

Planning Agenda

Wednesday, 28 February 2024 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)	Flat 2, 6 Cornwallis Terrace, Hastings (HS/FA/23/00667) <i>Z. Taylor (Planning Officer)</i>	31 - 38
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(c)	Flat 9, Lamorna Court, 32 De Cham Road, St Leonards-on-sea (HS/FA/23/00897) <i>Z. Taylor (Planning Officer)</i> HS/FA/23/00897 Replacement of 2x timber framed windows with Upvc double glazed windows in white (amended description) Flat 9, Lamorna Court, 32 De Cham Road, St Leonards-on-sea, TN37 6JA (hastings.gov.uk)	39 - 48
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Present: Councillors Collins, Bacon, Beaney, Beaver, Cannan, Sinden and Williams

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

1. APOLOGIES FOR ABSENCE

The Chief Legal Officer informed the committee that due to the Chair and Vice Chair not being present under rule 53 of part 5 of the constitution that a Chair will have to be elected from the committee for this meeting.

Councillor Beaver was appointed as Chair unanimously.

Apologies received from Councillor Roberts, Councillor Edwards and Councillor O'Callaghan

2. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Cllr Beaver	all	Personal – East Sussex County Councillor
Cllr Sinden	4c	Prejudicial – Has spoken against the application in the past
Cllr Collins	4b	Personal – Is the ward Councillor
Cllr Collins	4c	Prejudicial – Lives near by

3. MINUTES OF PREVIOUS MEETING 08/11/23

RESOLVED – that the minutes of the meetings held on 11th November 2023 be approved as a true record.

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4. PLANNING APPLICATIONS

4.1 **Rocklands Private Caravan Park, Rocklands Lane, Hastings (HS/FA/23/00344)**

Proposal	Erection of 30 ground based solar panels with associated base and electrical cabling (includes renewable energy)
Application No	HS/FA/23/00344
Conservation Area	No
Listed Building	No
Public Consultation	Yes (9 Objections)

-

The Principal Planning Officer presented the application for the erection of 30 ground based solar panels with associated base and electrical cabling (includes renewable energy).

One additional representation had been received, objecting to the application, from a member of the public who had made representations previously, re-iterating the points previously raised, which are addressed in the report.

It was noted that Friends of the Country Park Nature Reserve commented on the application, neither objecting nor supporting. Officers are satisfied they have enough information to assess the proposal.

Councillors were shown plans and photographs of the application site. The Principal Planning Officer explained there would be a hedge screen and dense tree cover directly in front of the proposed area. The solar panels will be in a single row on a former caravan pitch and have a dark anti glare coating.

The panels are 0.9 meters high which is lower than the hedge which screens the area with a condition for the hedge to be retained.

Councillor Collins asked regarding ignition risk. The Planning Officer explained there was no objection from the East Sussex Fire and Rescue or Environmental Health, and that it was not a planning consideration as it was covered by other legislation.

Councillor Sinden asked a question regarding the storage of power. The Principal Planning Officer explained the generators that the solar panels will be connected to are already in situ.

Councillors debated.

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

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RESOLVED (Unanimously)

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.

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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.

4.2 40 Norman Road, St Leonards-on-sea (HS/FA/23/00620)

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
Conservation Area	Yes - St. Leonards East
Listed Building	No
Public Consultation	Yes – 27 Objections, 13 Support

The Planning Officer presented the application for a 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).

The Planning Officer gave updates. Two additional representations have been received, objecting to the application, from a member of public who has made representations previously, largely re-iterating points previously raised.

Concerns that full extent of Saturation Zone/various properties have not been included in Risk Assessment Plan. Officers and Sussex Police are satisfied that the Risk Assessment Plan is sufficient to be able to understand similar uses in the locality and the impact of the proposed use, this is covered in the committee report.

New concerns have also been raised that not all objection comments have been listed under representations, and condition 2 is not considered proper planning. For

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clarification, additional comments raised by objectors are that the application does not comply with Policy SA4 and the quality and content of the operations management and business plan is considered inadequate. The committee report considers the application against Policy SA4, the operation management and business plan are also discussed in the committee report, and condition 2 is standard condition attached to all planning applications.

Councillors were shown plans and photographs of the application site. The Planning Officer explained the application site is in the St. Leonards, Centre, Secondary shopping area and Police and Licensing were consulted due to the location and the site is within the area 3 Saturation zone. The proposed opening hours, put forward by the applicant are like that of other businesses which are in close proximity.

The application applies to the ground floor only and it is seeking planning permission for a change of use from the shop to a cafe bar. Consultees, including the police, have raised no objection to this application. Conditions have been attached to the report to protect amenity, including condition four, which prevents live music condition five, which will control the hours of use and condition seven, which will require the submission and approval of a noise, insulation and vibration reduction report prior to commencement.

Councillor Collins asked a question regarding the introduction of a screen The Planning Officer answered there will be no screenings.

Councillor Sinden asked regarding vents at the rear. The Planning Officer answered these will be open vents to get an air flow to the kitchen.

Councillor Beaney asked if the applicant would have to make another application if they wanted to do screenings. The Planning Officer answered that screenings like a cinema would be a change of use. The Planning Service Manager answered they would be able to have a television.

Councillor Collins asked if the applicant could be asked to make patrons aware of making noise when leaving. The Planning Service Manager added informative 10: The applicant is advised that customers should be asked to leave the premises quietly in order to have regard to local residents.

Councillors debated.

Councillor Bacon proposed approval of the recommendation and informative #10, seconded by Councillor Cannan.

RESOLVED (Unanimously)

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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.

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Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. 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 contact the Environmental Health Division for advice on the requirements of the Advertising Advertisement Regulations. If consent is required, this should be obtained prior to the 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/ca
5. The applicant is strongly advised to contact the Environmental Health Division for advice on the services, fixtures and fittings etc. are installed for advice on satisfying the requirements of the Health and Safety Law.

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6. The applicant is reminded that any trade waste produced at this establishment will not be collected by a registered and licensed trade waste carrier, and the collections will not 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.
10. The applicant is advised that customers should be asked to leave the premises quietly in order to have regard to local residents.

4.3 25 Eversley Road, St Leonards-on-sea (HS/FA/22/00872)

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
Conservation Area	No
Listed Building	No
Public Consultation	Yes 17 objections

Councillor Sinden & Councillor Collins left the Chamber for this item.

