 customers comprising of 20 seats around tables and a further 17 stools around the bar, wall and bay window areas. Overall, the proposed customer floor space for the café and bar would measure approximately 32sqm plus the bar space area of some 6.5sqm. The floor space to the rear would consist of a kitchen, storage space, ventilated bin store and WC facilities. The cafe and bar will provide employment with 2 full time and 4 part time.

The proposed opening hours for this application are:

17:00 - 23:00 Monday - Tuesday, including Bank Holidays

11:00 - 23:00 Wednesday - Sunday

The application also includes some minor external alterations to the ground floor rear elevation of building with the installation of two small louvered vents to be fitted within the existing fenestration to provide ventilation for the café and bar. No other external alterations are proposed.

This application is for café and bar use at ground floor level only and does not relate to the residential accommodation above.

The application is supported by the following documents:

- Location and block plans (23.492.1).
- Existing and proposed rear elevation (23/492/04).
- Proposed floor plan (23.492.03A).
- Proposed ventilation plan (05B).
- Ventilation report (dated: 4.9.23).
- Planning statement (revision A).
- Operation and management of business statement.
- Risk assessment plan (23.492.3B).

Relevant planning history

Application No.	HS/FA/88/01183
Description	CHANGE OF USE FROM SHOP AND DWELLING TO SHOP AND PRIVATE GUEST HOUSE
Decision	Refused on 22/03/89

Application No.	HS/FA/89/00331
Description	CHANGE OF USE FROM SHOP AND LIVING ACCOMMODATION TO OFFICE PREMISES.
Decision	Permission with conditions on 17/05/89

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 SC1 - Overall Strategy for Managing Change in a Sustainable Way
Policy EN1 - Built and Historic Environment
Policy E3 - Towns, Districts and Local Centres

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 SA2 - Other Shopping Areas
Policy SA4 - Drinking Establishments and Hot Food Take-Aways
Policy CQ1 - Cultural Quarters

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities'

health, social and cultural well-being); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

Paragraph 9 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 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 123 of the NPPF states that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

Paragraph 130 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of
 - Layout
 - Architecture

- Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to
 - Building types
 - Materials
 - Arrangement of streets

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

3. Consultation comments

Conservation Officer - **No objection**

Environmental Health - **No objection**

Refuse - **No objection**

Licensing - **No objection**

Licensing have had pre application meetings with the applicant ahead of them submitting a

premises licence application. Advice has been given relating to the premises sitting in the Cumulative Impact Zone (CIZ) and residential area. If planning permission is given, the applicant will need to address the CIZ within their subsequent licensing application to show how the premises will address the Four Licensing Objectives. The operating hours proposed in the licensing application must be within Hastings Borough Council matrix, which can be found by reviewing the Council's Statement of Licensing Policy.

The applicant has been advised that the Licensing Team will not grant an application for a premises licence until planning permission has been given.

Informative note 9 has been added to the recommendation to advise the applicant that a separate application under the Licensing Act 2003, for a premises licence will need to be submitted.

Sussex Police - No objection

Sussex Police have requested that the proposed hours of trading are conditioned in order to protect the amenity of the above and nearby residential occupiers, and to accord with Policies DM3 and DM6 of the Hastings Development Management Plan.

The proposed opening hours of the cafe and bar have been attached as a condition to the recommendation (condition 5).

Planning Policy - No comments received

Planning Practice Guidance (2021)

What happens where a statutory consultee is unable to meet the deadlines for responding?

Local planning authorities are expected to determine applications for planning permission, within a time period of 5, 8, 13 or 16 weeks (depending on the type of development).

Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in the absence of their advice.

Paragraph: 016 Reference ID: 15-016-20190722

Revision date: 23 07 2019 See previous version

4. Representations

In respect of this application a site notice was put up outside the premises along Norman Road.

32 letters of objection were received from 27 different properties raising the following concerns:

- The shop is not disused and has been successfully run for 7 years, and independent shops are much more important.
- Boutique clothing shops, as well as antique stores, all play a significant role in enhancing Norman Road's appeal.
- Plenty of other unused premises on the road which could be used for a new venture.
- Too many cafe/restaurants and bars already in the area.
- Concerns to noise, odour, disturbance and anti-social behaviour in this residential street.
- Concern to the venue being used as a music venue and screen films.
- This new cafe/bar could harmfully affect the trade of other businesses nearby.
- Concerns to parking and deliveries.
- Extra food waste and rubbish could be a detriment to the area and pose health risks with vermin.
- The area falls within a Cumulative Impact Zone, licensing objectives should be addressed.

- The application form incorrectly states that the shop is disused and there will be no trade waste from the premises.
- The risk assessment plan does not help the application and excludes some local businesses.

13 letters of support were received from 13 different properties raising the following:

- The proposed use will fit in well and complement the existing array of uses found along Norman Road.
- A different option will only add to the vitality of food and drink establishments for residents and visitors alike.
- The new cafe/bar will provide new full time and part time employment.
- The business will be professionally run and managed and will be an asset to the area.
- Other food and drink businesses manage their waste without detriment to the area and there is no reason why No. 40 will be any different.
- The investment and input from local businesses over the past few decades has made this area a safer and much better place.
- The loss of the shop should not be considered as this could happen anyway.

5. Determining issues

The main considerations which need to be considered is the acceptability of the principle of the proposed cafe and bar use in this location, the impact on the character and appearance of the conservation area, neighbouring residential amenities, waste storage matters, and highway parking and safety matters.

a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 of the Hastings Local Plan - Development Management Plan 2015 in this respect and acceptable in principle subject to other Local Plan policies.

b) Existing / proposed use

The ground floor until recently was used as a retail shop (class E use) but is now vacant, in the St Leonards Secondary Shopping Area (SA2), Cultural Quarter (CQ1) and St Leonards district centre (E3).

The loss of the shop is cited in several objection comments, but it is important to note that the shop (use class E) can be converted to another use within use class E under permitted development rights, for example a restaurant/café, as proposed. It is noted the application seeks permission to use the premises as a cafe and bar, and as the application is proposing a bar use (sui generis which is a use class of its own kind), a change of use to café and bar requires planning permission.

The application site is located within St Leonards district centre and Policy E3 of The Hastings Planning Strategy (2014) is relevant which advises that within the Town, District and Local Centres the vitality and viability of the Town and District Centres will be maintained and, where appropriate, enhanced. Amongst others, measures to achieve this vitality and viability include safeguarding the appearance, safety and environmental quality of the centre; encouraging diversity of uses within the centre and the provision of a wide range of retail, leisure, social, educational, arts, cultural, residential and commercial uses; promoting the use of vacant buildings; and maintaining and enhancing access to the centre by sustainable

modes of transport and encouraging multiple purpose trips.

It is considered the proposed use would not only maintain, but enhance, the vitality and viability of the district centre by creating greater employment, encouraging multi-use trips and 'dwell time', whilst broadening the culinary and beverage offerings within Norman Road, particularly given the future of our high street is no longer reliant on retail, all of which is welcomed and in accordance with Policy E3 of the Hastings Local Plan - Hastings Planning Strategy (2014), and the broad aims of the National Planning Policy Framework.

The National Planning Policy Framework considers retail centres, and places an emphasis on flexibility, the ability to "respond rapidly to change" and the changing climate of shopping habits. This advice is also reflected in the Planning Practice Guidance. In addition, information from a range of national studies indicates that due to a long-term change in shopping habits, percentage thresholds may restrict the overall vitality of town centres. The general position is that town centres must "find a focus other than retail in order to survive" (UK Parliament, 2019).

Policy SA2 seeks to control changes of use within the shopping area, in order to preserve the vitality and viability of the shopping area as a whole. The policy sets out the Council's approach "Within district, local and neighbourhood Primary Shopping Areas, as defined on the Policies Map, at ground floor level, proposals for Class A1, A2, A3, A4, A5 and other uses appropriate to the character of the shopping area will be permitted provided both of the following criteria are satisfied:", limb a places a percentage restriction on non-retail uses within the shopping area, and limb b seeks to restrict an excessive concentration of non-retail uses which would cause a significant interruption in the shopping frontage.

Since the adoption of the local plan, changes to the Use Class Order in 2020 and the Part 2 Retail Study both encourage a more flexible approach moving away from a percentage-basis assessments and towards a significantly greater focus on limb b of Policy SA2, which states that changes of use away from retail functions will only be permitted where "The proposal would not result in the excessive concentration of non-A1 uses which would cause a significant interruption in the shopping frontage, reducing its attractiveness and thus harming the vitality and viability of the centre as a whole." Paragraph 3.24 of the Part 2 Retail Study provides clarity on what might constitute a "significant interruption" and concludes that this would be a case-by-case matter for planning judgement based on:

- The location and prominence of the premises;
- The size and width of the premises;
- The number and distribution of other existing and committed non-A1 uses within the defined primary retail frontage (including any premises subject to current Permitted Development changes of use);
- Where applicable, the length of vacancy of the premises and evidence of marketing for the current permitted use;
- The nature and character of the proposed use; and
- The design of the shop-front.

Norman Road and the surrounding area currently has a vibrant mix of centre uses. Policy CQ1 limb b states "proposals will be viewed in terms of their contribution to the mix and diversity of uses and to their potential to enhance their attraction to visitors." The premises will continue to maintain an active frontage, with the existing glazed shop front to be retained, with the proposed use considered in keeping with the current character of the surrounding area. Due to the multifunctional use of the street as a secondary shopping area and the

location of current café and bar provision in the area, it is not considered that the proposal will have a negative impact on the vibrancy and vitality of the centre. Having visited the site it is evident that the area is well served by retail and gallery spaces, with retail and gallery spaces positioned either side of the site. As mentioned above, the existing glazed shop front is to be maintained which provides an active frontage with views through to the premises. As such, condition 6 has been attached to the recommendation to ensure the shop front remains free of any advertisements, window film etc. anything that would obscure views into the premises.

Furthermore, Policy SA4 states that planning permission for new drinking establishments will be granted provided that:

- a) the precise nature of the use proposed (which should be specified in the planning application), including opening hours, is given;
- b) the proposal would not adversely affect neighbours, for example, causing excess noise or odour; (discussed in paragraph d) of the report).
- c) the proposal would not, on its own, or cumulatively with other such uses in the area, be likely to result in problems of disturbance or public disorder; (discussed in paragraph d) of the report).
- d) suitable off-street parking is or can be provided where there is insufficient on-street parking; and; (discussed in paragraph f) of the report).
- e) it would not cause inconvenience or danger on the public highway as a result of the additional stopping and manoeuvring of vehicles (discussed in paragraph f) of the report).

With regard to point a above, the applicant has confirmed opening hours of 17:00 - 23:00 Monday - Tuesday, including Bank Holidays and 11:00 - 23:00 Wednesday - Sunday and the nature of the application has also been specified. Points b to e are discussed in the following sections. The change of use is therefore considered to be acceptable and in line with Policy SA4 of the Hastings Local Plan - Development Management Plan (2015) in this regard.

Taking the above into account, it has been demonstrated that the proposals comply with the overall objectives of the Council's district centre and shopping policies. It is demonstrated that the proposals will not only maintain, but enhance, the vitality and viability of the district centre by creating greater employment, encouraging multi-use trips and 'dwell time', whilst broadening the culinary and beverage offerings within Norman Road, particularly given the future of our high street is no longer reliant on retail. The proposal is considered to accord with Policies E3, SA2, CQ1 and SA4 of the Hastings Local Plan and the broad aims of the National Planning Policy Framework.

c) Impact on character and appearance of conservation area

Policy EN1 of the Hastings Planning Strategy (2014) states development which sustains and enhances the significance of heritage assets and/or their setting will be encouraged. Policy DM1 of the Hastings Development Management Plan (2015) establishes all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account: protecting and enhancing local character. Furthermore, Policy HN1 of the Hastings Development Management Plan (2015) states permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected (including conservation areas).

The only external alterations proposed under this application are for two small and discrete 650mm by 250mm louvered vents to be installed within the existing rear, ground floor fenestrations, to provide ventilation for the café and bar. No other external alterations are proposed under this application. It is noted that the rear ground floor elevation where these works will be located is obscured from view from Market Street by the high boundary walls opposite and the local steep topography. Conservation was consulted and have concluded that the proposals would not affect the character or the appearance of the St Leonards East Conservation Area and would not impact on the setting of any other designated or non-designated heritage asset. Therefore, on this basis Conservation raises no objections to the proposal.

d) Impact on neighbouring residential amenities

Policy DM3 of Hastings Development Management Plan requires proposals to demonstrate that amenity has been considered as appropriate. And policy DM6 provides that planning permission will only be granted provided noise and odour that is detrimental to the neighbouring and/or local amenity is kept to a practical minimum.

Policy SA4 supports new drinking establishments providing that the requirements of (a) to (e) are met:

b) the proposal would not adversely affect neighbours, for example, causing excessive noise or odour.

c) the proposal would not, on its own, or cumulatively with other such uses in the area, be likely to result in problems of disturbance or public disorder.

The application site is located within the St Leonards Centre Shopping Area, with the surrounding area made up of a mixture of uses, including residential and commercial, mainly with commercial units found at ground floor with residential accommodation above. As such, it is not unusual to have a use as proposed within this location. This application relates solely to the ground floor of the building, with residential accommodation above and to either side above the ground floor units. There have also been a number of objections received for this application that raise concern of possible issues of odour, noise or disturbance to neighbouring dwellings. As such, the proposal needs to consider the amenity of the neighbouring residential units to ensure that they are not unduly harmed as a result of the proposed change of use.