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The Senior Planning Officer presented the application of a conversion of house into two flats, and erection of side extension to create 5 flats. Creation of parking area at rear.

There are two updates. The applicant has updated the floor plan in respect of the second-floor in order to correct an error relating to the gable width, which has been adjusted by 0.3 metres- the revised plan number is 060-3-003 REV B. The applicant has updated their drainage strategy to include the use of permeable pavers within the areas of hardstanding. The update to the drainage strategy does not impact the wording of the drainage conditions 5 and 16.

Councillors were shown plans and photographs of the application site.

The Senior Planning Officer explained the side extension proposed has been designed in the style of the main house with similar proportions and common architectural features. Acoustic fencing is to be added along the top of the existing boundary wall. The Senior Planning Officer explained there has been no objections to the application from consultees and the application has been found to be inline with local plan policy requirements.

There were no questions for the Officer.

Councillors debated.

Councillor Cannan proposed approval of the recommendation, seconded by Councillor Williams.

RESOLVED (Unanimously)

Grant Full Planning Permission subject to the following condition:

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 B, 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.

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- 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.

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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.

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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.

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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

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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.

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- 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.

5. PLANNING APPEALS AND DELEGATED DECISIONS

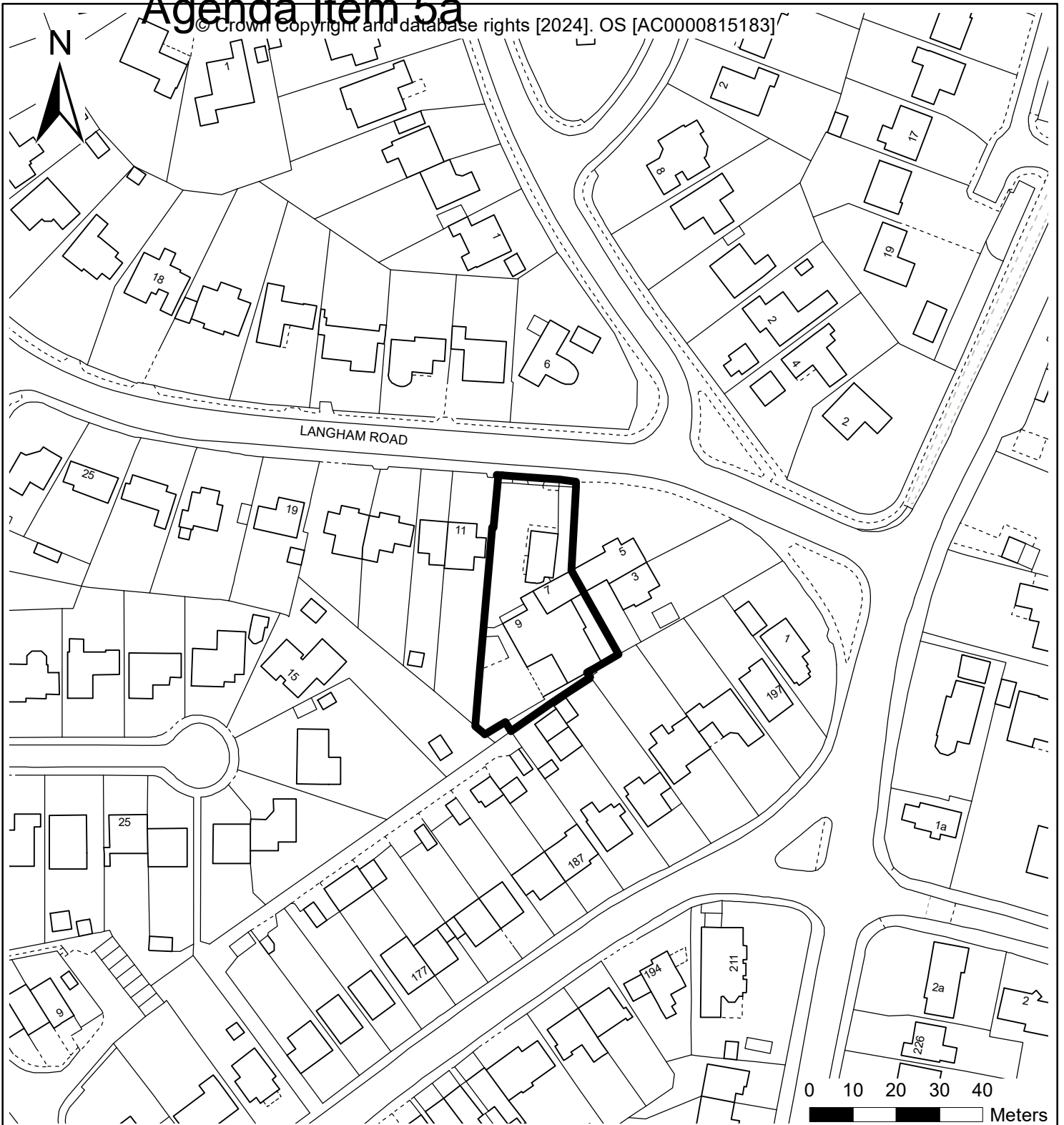
The Committee noted the report.

(The Chair declared the meeting closed at. 6.40 pm)

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Agenda Item 5a

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**7-9 Langham Road
Hastings
TN34 2JE**

Variation of condition 1 (hours of use) of Planning Permission HS/FA/21/00829 (Current approved hours 0930 – 1630 hours, Monday to Saturday, with the exception of related office uses which can take place between 0800 – 1800 hours, Monday to Saturday.) Hours proposed 08:00 to 21:00 Monday to Friday and add Sundays from 09:00 to 18:00



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

Date: Feb 2024

Scale: 1:1,250

Application No. HS/FA/23/00585

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Report to: PLANNING COMMITTEE

Date of Meeting: 28 February 2024

Report from: Planning Services Manager

Application address: 7-9 Langham Road, Hastings, TN34 2JE

Proposal: Variation of condition 1(hours of use) of Planning Permission HS/FA/21/00829 (Current approved hours 0930 – 1630 hours, Monday to Saturday, with the exception of related office uses which can take place between 0800 – 1800 hours, Monday to Saturday.) Hours proposed 08:00 to 21:00 Monday to Friday and add Sundays from 09:00 to 18:00.

Application No: HS/FA/23/00585

Recommendation: Grant Full Planning Permission

Ward: ST HELENS 2018
Conservation Area: No
Listed Building: No

Applicant: Sensory Soft Play 168 Edmund Road Hastings, East Sussex. TN35 5LQ

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	9
Petitions of objection received:	0
People in support:	51
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

This application relates to a single storey, flat-roofed unit located at the eastern end of a quiet residential Road. The building is situated in between No.5 and 11 Langham Road, both of which are residential dwellings.

The site is flat, with a small carpark for approximately 6 cars, however these spaces are not currently marked out. To the front, the application site is bounded by a low brick wall and two wooden gates which provided access to the carpark. This section of Langham Road is predominately residential on both sides and opposite. Langham Road is off Elphinstone Road, where the Hastings United Football Club's playing field are located.

The site is used as a day centre with sensory soft play and therapy, falling within Class E, originally approved in 1994 and amended in 2021 (HS/FA/21/00829) to extend the hours of use to 8:00 to 18:00 Monday to Saturday.

Constraints

Historic Landfill 250m Buffer.

Great Crested Newts - Green Zone

2. Proposed development

This application seeks to vary the current hours from:

Day Centre 0930 – 1630 hours, Monday to Saturday and ancillary office 0800 – 1800 hours, Monday to Saturday.

To:

08:00 to 21:00 Monday to Friday and Sundays from 09:00 to 18:00. There are no changes to the hours on Saturdays, which will remain 08:00-18:00.

The reason for the proposal is due to the centre becoming increasingly busy, with the Saturday respite clubs becoming oversubscribed. The application form mentions there is a huge need for respite sessions for children with SEND issues and the Sunday availability would allow them to offer more respite sessions for struggling parents and carers. The evening extensions would further allow them to run after school clubs for children and offer more support to the parents and carers of SEND children and young adults through social activities, like art and crafts sessions, but also training to help them deal with their children and young adults more effectively. The charity is also registered with the Sussex Family Hubs program so it would also allow space for those activities.

The application is supported by:

- Noise Impact Assessment report dated 28th November 2023

Relevant planning history

Application No. HS/FA/49/00685

Description: Addition to workshop - renewal of temporary consent.49/685A - Addition to work-shop - renewal of temporary consent - GTD - 12/12/1950.49/685B - Addition to workshop - renewal of permission- GTD - 09/02/1954.49/685C - Addition to workshop - renewal of permission. - GTD - 12/03/1957.

Decision Permission with conditions on 08/11/49

Application No. HS/FA/78/00555

Description: Addition of one office at builders yard.

Decision Permission with conditions on 04/10/78

Application No. HS/EX/84/00653

Description: Establish use as builders yard and offices

Decision Permission with conditions on 30/11/84

Application No. HS/FA/94/00597

Description: Change of use from builders workshop and stores to day centre

Decision Permission with conditions on 06/12/94

Application No. HS/FA/21/00829

Description: Variation of condition 2 (hours of use) of Planning Permission HS/FA/94/00597 - Sensory play sessions on Monday - Saturdays 9:30-16:30 and 2 Offices with up to 3 employees hours between 8:00 - 18:00 Monday - Saturday to operate under a Mixed Use Class(E) (revised scheme omitting 24 hour call centre)

Decision Permission with conditions on 10/01/22

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

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 HC3 – Community Facilities

Revised Draft Local Plan (Regulation 18)

Policy SC1 - Design - Key Principles

Policy SC2 - Design - Space and Accessibility Standards

Policy DP7 - Access, Servicing and Parking

Policy DM6 - Pollution and Hazards

Other policies/guidance

National Planning Practice Guidance

National Design Guide

National Planning Policy Framework (NPPF)

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 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 139 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 191 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.

Planning Practice Guidance

Noise Paragraph: 001 Reference ID: 30-001-20190722

When is noise relevant to planning?

Noise needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced). When preparing plans, or taking decisions about new development, there may also be opportunities to make improvements to the acoustic environment. Good acoustic design needs to be considered early in the planning process to ensure that the most appropriate and cost-effective solutions are identified from the outset.

Paragraph: 002 Reference ID: 30-002-20190722

Can noise override other planning concerns?

It can, where justified, although it is important to look at noise in the context of the wider characteristics of a development proposal, its likely users and its surroundings, as these can have an important effect on whether noise is likely to pose a concern.

Paragraph: 003 Reference ID: 30-003-20190722

How can noise impacts be determined?

Plan-making and decision making need to take account of the acoustic environment and in doing so consider:

whether or not a significant adverse effect is occurring or likely to occur;
whether or not an adverse effect is occurring or likely to occur; and
whether or not a good standard of amenity can be achieved.

Paragraph: 004 Reference ID: 30-004-20190722

What are the observed effect levels?

Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.

Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.

No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.

Although the word 'level' is used here, this does not mean that the effects can only be defined in terms of a single value of noise exposure. In some circumstances adverse effects are defined in terms of a combination of more than one factor such as noise exposure, the number of occurrences of the noise in a given time period, the duration of the noise and the time of day the noise occurs.

Paragraph: 005 Reference ID: 30-005-20190722

How can it be established whether noise is likely to be a concern?

At the lowest extreme, when noise is not perceived to be present, there is by definition no effect. As the noise exposure increases, it will cross the 'no observed effect' level. However, the noise has no adverse effect so long as the exposure does not cause any change in behaviour, attitude or other physiological responses of those affected by it. The noise may slightly affect the acoustic character of an area but not to the extent there is a change in quality of life. If the noise exposure is at this level no specific measures are required to manage the acoustic environment.

At the lowest extreme, when noise is not perceived to be present, there is by definition no effect. As the noise exposure increases, it will cross the 'no observed effect' level. However, the noise has no adverse effect so long as the exposure does not cause any change in behaviour, attitude or other physiological responses of those affected by it. The noise may slightly affect the acoustic character of an area but not to the extent there is a change in quality of life. If the noise exposure is at this level no specific measures are required to manage the acoustic environment.

As the exposure increases further, it crosses the 'lowest observed adverse effect' level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).

Increasing noise exposure will at some point cause the 'significant observed adverse effect' level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is predicted to be above this level the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout. While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused.

At the highest extreme, noise exposure would cause extensive and sustained adverse changes in behaviour and / or health without an ability to mitigate the effect of the noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be avoided

Paragraph: 006 Reference ID: 30-006-20190722

What factors influence whether noise could be a concern?

The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation.