The opening hours for the café and bar will be 17:00 - 23:00 Monday - Tuesday, including Bank Holidays and 11:00 - 23:00 Wednesday - Sunday. The proposed opening hours put forward by the applicant are similar to that of other businesses which are in proximity to the premises, some of which have residential use above or nearby also. Given the location of the building, it is not expected that the proposed café and bar will be out of place within this given setting, as such the proposed opening hours are not considered excessive and are considered acceptable. A condition has been attached to the recommendation detailing these opening hours (condition 5).

It is noted that the proposed internal and external construction works have the potential to cause noise and disturbance, which can impact on the people who live and work in the area. As such, condition 3 has been attached to the recommendation to ensure these works are controlled.

There have been no sound insulation details submitted with this application to demonstrate how the proposal would protect the amenity of the residential accommodation above the proposed café and bar. As such, condition 7 has been attached to the recommendation to require the submission of noise insulation and vibration reduction details.

It is noted the initial scheme proposed live music and occasional film screenings. However, concerns relating to these aspects in relation to excessive noise were discussed with the agent and these elements have since been removed. Condition 4 has been attached to the recommendation which specifies that no live music or amplified sound system shall be used or generated which is audible outside the building, within the residential unit above or within adjoining buildings.

The applicant has submitted a proposed ventilation plan (05B) and a EMAQ ventilation report (dated: 4.9.23) where it has been identified that it is proposed for the kitchen to be provided with a recirculation hood and background ventilation, with the two vent louvered to the ground floor rear of the building. Environmental Health were consulted and they have concluded that the information in the EMAQ report is satisfactory commensurate to the type of premises being proposed. However, if the catering operation was to change in the future, the proposed ventilation extract system may well need to be upgraded. The proposed level of catering would not impact on neighbouring properties as a source of noise or odour, and the application would be acceptable in this regard. Informative note 7 has been attached to the recommendation to advise the applicant that if the catering level increases and further ventilation is required then a new planning application may be required. If this is the case, the applicant is advised to contact the Local Planning Authority.

Sussex Police have been consulted and initially raised concern that sufficient information should be made available that demonstrates the applicant's application would not add to the cumulative impact of such licensed premises in the present Saturation Area 3 Central St Leonards. Following these comments, the applicant undertook a walk around and photographic survey to confirm the usage of ground floor properties in the immediate area, with a colour coded key. A risk assessment plan was produced with this collected data which demonstrates that whilst there are a number of licensed premises within the immediate area, with a couple of these located close to the site, the western section of Norman Road is well served by retail and gallery spaces. It is considered this small and intimate café and bar will only add to the increased popularity of Norman Road and compliment what is already on offer. The applicant in addition to their planning statement (revision A) has also provided an operation and management of business statement, to demonstrate that the business will be professionally run and managed, including sufficient numbers of staff on duty at all times, CCTV in operation, no advertisements for drink promotions and challenge 25 will apply therefore no ID no service. It is also noted the applicant has been in contact with Sussex Police Licensing Team, continued contact with Sussex Police Licensing Department will be advantageous for both parties. Sussex Police were re-consulted in respect of the submission of the additional information and commented that their concerns had been addressed and they had no objection to the proposed application as submitted from a crime prevention perspective. Following this an objection comment was submitted with concerns that a number of licensed premises along Grande Parade and Gensing Road had not been included within the risk assessment plan, as such the applicant has amended the risk assessment plan to include these premises. Subsequently a further objection comment was received with concerns that other licensed premises have not been shown, including No. 1 Western Road (Three Faces Tapas), which is a restaurant and is not authorised as a drinking establishment. Sussex Police were re-consulted on the amended risk assessment

plan and made aware of No. 1 Western Road, Sussex Police have confirmed they have no objection to the proposed application as submitted from a crime prevention perspective, but have requested that the proposed hours of trading are made a condition of consent (condition 5).

In view of the above, it is not considered that the proposed use would generate odour, noise or disturbance to an extent that would result in harm to residential amenity, subject to the attached conditions. The proposal is therefore considered acceptable in this regard and in line with the aims of Policies DM3, DM6 and SA4 of the Hastings Local Plan - Development Management Plan (2015).

e) Impact on Great Crested Newts

The development falls within the white impact risk zone for great crested newts. This is a minor application, more than 250m from a pond with no ground works being proposed. As such there is no requirement to consult NatureSpace in respect of Great Crested Newts. An informative is added should Great Crested Newts be found on site at any stage of the development works.

f) Highway safety/parking

Policy SA4 supports new drinking establishments providing that the requirements of (a) to (e) are met:

d) suitable off-street parking is or can be provided where there is insufficient on-street parking; and

e) it would not cause inconvenience or danger on the public highway as a result of the additional stopping and manoeuvring of vehicles.

The site is located within a sustainable location with good pedestrian access to the nearby train station and bus stops. There are also several public car parks in proximity to the site. The site does not benefit from any on-site dedicated parking or pick up / collection points, however, given the sustainable location it is considered that the proposed use would not result in any significant increase in traffic or parking demand, or cause inconvenience or danger on the public highway compared to the existing retail use. In view of the location of the site and the wider commercial area, further details regarding parking arrangements are not considered necessary in this case and the proposal is considered to be acceptable from a parking and highways safety perspective.

g) Refuse

Policy DM3 of Hastings Development Management Plan requires adequate space for the storage of waste and the means of its removal.

In terms of waste and recycling produced from the café and bar, the applicant will provide an internal ventilated bin store to the rear of the premises, as shown on drawing no. 23.492.03A. All waste and recycling will be collected by a Licensed Waste Contractor on a regular basis. Condition 8 has been attached to the recommendation to ensure that the ventilated bin store is provided before the first use of the premises. The Refuse Team have been consulted on the proposals and support this arrangement.

h) Site constraints

The site is within a SSSI IRZ. The scale of development does not fall within the threshold for consultation with Natural England and as such it is not considered that there will be any impact on SSSIs.

The site is also affected by ground water flooding, however the proposal will not involve any ground works and as such there will be no impact or increase in flood risk on and off site as a result of the application, no further consideration required in this regard.

6. Conclusion

In conclusion, the proposal is considered to be acceptable in principle and would not harm the character of the area, adding to the vitality and viability of St Leonards Centre and providing employment opportunities. It is also found to be acceptable in relation to neighbouring amenity, highway parking and safety and refuse, complying with local and national plan policies. As such is recommended for approval, subject to conditions.