These factors include:

the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;

for a new noise making source, how the noise from it relates to the existing sound environment;

for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;

the spectral content of the noise (i.e. whether or not the noise contains particular high or low frequency content) and the general character of the noise (i.e. whether or not the noise contains particular tonal characteristics or other particular features), and;

the local arrangement of buildings, surfaces and green infrastructure, and the extent to which it reflects or absorbs noise.

More specific factors to consider when relevant include:

the cumulative impacts of more than one source of noise;

whether any adverse internal effects can be completely removed by closing windows and, in the case of new residential development, if the proposed mitigation relies on windows being kept closed most of the time (and the effect this may have on living conditions). In both cases a suitable alternative means of ventilation is likely to be necessary. Further information on ventilation can be found in the Building Regulations.

In cases where existing noise sensitive locations already experience high noise levels, a development that is expected to cause even a small increase in the overall noise level may result in a significant adverse effect occurring even though little to no change in behaviour would be likely to occur.

3. Consultation comments

Environmental Health - In terms of noise - **No objection subject to the following condition;**

“No use of the outdoor play areas between the hours of 16:30 – 21:00 Monday to Saturday or between the hours of 16:00 – 18:00 on Sundays.”

4. Representations

In respect of this application a site notice was displayed opposite the site.

8 no letters of objection were received from 8 different properties.

51 no letters of support were received from 51 different properties.

8 letters of objection have been received raising the following concerns:

- Increased hours of operation will cause further disruption with evening hours;
- Increased road traffic congestion late at night and weekends;
- Increased parking and access problems for residents;
- Noise from additional traffic (including car doors slamming) evenings and weekends;
- Noise from activity at the premises evenings and weekends;
- Extra traffic during dropping off and picking up, or parking of vehicles, slamming car doors and impact upon road surface;
- Noise from activities already taking place both inside and outside of the premises;
- Other commercial/retail uses would not be allowed in this residential area and would relocate to more suitable location;
- Extending the hours and days, to operate 7 days a week, will undisputedly have an impact on those living near to it.

51 letters of support have been received raising the following:

- Sensory soft play provides invaluable support to families with SEND children;
- Very few places in the area where it is possible to bring severely autistic children and young adults;
- It will help parents and guardians and carers having somewhere to take their children after usual hours for extra activities and day care;
- The extended hours will allow further support to more families and children in very much need of support and respite;
- Families will be able to meet others families in similar situations and offer each other friendship and support;
- Beneficial for lots of children in the local area;
- A great asset to the community;
- Option to attend the centre in the evenings and Sunday beneficial to those with work commitments;
- Hardly any all inclusive places for SEND children to attend;
- This charity plays massive part of our community;
- The extension of hours will enable more quality time to new and existing users;
- The idea of extending the respite club is incredible;
- Not much to do in Hastings for SEND children;
- Not enough places in Hastings supporting children with any kind of learning disabilities. So any place should be supported and help with any support we are able to;
- Such a wonderful and much needed resource;

- Extension of the operating hours will further enhance the local community, ease the burden on the local authority and allow more families to access much needed services;
- The extension of opening hours will enable it to be more accessible to families that need the support from all those that work and volunteer at the centre. The centre has a car park and is located at the bottom of Langham Road therefore will not impact on any parking in the area, people using the car park are respectful and thoughtful to those around;
- A truly amazing Charity and they are doing an amazing job by supporting local families. There is no other place locally like this and the extended hours will help local families and children;
- The extension of hours is vital to support those parents who work full time and would like to use the facilities at the weekend. There are not enough facilities in Hastings and surrounding areas to support the needs of children with SEND and many current ones are only available during working/school hours (including council run family hubs). Traffic increase will be minimal due to small size classes to meet the children's needs and minimal noise caused by attendees;
- The application should be fully supported by the council;

5. Determining issues

The main issues relevant to the determination of this application is the variation of operational hours, and its impact on the residential amenity of neighbouring occupants.

a) Principle

The site is in a sustainable location, and the development proposed would maintain and improve the existing use of the site. It would facilitate and make better use of an existing facility which provides respite for children with special educational needs.

b) Community and educational needs

Policy HC3 relates to community facilities and states provision of community facilities will be granted planning permission, provided that the development is acceptable in terms of location, design, access and impact on the locality, and is in general conformity with other policies of this Plan, in particular DM1 and DM3.

The supporting text for Policy HC3 of the Development Management Plan highlights the importance of community facilities, noting that they *“provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community. The communities of the Borough are set to grow and as such, these facilities will not only need to provide for the needs of the existing population but also for more people as they move to the area.”*

Weight must therefore be given to the benefit of the scheme in terms of the provision of educational facilities for the local community.

The application therefore complies with Policy HC3, as well as Policy LP1 Hastings Local Plan - Development Management (2015), and is acceptable in principle, subject to other local plan policies.

c) Impact on character and appearance of area

No changes are proposed to the external appearance of the building. The premises and the character of the area remains as existing. As such there is no impact in terms of design and appearance.

d) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan seeks to achieve a 'good living standard for future users of proposed development and its neighbours' through considering amenity and incorporating appropriate solutions into schemes.

The site's permitted hours are currently: 0930 – 1630 hours, Monday to Saturday, with the exception of related office uses which can take place between 0800 – 1800 hours, Monday to Saturday.

This application would see those hours extend to: 08:00 to 21:00 Monday to Friday and include Sundays from 09:00 to 18:00. There are no changes to the hours on Saturdays, which will remain 08:00-18:00.

The main operation as a community facility is not being considered or disputed as part of this variation. The charity makes a positive contribution to the health and wellbeing of the community. However, the proposal is to extend the hours into evenings until 21:00 Monday to Fridays and extend into Sunday operational hours of 08:00 until 18:00. Vehicle movement into and out of the site will extend into the evenings and weekends needs great consideration in terms of potential harm to neighbouring properties in terms of noise and disturbance of car and people movement.

It is noted that Elphinstone Road football ground is within close proximity, the hours to which football matches are played are generally on a Saturday afternoon. Occasionally, there are evening games on a Wednesday, but only about 4 or 5 times a season, and people go into the ground from Elphinstone Road, and unlikely to disturb local residents in Langham Road.