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

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

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

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:

Location and block plans (23.492.1)
Existing and proposed rear elevation (23/492/04)
Proposed floor plan (23.492.03A)
Proposed ventilation plan (05B)
Ventilation report (dated: 4.9.23)
Planning statement (revision A)
Operation and management of business statement
Risk assessment plan (23.492.3B)

3. During construction any work which is audible at the site boundary, including deliveries to and from the premises, shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 09:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
4. No live music or amplified sound system shall be used or generated which is audible outside the building, within the residential unit above or within adjoining buildings.
5. The premises shall not be used except between the following hours:-
17:00 - 23:00 Monday - Tuesday, including Bank Holidays
11:00 - 23:00 Wednesday - Sunday
6. The shop front shall remain free of any internally or externally placed advertisements or anything that would obscure views into the premises such as window film.
7. The use approved shall not commence until a report detailing the noise insulation and vibration reduction between the proposed café and bar at ground floor and the existing residential premises at first floor, is submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the approved report prior to the commencement of the use of the café and bar and thereafter be retained and maintained.
8. The use approved shall not commence until the ventilated bin store as shown on approved plan No. 23.492.03A is provided and thereafter be retained in perpetuity for that purpose.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining and future residents.
4. To safeguard the amenity of adjoining and future residents.
5. To safeguard the amenity of adjoining and future residents.
6. To ensure that clear views into the shop are maintained in order to protect the vitality and viability of the shopping centre.
7. To ensure a satisfactory form of development, and to safeguard the amenity of adjoining and future residents.
8. In order to secure a well-planned development that functions properly and prevents waste becoming a detriment to the surrounding 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 paragraph 38 of the National Planning Policy Framework.
3. If signage is proposed, then this may require consent, the applicant is advised to consult Advertisement Regulations. If consent is required, this should be obtained prior to any signage being installed.
4. 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 http://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers/
5. The applicant 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. The applicant is reminded that any trade waste produced at this establishment will need to be collected by a registered and licensed trade waste carrier, and the collections will need to be frequent enough to prevent the waste from becoming a detriment to the surrounding area.
7. The applicant is advised that if the catering level increases and further ventilation is required then a new planning application may be required. If this is the case, the applicant is advised to contact the Local Planning Authority.
8. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

9. The applicant is advised that such proposals, will require a separate application under the Licensing Act 2003, for a premises licence, with the full 28 day consultation process, with copies provided to all responsible authorities, of which planning are one of the statutory consultees.

Officer to Contact

Miss Louise Brooks, Telephone 01424 783261

Background Papers

Application No: HS/FA/23/00620 including all letters and documents

Agenda Item 4c

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25 Eversley Road
St Leonards-on-sea
TN37 6QD

Conversion of house into two flats, and erection of side extension to create 5 flats. Creation of parking area at rear



Planning Services Manager
Hastings Borough Council,
Muriel Matters House, Breeds Place,
Hastings TN34 3UY
Tel: 01424 451090
email: planning@hastings.gov.uk

Date: Nov 2023

Scale: 1:1,250

Application No. HS/FA/22/00872

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Report to: PLANNING COMMITTEE

Date of Meeting: 12 December 2023

Report from: Planning Services Manager

Application address: 25 Eversley Road, St Leonards-on-sea, TN37 6QD

Proposal: Conversion of house into two flats, and erection of side extension to create 5 flats. Creation of parking area at rear

Application No: HS/FA/22/00872

Recommendation: Grant Full Planning Permission

Ward: SILVERHILL 2018
Conservation Area: No
Listed Building: No

Applicant: EJN Enterprises Ltd. per Lewis and Co Planning 2 Port Hall Road Lewis and Co Planning Brighton BN1 5PD

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	17
Petitions of objection received:	0
People in 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 is comprised of a two-storey semi-detached period dwelling. The property has been constructed in red brick with a pitched roof, a double-height canted bay feature, a front gable feature, soldier course detailing and a stepped arched entrance. The pair of properties of which the subject property forms part follows a symmetrical design. The property is sited on

a corner plot and its side elevation faces on to Eversley Crescent. The property benefits from garden space to the side and rear. Part of the land to the side of the existing property is hard landscaped and it contains a detached outbuilding and also provides parking for two vehicles.

The properties along Eversley Road are varied in architectural appearance, character and scale. The nearest neighbouring dwellings on the eastern side of the road have been designed in a similar style to the subject property and most have been constructed in red brick with pitched roofs, double height box bay or canted bay windows, front gable features, stucco frontages and either hung tile or neo-Tudor detailing. By contrast, the properties located on the western side of the road are smaller in scale and the properties have been designed with hipped roof forms and fairly simple exteriors featuring uniform window designs, and plain frontages in red brick or render. Though most of the existing properties on the western side of the road form part of a terrace, the line of properties also includes an individually designed detached chalet bungalow.

The site is in a residential area within the urban confines of St Leonards-on-Sea.

Constraints

SSSI Impact Risk Zone – below the threshold for consulting Natural England

Great Crested Newts – 250 metre pond buffer zone

Great Crested Newt Impact Risk Zone – Red Zone

2. Proposed development

The development proposal relates to the demolition of an existing detached outbuilding to facilitate the erection of a two-storey side extension. The proposed side extension will effectively double the width and size of the existing building and it will be constructed in the style of the existing building, creating the appearance of a terrace of properties. As part of the proposed works, the proposed side extension and the accommodation within the existing building are to be reconfigured in order to convert the property from a single family-sized dwelling into 7 self-contained flats. To the rear of the site, the garden area is to be partially hard-landscaped in order to facilitate the creation of 5 new parking spaces with associated vehicular access, a communal cycle storage area and a communal refuse storage area. The remainder of the site will be used to provide communal garden space for the future occupants of the building.

The application is supported by the following documents:

- Existing and proposed plans
- Topographical Survey Drawing
- Design and Access Statement
- Planning Statement
- Transport Report
- Ecology Overview Statement
- Preliminary Ecological Survey
- Site Waste Management Plan
- Completed SUDs toolkit form

Relevant planning history

Application No. HS/62/00201
Description Erection of block of 8 garages.
Decision Permission with conditions on 30/03/62

Application No. HS/69/00098
Description Siting of caravan in rear garden to dwelling
Decision Refused on 13/03/69

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 DS1 - New Housing Development
Policy H1 - Housing Density
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 DM5 - Ground Conditions
Policy HN8 – Biodiversity and Green Space

Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change
Policy SP1 - Directing Growth
Policy SP2 - New and Affordable Housing
Policy SP5 - Conserving and Enhancing the Natural Environment
Policy SP7 - Managing Coastal Erosion and Flood Risk
Policy DP1 - Design - Key Principles
Policy DP2 - Design - Space and Accessibility Standards
Policy DP3 - Sustainable Design
Policy DP5 - Biodiversity
Policy DP7 - Access, Servicing and Parking

Other policies/guidance

National Design Guide
Air quality and emissions mitigation guidance for Sussex (2021)

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our

natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

Paragraph 9 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 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 123 of the NPPF states that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

Paragraph 130 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of
 - Layout
 - Architecture
 - Landscaping

- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to
 - Building types
 - Materials
 - Arrangement of streets

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

3. Consultation comments

ESCC Highways Team – Initial objection raised to the proposal on the basis that the applicant had not submitted sufficient information in relation to the car parking and access arrangements. However, the applicant has since provided a parking beat survey, TRIPP analysis data and tracking drawings to demonstrate the suitability of the access and parking arrangements. The latest set of consultee comments from ESCC Highways team confirm that the objection is withdrawn and that the application is acceptable, subject to conditions.

Ecology Officer – No objection, subject to conditions relating to the mitigation and

biodiversity enhancement measures as recommended in the preliminary ecological appraisal.

Southern Water – No objection. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. A series of informatives have been provided in relation to drainage, and these will be added to any future consent.

ESCC Flood Risk Management Team - No comments, LLFA is unable to respond to minor applications unless the Planning Officer deems there to be a significant flood risk arising from this proposal.

Hastings Borough Council Tackling Climate Change Team – No comments. If successful, the applicant considers Low or Zero Carbon heat and electricity generation, LED lighting, significant insulation and the possibility for biodiversity net gain on the site.

Waste and Streetscene Services Team – Initial objection raised on the basis that insufficient refuse storage facilities had been provided. However, the plans have since been amended to provide a refuse storage area in the rear garden area providing sufficient storage for 14 bins. The refuse office has confirmed that the revisions to the drawings are considered to be acceptable.

Nature Space – No objection

4. Representations

In respect of this application, a site notice was displayed immediately adjacent to the application site on the junction between Eversley Road and Eversley Crescent, and a subsequent site notice was displayed in the same location following amendments to the scheme.

20 no letters of objection were received from 17 different properties.

The letters of objection which have been received have raised the following concerns:

- Overdevelopment of plot
- Out of keeping with character of wider area
- Loss of green space
- Negative impact on local wildlife
- Lack of parking/potential for parking congestion
- Negative impact of the development upon the character of the area
- Loss of privacy
- Noise/pollution concerns from the parking area
- Negative impact on semi-detached form of adjoining property
- Inadequacy of vehicular access
- Increased volume of traffic and associated road safety concerns
- Negative impact on house values in area
- Lack of firewall between 23 and 25 Eversley Road

5. Determining issues

The main considerations are the principle of development, the 5-year housing land supply, density, housing mix and site layout, design and impact on the character and appearance of the area, impact on general amenity, impact on highway safety and parking, impact on ecology and biodiversity, air pollution, lighting and drainage.

a) Principle

Policy LP1 of the Hastings Development Management Plan 2015, paragraph 4.3 of the Hastings Planning Strategy 2014 and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. The site lies within a predominantly residential area in a relatively sustainable location with reasonable access to public transport, shops, services and other essential facilities. On this basis, the principle of allowing residential development in this area is considered acceptable, subject to the application meeting the requirements of the other local plan policies, as discussed further below.

b) 5 Year Housing Land Supply

At present, the Government has identified that the need for additional housing in Hastings is 481 dwellings per annum. From 1 April 2022 the 5-year requirement is 2,405 (481 x 5). As the annual Housing Delivery Test is not being met, a 20% buffer must also be added to this figure, which increases the 5-year requirement to 2,886.

The Housing Delivery Test figures published in January 2022 confirm that the Council has met only 42% of the delivery test requirement.

Housing supply figures have been updated for Local Plan Monitoring Report purposes and there is insufficient supply of deliverable housing sites to meet the 5-year housing land supply.

As the Council cannot demonstrate a 5-year housing supply at this time, the tilted balance as set out in paragraph 11d) of the National Planning Policy Framework is engaged.

As the development proposal will result in the creation of the seven residential units, it is considered that the development as proposed would make a positive contribution to the local housing land supply and that the proposal may temporarily boost local employment levels for the duration of the construction phase of the development. However, the positive benefits of the scheme need to be balanced against the requirements of other local plan policies, as discussed further below.

c) Density, housing mix, and site layout

The National Model Design Codes indicate that in town centre locations, the density is likely to be around 200 dwellings per hectare. In less dense urban neighbourhoods, typical density levels are likely to be between 60-120 dwellings per hectare and on average 30-50 dwellings per hectare in suburban locations.

Paragraph 66 of the National Design Guide states that built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to the context. The appropriate density will result from the context, accessibility, the proposed building types, form and character of the development.

Policy H1 of the Hastings Planning Strategy encourages the full and effective use of land. On sites located outside of inner town centre areas, a minimum density of approximately 30 dwellings per hectare is preferred, unless there are special local circumstances that require a lower density requirement.

Policy H2 of the Hastings Planning Strategy states that planning permission will be granted for residential development that delivers a balanced mix of housing within the site and across Hastings as a whole. It further states that the Council will seek to secure a mix of housing types and tenures in the borough in order to meet the current and projected local housing needs, taking into account existing local household characteristics.

Subsection (b) of policy DM1 of the Hastings Development Management Plan 2015 promotes development which is designed in accordance with local character and allows adequate space for storage of waste and the means for its removal. The policy states that space will also be required for necessary servicing areas, ancillary structures and

landscaping.

In respect of the density of the proposed development, the site measures approximately 684sqm (0.0684ha) in size and the development density equates approximately 102 units per hectare. When viewed in the context of a flat development, the density figure is considered to be appropriate and is in line with the average high-density figures for the borough, which are set out in the Strategic Housing and Economic Land Availability Assessment (SHELAA) (Regulation 18).

In respect of the housing mix, the proposed development will provide 3 x 1 bedroom units and 4 x 2 bedroom units. The proposed development will provide a mixture of housing types in accordance with policy requirements. Whilst the Council is seeking to encourage the creation of larger family-sized homes in the borough at the current time to balance the current shortfall, in view of the number of larger dwellings in the surrounding area, the provision of smaller units in this location will help to diversify the type of accommodation which is available in this location. On this basis, the type of housing proposed is acceptable.

With regards to the suitability of the site layout, the proposed extension to the building is suitably located. The proposed extension follows the common front building line along the street and will project away from the nearest neighbouring buildings to reduce the potential impact of the development upon neighbouring amenity. In respect of hard and soft landscaping works, the development has been designed with a secure cycle storage area, a refuse storage area, a communal parking area with associated access road and a communal rear garden area. A small private patio and lawn area have also been afforded to units 2 and 6 on the ground floor. The proposed parking, cycle and refuse facilities within the site are suitably located and the site layout is considered to strike an appropriate balance the hard and soft landscaped parts of the site. Whilst it is acknowledged that a proportion of the existing garden space is to be lost in order to create suitable levels of parking and refuse storage, the verdant character of the plot is still retained through the provision of a communal garden area and individual garden plots. The proposed parking spaces are also set back from the shared boundaries and green borders and acoustic fencing are to be provided along the northern boundary to mitigate the impact of the proposed parking area. Overall, the site layout is considered to be functional and in accordance with the character of the area, in line with the aims and objectives of policy DM1.

d) Design and impact on character and appearance of area

Policy DM1 of the Hastings Development Management Plan states that new proposed developments should enhance local character and show an appreciation of the surrounding neighbourhood characteristics. Any new proposed developments should enhance local character and show an appreciation of the surrounding neighbourhood characteristics such as its street patterns, topography, plot layouts and boundaries, plot sizes and the predominant scale, height, massing and materials of nearby properties.