A noise impact assessment report has been submitted by the applicant. In order to determine noise levels, the assessment was carried out over four days with sound level meters placed within the carpark at the entrance of the property and the rear garden, with the main focus of the assessment addressing the potential for increased noise levels as a result of vehicles. The assessment shows that the change of existing noise levels would have a moderate impact during the evening as a result of vehicle noise and a negligible impact during the proposed Sunday hours. The assessment recommended mitigation measures to control noise arising for vehicles, by way of signage to remind visitors to leave quietly and restrictive use of the outdoor areas. However, it is recognised that this type of noise source, closing car doors and starting car engines and parking of cars would not be out of character for the area.

Whilst the additional 3 hours use between 6 to 9pm and on Sundays, 8am to 6pm, has the potential to give rise to noise and disturbance, a noise report was submitted which shows that the harm arising would not create unacceptable levels of noise. A condition has been added to ensure that the use of any outdoor play area is restricted and will not be used between the hours of 16.30 and 21.00 Monday – Saturday and 16.00-18.00 Sundays and an informative is also added to advise that signage is erected to encourage visitors to the centre to arrive and leave quietly. Therefore, the application is considered acceptable in terms of impact on residential amenity and meets the aims of policy DM3 of the Hastings Development Management Plan (2015).

6. Conclusion

Taking the above in to account, the proposal to vary condition 2 (hours of use) of HS/FA/21/00829 is not considered to result in an unacceptable level of noise pollution adversely affecting neighbouring residential amenity and as such, complies with Policies

DM3 and DM6 of the Hastings Development Management Plan, and relevant policies of the National Planning Policy Framework along with the relevant paragraphs within the Planning Policy Guidance, 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 premises shall not be used except between the following hours:-

Monday to Friday 08:00 - 21:00
Saturday 08:00-18:00
Sunday 09:00 -18:00
3. The outside play areas, as shown in blue on drawing identified as Location Plan with Play Area, shall not be used by staff or clients from 16:30 onwards on a Monday to Saturday and shall not be used from 16:00 onwards on a Sunday.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To safeguard the amenity of adjoining and future residents.
3. To safeguard the amenity of adjoining and future residents.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
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. The applicant is advised to erect signage informing visitors to arrive and leave the premises quietly, refraining from slamming car doors and the excessive idling of engines.
4. Adverts or Signage displayed on or about the building may require Advertisement Consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. For more information on advertisements go to: <https://www.gov.uk/guidance/advertisements>

Officer to Contact

Zoe Taylor, Telephone 01424 783255

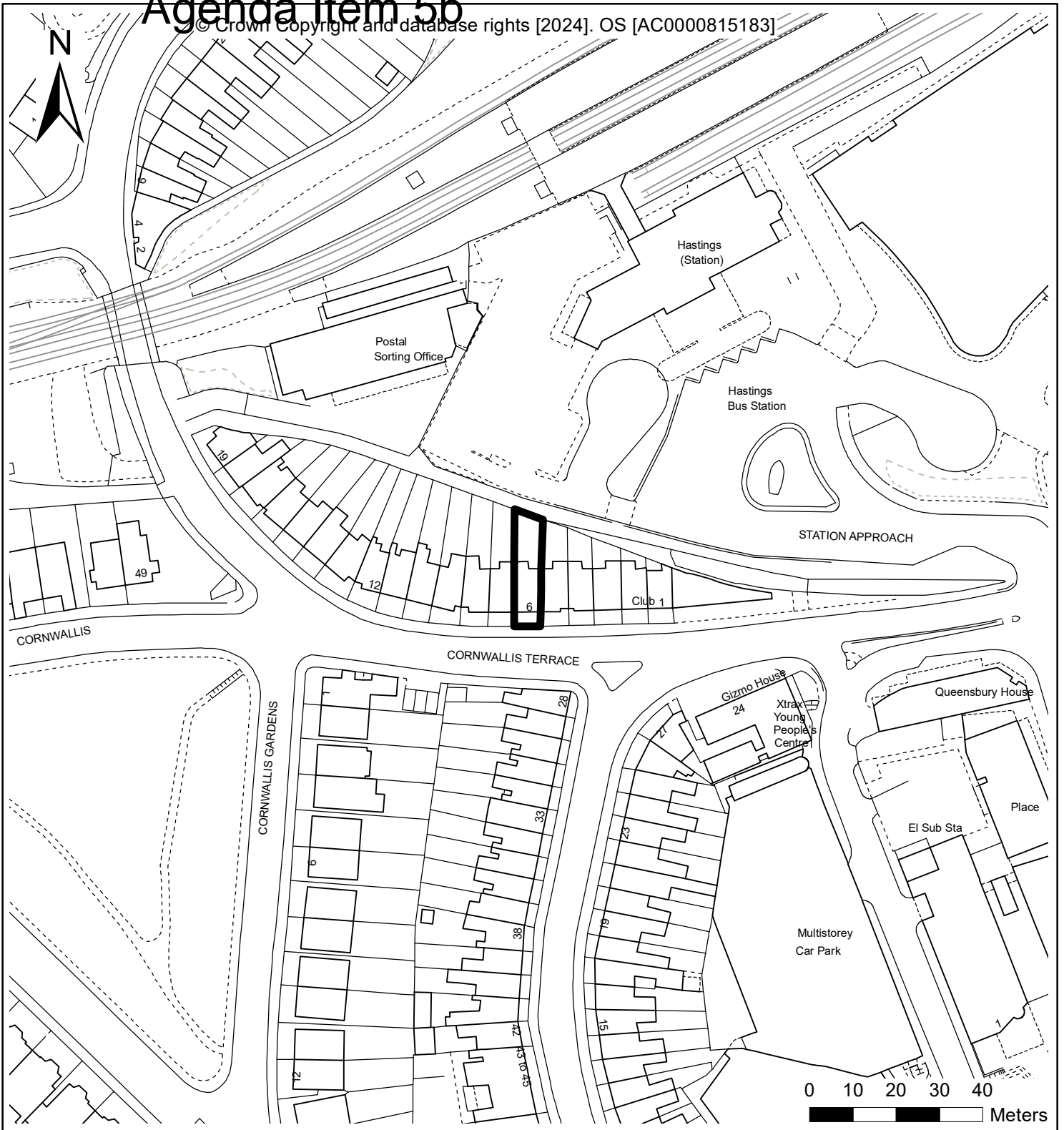
Background Papers

Application No: HS/FA/23/00585 including all letters and documents

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Agenda Item 5b

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Flat 2
6 Cornwallis Terrace
Hastings
TN34 1EB