As mentioned above, the development proposal relates to the demolition of an existing outbuilding to facilitate the erection of a two-storey side extension and to the reconfiguration of the existing property in order to convert the existing and proposed accommodation from a single family-sized dwelling into 7 self-contained flats. Associated hard and soft landscaping works are also proposed in order to facilitate the creation of 5 new parking spaces with associated vehicular access, a communal cycle storage area a communal garden area, two private garden areas, and a communal refuse storage area.

With regards to the scale of the development, although the extension will double the width and size of the existing building, the proposed side extension is considered to be proportionate to the size of the plot and it will be set back from the site boundaries in order to maintain a suitable amount of defensible space between the proposed extension and the

existing pedestrian walkways. The height of the proposed extension will follow that of the existing row of properties, such that the extension should not appear unduly tall or overbearing in its context.

With regards to the design and appearance of the proposed side extension, the proposed addition will be constructed in the style of the existing building and follow the form and appearance of the existing pair of period properties. The proposed side extension will be built flush with the existing property and will be constructed with similar bay windows, an arched stepped entrance and soldier course detailing along the principal elevation, which will give the property the appearance of being part of an existing terrace of houses. Along the side elevation, which also faces on to the road, the appearance of the flank wall will be similar to the appearance of the existing building, albeit a greater amount of visual interest has been added to the property through the addition of banding details, soldier course detailing, a new entrance door, and a low-level wall with brick piers, which is to be constructed along the side boundary in accordance with the design of the wall facing Eversley Road. The appearance of the proposed extension is in keeping with the character and appearance of the existing building and in accordance with the character of the wider area.

With regards to the hard and soft landscaping works, the proposed hard landscaping works will facilitate the creation of five new parking spaces, a new vehicle access leading on to Eversley Crescent and a communal refuse storage area. Whilst the proposed works will diminish the size of the green space within the site, a proportion of the garden is being retained. As the facilities which are being provided within the site are necessary to support the development and it is considered that the hard landscaping works are proportionate and still allow for appropriate levels of soft landscaping.

In respect of construction materials, the drawings indicate that the proposed construction materials will be selected to match with those used in the construction of the existing house. A condition will be added to any future consent requiring the applicant to submit the further details of the external finishes and materials and associated material samples prior to the commencement of works.

Subject to the aforementioned condition, the development proposal is considered to meet the requirements of policy DM1 of the Hastings Development Management Plan 2015.

e) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan 2015 states that in order to achieve a good standard of living for future users of a proposed development and its neighbours, it should be demonstrated that amenity has been considered and that appropriate solutions have been incorporated into schemes.

The potential impact of the scheme on general amenity is assessed in two parts below:

i) Impact on the residential amenity of future occupants

Subsections (f) and (g) of policy DM3 state that dwellings should be designed to allow residents to live comfortably and conveniently, with sufficient internal space, and that appropriate levels of private external space should be included, especially for larger homes designed for family use.

In 2015, the government introduced minimum space requirements relating to the gross internal floor area of new dwellings. The minimum space requirements are set according to the level of occupancy. Minimum floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height are set out in the nationally described space requirements.

In respect of the proposed residential units, the flats will be sized as follows:

Flat 1 - 39sqm (1 bedroom 1 person flat)
Flat 2 –61sqm (2-bedroom 3 person flat)
Flat 3 - 71.2sqm – (2-bedroom 3-person split level flat)
Flat 4 – 61sqm (2-bedroom 3 person flat)
Flat 5 – 37sqm (1 bedroom 1 person flat)
Flat 6 – 39sqm (1 bedroom 1 person flat)
Flat 7 – 72.5sqm (2 bedroom 3 person flat)

The proposed units are considered to meet minimum space standards and the habitable rooms to each of the proposed units will provide adequate levels of natural light, ventilation and outlook.

With regards to access to outside amenity space, units 2 and 6 will each benefit from a small enclosed patio and lawn area. The remaining units will have access to a communal garden area, to the rear of the proposed parking spaces. Whilst the extent of outside space is modest, in view of the size of the units and the nature of the development, the amount of outside space which is to be afforded to the properties is considered to be relatively common for flatted developments, which are typically constructed without private gardens. The application site is also in walking distance to Alexandra Park, which lies approximately 200 metres away. As a consequence, future occupants will have access to public green space within an 800 metre radius. The private amenity space is thus considered to be adequate.

Part H of Building Regulations sets out that waste containers should be sited so that residents do not have to push the container more than 30m to an accessible collection point, so any collection points for bins should be within that distance. A refuse storage area for 14 refuse bins is to be created adjacent to the southern boundary. The proposed refuse storage area is suitably located and it will provide reasonable access to the highway within the prescribed distances. I have consulted with the Refuse Officer, who has confirmed that the refuse storage arrangements as shown in the amended drawings are acceptable.

On the basis of the above, the standard of amenity for future occupants is considered to be adequate.

ii) Impact on neighbouring residential amenity

Subsection (a) of policy DM3 states that development is permissible where the scale, form, height, mass and density of any buildings avoids any adverse impact on neighbouring amenity (in terms of privacy, outlook and a loss of daylight or sunlight).

With regards to the potential impact of the proposal upon neighbouring access to daylight and sunlight, in view of the location of the proposed extension to the building, which is to be erected along the side of the existing property on a corner plot, it is considered that the development will not unreasonably impact neighbouring access to either daylight or sunlight. Similarly, in respect of neighbouring outlook, the proposed extension to the building will project away from the nearest adjoining buildings, such that neighbouring outlook will not be unreasonably affected.

With regards to the potential impact of the proposed development upon neighbouring privacy, the design of the new proposed extension to the building allows for new glazing along its front, side and rear elevations. The new proposed windows and doors along the front elevation will face directly on to Eversley Road and the direct and oblique views afforded from the new glazing will be no more harmful than the views from the existing windows serving the main house. In respect of the new glazing along the rear elevation, the new windows will face directly into the rear garden and parking area. Whilst it is acknowledged that the first-floor windows may afford some oblique views towards the adjoining neighbouring garden at 23 Eversley Road, and some direct and oblique views towards the adjoining garden plots to the side and rear, the direct views afforded are at a

distance of approximately 23 metres and the oblique views are at a distance of approximately 16 metres. In addition, they are considered to be no more harmful than the views afforded from the existing rear windows at first floor level. With regards to the proposed glazing along the side elevation of the extension, five new windows and a door are proposed at ground floor level and five new windows are proposed at first floor level. The new proposed glazing will face directly on to an area of open amenity land, an existing electricity substation and on to the boundaries of 1 Eversley Crescent and 29 Eversley Road. Owing to the mature vegetation along the boundary of 29 Eversley Road, the property is unlikely to be adversely affected by overlooking from the proposed development. Whilst it is acknowledged that the side wall of 1 Eversley Crescent contains ground and first floor windows and a door, the views afforded towards the flank elevation of 1 Eversley Crescent will be oblique and from a distance of approximately 15 metres across the existing road. As the separation distance between the existing property and the proposed extension will be similar to the relationship between the existing properties at 4 and 6 Eversley Crescent, where the separation distance between the front elevations is around 16 metres, the mutual overlooking relationship is considered to be similar to those of the surrounding properties. On this basis, an unreasonable loss of privacy should not occur.

A new window is also proposed along the side elevation of the existing dwelling. However, as the new window will be installed at ground floor level and views are afforded are similar to those afforded from existing windows, and restricted by the existing boundary wall and by the high-level acoustic fencing which is proposed along the boundary, the new window is unlikely to result in an unreasonable degree of overlooking.

In respect of the potential for noise pollution from the proposed parking area, the TRICS data provided by the applicant in their transport assessment indicates that the proposal will generate circa 19 vehicle movements per day. The number of anticipated vehicle movements is therefore limited. The proposal also makes provision for the addition of acoustic fencing above the existing boundary wall between 23 and 25 Eversley Road to reduce potential noise levels from vehicles using the car park. Furthermore, the parking area is set back from the nearest neighbouring gardens of 6 and 24-28 Eversley Crescent to mitigate against the potential impact.

On this basis, the nearest neighbouring dwellings should not be adversely impacted by excessive noise pollution.

f) Highway safety/parking

Policy DM4 of the Hastings Development Management Plan 2015 states that any new proposed developments should be subject to the parking standards set out in the adopted Parking Provision in New Developments Supplementary Planning Document (or any future replacements). The East Sussex County Council guidance in respect of new residential developments states that approximately 10 parking spaces should be provided for a development of this size in this location. The guidance further states that, within new developments, a minimum of 0.5 secure cycle storage spaces should be provided if the storage areas are communal and that one cycle storage space should be provided if the cycle stores are individually access.

The proposed development makes provision for 5 parking spaces with an associated access on to Eversley Crescent, for a communal cycle store with space for 5 bicycles and for 2 individual cycles stores for flats 2 and 6.

The proposed parking spaces are considered to meet minimum size requirements.

As the proposed amount of allocated parking falls below the recommended requirements, the applicant has provided a parking beat survey to determine whether the local area has sufficient capacity to accommodate any overspill demand which will likely be generated from the proposed development. The report, which has been produced by Reeves Transport

Planning, confirms that the parking stress figures, which record the number of spaces in use against the total capacity in the wider area, were between 55-58% of the total available parking spaces at night. It is estimated that the development is likely to increase the number of vehicles parking in the road to around 64% of the overall capacity. However, standard industry methodology prescribes a threshold of around 85% and 85% and above is taken as a suitable indication of undue parking stress. I have consulted with ESCC Highways team, who have accepted the results of the survey provided and have raised no objection to the parking arrangements proposed on the basis of the deemed parking overspill capacity in the surrounding area.

In respect of the proposed vehicle access, the applicant has provided tracking drawings to demonstrate that the access is suitable. ESCC Highways team have accepted the tracking data and confirmed that the proposed access is functional.

As ESCC Highways team have raised no objection to the development from a highways perspective and they have confirmed that the proposal would not have a severe impact on highway capacity or an unacceptable impact on highway safety, as required by paragraph 111 of the National Planning Policy Framework, the proposal is considered to meet planning policy requirements from a highways perspective.

g) Ecology

The site is comprised of an open area of garden land to the side and rear of an existing residential dwelling.

The application is supported by a preliminary ecological assessment and preliminary roost assessment prepared by CT Ecology Limited. The report confirms that the site has low potential for foraging mammals such as badgers, for reptiles and for breeding birds and that the site boundaries provide some suitable foraging and commuting opportunities for bats. The report also highlights that a single mammal hole is present in the north-eastern corner of the site and that some evidence of foxes was found in the vicinity.

As the site supports features with potential for use by small numbers of protected species, and the site contains a mammal hole, mitigation measures have been set out in the report, and these include:

- Taking a precautionary approach to vegetation clearance within the site
- Carrying out the clearance of scrub and trees outside of the main bird nesting season (between March and August inclusive)
- Storing materials safely at night
- Closing any trenches overnight or having ramps installed to enable badgers, and other mammals, to escape.
- Excavating any fox earth within the footprint of the proposed new parking area under an ecological watching brief to enable any mammals present within the feature to escape safely
- Removing Cherry Laurel from the working area
- Protecting any retained trees in accordance with British Standards (BS 2012) 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations
- Installing biodiversity enhancement measures within the site.

Subject to the above mitigation measures being implemented, it is considered that there would be no harm to protected species or habitats.

In respect of bats, the report also confirms that no direct or secondary evidence of bats was recorded during the preliminary roost assessment and that both the main house and the outbuilding have limited potential to support roosting bats due to an absence of any suitable features. Accordingly, it was concluded that no further surveys are required.

The Ecology Officer has been consulted and has raised no objections to the application, subject to conditions relating to the implementation of the recommendations in the report,

and to the protection of badgers during the construction process. Informatives relating to breeding birds are also recommended. These will be added to any future consent.

Impact on Great Crested Newts

The development falls within the red impact risk zone for great crested newts and the nearest body of water to the site is approximately 185 metres away. However, the preliminary ecological survey has recorded no evidence of Great Crested Newts within the site and it is separated from the nearest suitable breeding ponds by hardstanding and other forms of urban development, such that sufficient connectivity is lacking to make the site suitable for Great Crested Newts. I have consulted with Nature Space, who have raised no objections to the development. An informative shall be added to any future consent reminding the applicant of their obligations should Great Crested Newts be discovered within the site at any time during the construction of the proposed development.

h) Air quality and emissions

The proposed development does not fall within the screening checklist of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2020 produced by Sussex Air Quality Partnership. Therefore no further information is required in respect of air quality.

i) Lighting

No external lighting is proposed and residential amenities are not harmfully affected. A condition will be added to any future consent to ensure that any external lighting schemes are approved in advance by the Local Planning Authority. Subject to this condition, the development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

j) Drainage

Policy SC7 of the Hastings Planning Strategy 2014 relates to flood risk. The policy states that all development proposals will need to be of flood resistant or resilient design, ensure the most vulnerable land uses are directed away from the areas at highest flood risk on a site where there is more than one flood zone, and manage surface water run-off appropriately.