Replacement of 4 single glazed timber windows to double glazed UPVC



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

Date: Feb 2024

Scale: 1:1,250

Application No. HS/FA/23/00667

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Report to: PLANNING COMMITTEE

Date of Meeting: 28 February 2024

Report from: Planning Services Manager

Application address: **Flat 2, 6 Cornwallis Terrace, Hastings, TN34 1EB**

Proposal: **Replacement of 4 single glazed timber windows to double glazed UPVC**

Application No: **HS/FA/23/00667**

Recommendation: **Grant Full Planning Permission**

Ward: CASTLE 2018
Conservation Area: Yes - NO
Listed Building: No

Applicant: Hastings Borough Council per Phi Capital Investments Ltd First Floor Chertsey House 61 Chertsey Road Woking, Surrey. GU21 5BN

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	0
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated -
Council application on Council owned land

1. Site and surrounding area

This application relates to Flat 2, Cornwallis Terrace a ground floor flat within a converted 3 storey Victorian terraced property with attic and basement. The dwelling is set back from the highway, with steps leading down to the basement flat and steps leading up to the ground floor flat. The properties in this area are of a similar design and appearance. Although the property is not within a conservation area, it is within the 20-metre buffer zone for Cornwallis Gardens conservation area. Upvc windows are present within this part of the street at both the front and rear elevations as well as the basement level of the host property.

Constraints

SSSI Impact Risk Zone

Network Rail Land Ownership 10m Buffer

GCN District Licensing Scheme Green

Conservation Area Buffer 20m

Flooding Surface Water 1 in 30

Flooding Surface Water 1 in 100

Flooding Surface Water 1 in 1000

Flooding Groundwater

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

2. Proposed development

This application seeks permission for the replacement of 4no. single glazed timber sliding sash windows with 4no. double glazed Upvc sliding sash windows. The windows relate to the living room bay window to the front elevation and 2no. kitchen windows and 1no. bedroom window to the rear elevation.

This is an application made by Hastings Borough Council for works on a property owned by Hastings Borough Council. Therefore, the application will be decided at Planning Committee.

The existing windows are single glazed windows, with both the windows and the cills being in very poor condition with timber decay and deterioration. The installation of Upvc Double glazing will help increase thermal performance, and hopefully help the residing tenant reduce heating costs.

The application is supported by the following documents:

- Window details
- Existing interior and exterior photos

Relevant planning history

Application No. HS/FA/87/00867

Description

CONVERSION OF DWELLING TO FORM 5 SELF-CONTAINED FLATS

Decision Permission with conditions on 07/12/87

Application No. HS/FA/88/00619

Description

ERECTION OF REAR EXTENSION AT THIRD FLOOR LEVEL TO FORM BATHROOM

Decision Permission with conditions on 18/07/88

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

Policy FA3 - Strategy for Hastings Town Centre

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

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy HTC6 – Priory Quarter, Havelock Road

Other policies/guidance

National Design Guide

National Planning Policy Framework (NPPF)

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 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 139 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 140 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.

3. Consultation comments

No consultations were required in respect of this application.

4. Representations

In respect of this application a site notice was displayed to the front of the application site. No responses were received.

5. Determining issues

The main issues to consider when determining this application are the impacts the proposal may have on the character and appearance of the area and the residential amenities of neighbouring properties.

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) Impact on character and appearance of area

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015) states, all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account:

- protecting and enhancing local character;
- showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials.

The application proposes the replacement of the existing timber framed windows with Upvc sliding sash windows to the front and rear elevation windows. The rear elevation windows are considerably obscured from public view and as such would not have an impact on the character and appearance of the area.

The proposed replacement uPVC sliding sash windows replicate the opening arrangement and appearance of the original timber windows and would be deemed to have a neutral impact on the character and appearance of the area within this context. Although, some properties have retained the original sliding sash timber windows, there are many examples of UPVc windows within the street including the host building. Cornwallis Terrace is not within a conservation area. The proposal is therefore considered to be in agreement with Policy DM1 of the Hastings Local Plan - Development Management Plan (2015).

c) Impact on neighbouring residential amenities

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

- the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

The proposed windows would replace the existing ones within the front and rear elevations of the ground floor flat with no new openings proposed. Therefore, it is considered that there will be no additional impact to the neighbouring residential amenities in terms of outlook, privacy and loss of daylight.

6. Conclusion

In light of the above assessment, it is considered that the proposal is acceptable and in line with Policies DM1 and DM3 of the Hastings Local Plan – Development Management (2015), Supplementary Planning Document - Householder Development: Sustainable Design and the relevant sections of the National Planning Policy Framework. Therefore, it is recommended that permission is granted for the proposed works subject to the attached 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:

ES2135/23/01 REV A

3. The materials to be used must match [as closely as possible, in type, colour and texture] those listed in Materials Section of the application form.
4. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.

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. To safeguard the amenity of adjoining and future residents.