The application site is not located in flood zones 2 or 3 and it is not located in an area which is known to be susceptible to surface water or groundwater flooding.

With regards to foul drainage, the application form indicates that foul waste will be disposed of via the mains sewer. The existing house is already connected but the new connections will require the consent of Southern Water, who have been consulted on the application and raised no objections to the development. A series of informatives have been provided in relation to drainage within the site, and these will be added to any future consent.

In respect of surface water drainage, the applicant has submitted a completed SUDs toolkit form. The form indicates that excess surface water will be disposed of via a rainwater harvesting system but no additional information has been provided. The SUDs toolkit form identifies rainwater harvesting techniques as a potentially suitable drainage method for the development site. A pre-commencement condition will be added to any future consent to obtain the further details of the foul and surface water drainage strategy.

6. Conclusion

The development proposal is considered to be acceptable from a design, neighbouring amenity, a highways and ecological perspective, subject to conditions, and it will provide a

sufficiently high standard of amenity for future occupants. Whilst the parking provision within the site is below minimum standards, the survey provided by the applicant suggests that the proposed development is unlikely to result in an unacceptable level of parking stress. On this basis, the proposal is considered to be in accordance 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:

040-3-EX-TOPO, 060-3-001 REV A, 060-3-002 REV A, 060-3-003 REV A, 060-3-101 REV B, 060-3-102 REV B, 060-3-004 REV B, 062-3-S1
3. No development shall take place above ground until samples and details of the materials to be used in the construction of the external surfaces of the approved development hereby permitted 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.
4. The development shall not be occupied until refuse storage facilities has been provided within the site in accordance with the details shown on plan ref: 060-3-004 REV B. Once installed, the refuse storage facilities shall hereafter be retained within the site for that purpose.
5.
 - 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 then 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.

and

- (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.
6. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-
- 08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.
7. Notwithstanding the details on the approved drawings, no development shall take place until a scheme of soft landscaping has been submitted to and approved by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
8. 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.
9. Notwithstanding the details on the approved drawings, no development shall take place above ground until full details of the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished site levels; all new means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); and proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.). The hard landscaping works shall be carried out in accordance with the approved details.
10. The approved development shall not be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing.

11. The development shall not be occupied until a parking area has been provided in accordance with the approved plans and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
12. The proposed parking spaces shall measure at least 2.5 metres by 5 metres in size and the length and width of each parking space shall be increased by 0.5 metres where the spaces abut fences or walls.
13. The development shall not be occupied until cycle parking area has been provided in accordance with details contained in plan ref:060-3-004 REV B. The cycle storage facilities shall hereafter be retained for that use and shall not be used other than for the parking of bicycles.
14. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved drawings. The vehicular turning areas shall thereafter be retained for that use and shall not be used for any other purpose.
15. No development including demolition work shall be commenced on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:
 - (a) Routing of construction and delivery vehicles to / from the site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Full details of all measures to be employed to reduce dust and noise during the demolition works and during the construction phase of the development
 - (e) Temporary traffic management / signage where required

The approved details shall be adhered to throughout the construction process.

16. Prior to the commencement of the development, the details of the proposed surface water drainage strategy to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site, shall be submitted to the Local Planning Authority for its prior written approval in consultation with the Highway Authority. The drainage strategy shall be implemented 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 ecology appraisal and roost assessment by CT Ecology Limited dated 24th February 2023.
18. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers and other mammals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:
 - a) creation of sloping escape ramps for badgers and other mammals, which

may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of the visual amenity of the area.
4. In order to secure a well planned development.
5. To prevent increased risk of flooding.
6. To safeguard the amenity of adjoining residents.
7. In the interests of the visual amenity.
8. In the interests of the visual amenity.
9. In the interests of the visual amenity.
10. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
12. To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
14. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
15. In the interest of highway safety and to safeguard the amenity of neighbouring residents.
16. To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.
17. To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.

18. To ensure badgers and other mammals are not trapped and harmed on site and to prevent delays to site operation.

Notes to the Applicant

1. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
2. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
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 Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
4. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.
5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

6. You are advised to consult the East Sussex Building Control Partnership e-Mail: building.control@wealden.gov.uk with regard to the provision of adequate means of escape in case of fire and necessary fire precaution works.
7. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read their New Connections Charging Arrangements documents which are available on their website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

8. The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:
water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx
9. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
10. Where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
 - Specify the responsibilities of each party for the implementation of the SuDS scheme.
 - Specify a timetable for implementation.
 - Provide a management and maintenance plan for the lifetime of the development.This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
11. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk
12. The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.

Officer to Contact

Alexis Stanyer, Telephone 01424 783274

Background Papers

Application No: HS/FA/22/00872 including all letters and documents

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Agenda Item 5

Agenda Item: 5

Report to:	Planning Committee
Date:	12 December 2023
Report from:	Planning Services Manager
Title of report:	PLANNING APPEALS & DELEGATED DECISIONS
Purpose of report:	To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 20/10/2023 to 24/11/2023
Recommendations:	That the report be noted

The following appeals have been received:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
Site of former 59, High Street, Hastings, TN34 3EN HS/FA/22/00701	Demolition of contemporary porch and side cladding to existing listed building and erection of new build residential dwelling	Refuse Planning Permission	DELEGATED	Planning
Site of former 59, High Street, Hastings, TN34 3EN HS/LB/22/00702	Demolition of contemporary porch and side cladding to existing listed building and erection of new build residential dwelling	Refuse Planning Permission	DELEGATED	Planning
24 White Rock, Hastings, TN34 1JY HS/LB/22/00586	Retrospective approval for the rebuilt rear extension following damage caused by cliff fall and new retaining wall on the cliff	Refuse Planning Permission	DELEGATED	Planning

The following appeals have been allowed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
1 Amherst Road, Hastings, TN34 1TT HS/FA/23/00101	Proposed first floor to detached garage to provide home office accessed via external stairs with landing/decking area with balcony (alternative to planning permission HS/FA/22/00696)	Refuse Planning Permission	DELEGATED	Planning
44 Clifton Road, Hastings, TN35 5AN HS/FA/23/00305	Proposes rear extension to first floor joining to existing single-storey rear extension, creating an overall two-storey rear extension with hipped roof. 3 no. rooflights to south-west side elevation. Window opening and French doors leading to Juliet balcony to first floor rear elevation	Refuse Planning Permission	DELEGATED	Planning

The following appeals have been dismissed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
1 Manston Way, Hastings, TN34 2TA HS/FA/23/00249	Two storey side extension with two parking spaces to the front of the property	Refuse Planning Permission	DELEGATED	Planning

Type of Delegated Decision	Number of Decisions
General PD Refused	1
Granted Permission	58
Part Granted – Part Refused	1
Prior Approval Approved	3
Raise Objections	1
Refused Permission	12
Total	76

Report written by

Courtney Dade– Tel: (01424) 783264

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