Notes to the Applicant

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

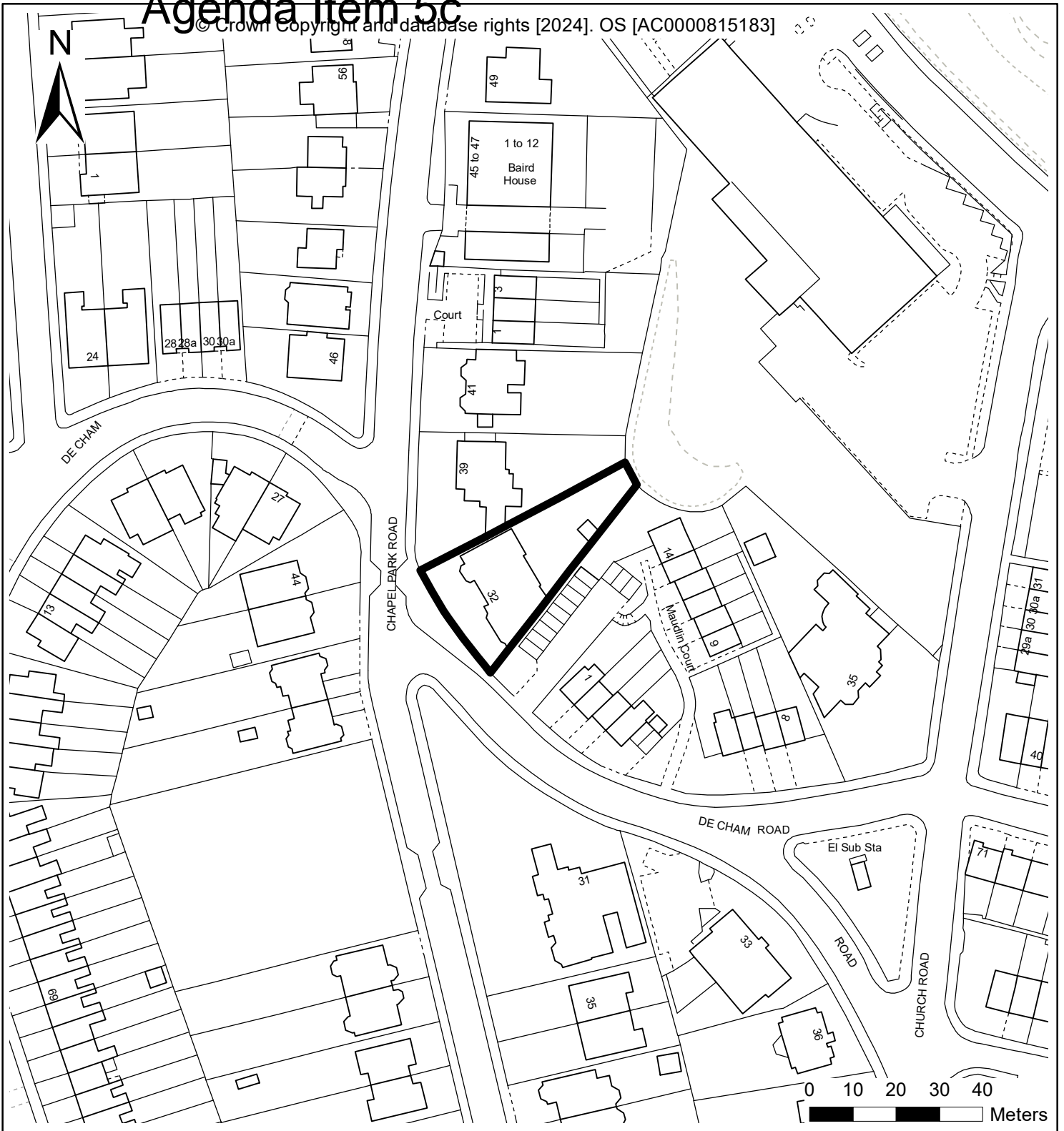
Zoe Taylor, Telephone 01424 783255

Background Papers

Application No: HS/FA/23/00667 including all letters and documents

Agenda Item 5c

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Flat 9, Lamorna Court
32 De Cham Road
St Leonards-on-sea
TN37 6JA

Replacement of 2x timber framed windows with Upvc double glazed windows in white



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

Date: Feb 2024

Scale: 1:1,250

Application No. HS/FA/23/00897

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Report to: PLANNING COMMITTEE

Date of Meeting: 28 February 2024

Report from: Planning Services Manager

Application address: Flat 9, Lamorna Court, 32 De Cham Road, St Leonards-on-sea, TN37 6JA

Proposal: Replacement of 2x timber framed windows with Upvc double glazed windows in white (amended description)

Application No: HS/FA/23/00897

Recommendation: Grant Full Planning Permission

Ward: GENSING 2018

Conservation Area: Yes - NO

Listed Building: No

Applicant: Hastings Borough Council per Phi Capital Investments Ltd First Floor Chertsey House 61 Chertsey Road Woking, Surrey. GU21 5BN

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	0
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated - Council application on Council owned land

1. Site and surrounding area

This application relates to Flat 9, Lamorna Court, De Cham Road. Flat 9 is a first floor flat within the large purpose-built block of flats located on the eastern side of De Cham Road. Lamorna Court is set back from the public highway with an area of hardstanding to the front and bounded by a low brick wall on all sides. Adjacent to the southeast boundary, land levels rise to the northeast and a row of garages are present allowing views of this elevation of the application site. The area is residential in nature with a variety of dwellings present. The

application site is not listed nor is it within a conservation area.

Constraints

SSSI Impact Risk Zone - the relevant thresholds are not exceeded.

Historic Landfill Site 250m Buffer

Archaeological Notification Area

Flooding Surface Water 1 in 30

Flooding Surface Water 1 in 100

Flooding Surface Water 1 in 1000

GCN District Licensing Scheme Green

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

2. Proposed development

This application seeks permission to replace 1no. side elevation timber framed windows and 1no. rear elevation timber framed window with Upvc windows of the same and design and colour of the existing.

This is an application made by Hastings Borough Council for works on a property owned by Hastings Borough Council. Therefore, the application will be decided at Planning Committee.

The Council is replacing the windows due to their overall condition and to support improvements to the ventilation and thermal performance of the flat. The existing windows have double glazing which doesn't meet modern standards and the frames are deteriorating and have areas of isolated decay.

The application is supported by the following documents:

- Window details
- Flood Mapping
- External and Internal window photographs

Relevant planning history

Application No.	HS/FA/87/00229
Description	ERECTION OF 4 STOREY EXTENSION TO FORM 3 SELF-CONTAINED FLATS AS ADDITION TO 4 FLATS APPROVED UNDER REF NO. HS/FA/86/768 ERECTION OF 4 STOREY EXTENSION TO FORM 3 SELF-CONTAINED FLATS AS ADDITION TO 4 FLATS APPROVED UNDER REF NO. HS/FA/86/768
Decision	Appeal Allowed
<hr/>	
Application No.	HS/FA/86/00768
Description	Erection of four storey extension to provide 4 flats
Decision	Permission with conditions on 23/12/86
<hr/>	
Application No.	HS/FA/87/00229
Description	ERECTION OF 4 STOREY EXTENSION TO FORM 3 SELF-CONTAINED FLATS AS ADDITION TO 4 FLATS APPROVED UNDER REF NO. HS/FA/86/768
Decision	Refused on 07/05/87

Application No.	HS/FA/87/00664
Description	CONVERSION OF PROPERTY TO FORM 4 SELF-CONTAINED FLATS
Decision	Permission with conditions on 02/10/87
Application No.	HS/FA/87/00229
Description	ERECTION OF 4 STOREY EXTENSION TO FORM 3 SELF-CONTAINED FLATS AS ADDITION TO 4 FLATS APPROVED UNDER REF NO. HS/FA/86/768 ERECTION OF 4 STOREY EXTENSION TO FORM 3 SELF-CONTAINED FLATS AS ADDITION TO 4 FLATS APPROVED UNDER REF NO. HS/FA/86/768
Decision	Appeal Allowed on 23/12/87
Application No.	HS/FA/88/00369
Description	INTERNAL ALTERATIONS AND FORMATION OF ADDITIONAL UNIT
Decision	Permission with conditions on 01/06/88
Application No.	HS/FA/08/00865
Description	To change rear patio door and side lights and side elevation bedroom window
Decision	Permission with conditions on 09/06/09

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 SC3 - Promoting Sustainable and Green Design
- Policy SC4 - Working Towards Zero Carbon Development

Hastings Local Plan – Development Management Plan 2015

- Policy LP1 - Considering planning applications
- Policy DM1 - Design Principles
- Policy DM3 - General Amenity

Other policies/guidance

National Design Guide

National Planning Policy Framework (NPPF)

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 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 139 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 140 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.

3. Consultation comments

Estates – No Objection

4. Representations

In respect of this application a site notice was displayed to the front of the application site. No responses were received.

5. Determining issues

The main issues to consider when determining this application are the impacts the proposal may have on the character and appearance of the area and the residential amenities of neighbouring properties.

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) Impact on character and appearance of area

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015) states, all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account:

- protecting and enhancing local character;
 - showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials.
- The application proposes the replacement of the existing timber framed windows with Upvc windows to the side (southeast) and rear elevation windows of the first floor flat . The rear

elevation windows are considerably obscured from public view and as such would not have an impact on the character and appearance of the area.

The side elevation windows are visible from the public realm; however, the proposed replacement uPVC windows replicate the opening arrangement and appearance of the original timber windows and would be deemed to have a neutral impact on the character and appearance of the area within this context. Although the block has retained some the original sliding sash timber windows, there are many examples of UPVc windows within the host building and immediate area. The application site is not within a conservation area. The proposal is therefore considered to be in agreement with Policy DM1 of the Hastings Local Plan - Development Management Plan (2015).

c) Impact on neighbouring residential amenities

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

- the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

The proposed windows would replace the existing ones within the side and rear elevations of the first floor flat with no new openings proposed. Therefore, it is considered that there will be no additional impact to the neighbouring residential amenities in terms of outlook, privacy and loss of daylight.

6. Conclusion

In light of the above assessment, it is considered that the proposal is acceptable and in line with Policies DM1 and DM3 of the Hastings Local Plan – Development Management (2015), Supplementary Planning Document - Householder Development: Sustainable Design and the relevant sections of the National Planning Policy Framework. Therefore, it is recommended that permission is granted for the proposed works subject to the attached 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:

ES2130/23/01 REV A
3. The materials to be used must match [as closely as possible, in type, colour and texture] those listed in Materials Section of the application form.
4. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area.
4. To safeguard the amenity of adjoining and future residents.

Notes to the Applicant

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

Zoe Taylor, Telephone 01424 783255

Background Papers

Application No: HS/FA/23/00897 including all letters and documents

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Agenda Item 6

Agenda Item: 6

Report to:	Planning Committee
Date:	28 February 2024
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 25/11/2023 and 08/02/2024
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
37-39 Mount Road, Hastings, TN35 5LB HS/FA/22/00624	Change of use from C3 to HMO (Sui generis) including managers accommodation at first floor level, with single storey extension to the side, works include new rear external steps at first floor level.	REFUSED PERMISSION	DELEGATED	Planning
Land adjoining, 14-16 Harley Way, St Leonards-on-sea HS/DS/21/00929	Approval of reserved matters relating to appearance, landscaping, layout, and scale, for the erection of 3 no.2 bed apartments of Planning Permission HS/OA/18/00726 - Outline application (seeking approval of Access), for the erection of 4 no.2	REFUSED PERMISSION	DELEGATED	Planning

	apartments.			
69 William Road, St Leonards-on- sea, TN38 8DE HS/FA/23/00412	Retrospective application for a single-storey side extension with a proposed first-storey side-extension, creating an overall two-storey side extension (amended description).	REFUSED PERMISSION	DELEGATED	Planning
55 Baldslow Road, Hastings, TN34 2EY HS/FA/23/00618	Widening of two existing access points to domestic driveway by cutting back existing wall and constructing new piers to complement existing (amended description).	REFUSED PERMISSION	DELEGATED	Planning
60 St Marys Road, Hastings, TN34 3LW HS/FA/23/00556	Extending into the storage/lower ground floor with the creation of a new floor to create additional residential space within the dwelling, with external works to include the creation of a new door and window within the rear elevation, and the removal of concrete to create a light well to the front of dwelling (amended description).	REFUSED PERMISSION	DELEGATED	Planning
The Duke, 48 Duke Road, St Leonards-on-sea, TN37 7DN HS/FA/23/00211	Change of use of ground floor from public house to 2No.1 Bed apartments including rear extension First floor extension to increase size of existing first floor accommodation 2nd floor side Dorma extension External alterations Proposed gated parking, bin and cycle store areas to rear garden Proposed living sedum roof and screening New	REFUSED PERMISSION	DELEGATED	Planning

	access			
Land to the rear of 11 Linton Road, Hastings, TN34 1TN HS/FA/23/00131	Proposed single detached dwelling at land to the rear of 11 Linton Road	REFUSED PERMISSION	PLANNING COMMITTEE	Planning

The following appeals have been allowed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
130 Bohemia Road, St Leonards-on-sea, TN37 6RP EN/22/00020	Without planning permission, the erection of a pitched roof structure on the roof of the premises	Authorise S172 Enforcement Action	DELEGATED	Enforcement

The following appeals have been dismissed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
Flat 1, 1 Emmanuel Road, Hastings, TN34 3LB HS/FA/23/00014	Retrospective erection of garden shed and minor changes to boundary treatment to include new gate, timber panels and trellis above existing boundary wall.	Refuse Planning Permission	DELEGATED	Planning

Type of Delegated Decision	Number of Decisions
Granted Permission	133
Non determination	1
Prior Approval Approved	2
Raise No Objection	1
Refused Permission	20
Withdrawn by Applicant	8
Total	165

Report written by
Julie Gidlow– Tel: (01424) 783260
 Email: planning@hastings.gov.uk

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