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PLANNING COMMITTEE

23 MARCH 2016

Present: Councillors Street (Chair), Scott (Vice-Chair), Beaney, Beaver, Edwards, Dowling, Lee, Roberts, Rogers and Sabetian (the duly appointed substitute for Councillor Wincott)

78. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Wincott.

79. **DECLARATIONS OF INTEREST**

None.

80. **MINUTES OF THE MEETINGS HELD ON 24 FEBRUARY 2016**

**RESOLVED** – that the minutes of the meeting held on 24 February 2016 be approved and signed by the Chair as a true record.

81. **NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS**

None.

82. **PLANNING APPLICATIONS ATTRACTING A PETITION:**

83. **SHOP AND PREMISES, 311 BEXHILL ROAD, ST. LEONARDS ON SEA**

Proposal:	Demolition of existing buildings and erection of one building containing four units for trade use (Use Class B8 with ancillary showroom and sui generis uses) and/or retail (Use Class A1) with associated landscaping and infrastructure
Application No:	HS/FA/15/00750
Existing Use:	Supermarket
Conservation Area:	No
National Planning Policy Framework:	Sections 1 (Building a strong, competitive economy), 2 (Ensuring the vitality of town centres), 4 (Promoting sustainable transport), 7 (Requiring good design), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural

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Hastings Local Plan The Hastings Planning Strategy:	environment) and 12 (Conserving and enhancing the historic environment)  DS2 (Employment Growth), DS3 (Location of Retail Development, FA1 (Strategic Policy for Western Area), SC1 (Overall Strategy for Managing Change in a Sustainable Way), SC2 (Design and Access Statements), SC3 (Promoting Sustainable and Green Design), SC4 (Working Towards Zero Carbon Development), SC7 (Flood Risk), EN1 (Built and Historic Environment), EN3 (Nature Conservation and Improvement Of Biodiversity), E3 (Town, District and Local Centres) and T3 (Sustainable Transport)  LP1 (Considering Planning Applications), DM1 (Design Principles), DM3 (General Amenity), DM4 (General Access), DM5 (Ground Conditions), DM6 (Pollution and Hazards), HN4 (Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest), HN5 (Non-Designated Heritage Assets), HN7 (Green Infrastructure in New Developments), HN8 (Biodiversity and Green Space) and SA3 (Shops and Services Outside the Shopping Areas)
Public Consultation:	20 letters of objection and 1 petition received

A report containing some amendments to conditions 7, 21 and 25 of the officers report, was circulated to the Committee prior to the start of the meeting.

The Planning Services Manager expanded on issues of design and noted that these were weaknesses of the application, however overall the recommendation was for approval.

The petitioner, Eve Montgomery, was present and spoke against the application.

The applicant, Sally Miles (DWD LLP), was present and spoke in support of the application.

Councillor Howard, Ward Councillor for West St. Leonards, was present and spoke against the application.

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With the agreement of the Chair, Councillor Beaver circulated some proposed reasons for refusal of the application, for the committee to consider.

Councillor Beaver proposed a motion against the officers recommendation, to refuse the application. This was seconded by Councillor Lee.

**RESOLVED** – by (6 votes to 4) that planning permission be refused for the following reasons:

1. The proposed building would by reason of its design, height, depth, massing, scale and proximity to the road and boundaries of the site, result in a bland, visually overbearing and congested form of development as viewed from Bulverhythe Road. The building would be notably larger than the typical form of development surrounding parts of the site and would appear as an incongruous feature, detrimentally affecting the character and appearance of the area and contrary to policy DM1 of the Hastings Local Plan Development Management Plan (2015);
2. In addition, the proposed materials would be of an industrial nature which would have no regard to, and notably contrast with, the character of the area around part of the site, which includes domestic properties. The proposed development would therefore be contrary to policy DM1 of the Hastings Local Plan Development Management Plan (2015);
3. Furthermore, the position of the proposed building on the site would have no regard to the pattern of development in the area in terms of the established building line along both Bexhill Road and Bulverhythe Road. The building would be positioned on site in a manner which would result in hidden areas of landscaping, with the remainder of the proposed landscaping not providing a sufficient balance to the proposed hard landscaping on site. The development would therefore be contrary to policy DM1 of the Hastings Local Plan Development Management Plan (2015); and
4. The proposed building is not therefore considered to be a standard that would positively add value to the local area and would fail to take opportunities for improving the character of the area, as advocated by paragraph 64 of the National Planning Policy Framework (NPPF). In addition the proposed development is not considered to function well or add to the overall quality of the area, establish a strong sense of place, or create attractive and comfortable places to live, work and visit, respond to local character or reflect the identity of local surroundings and materials, or be visually attractive as a result of good architecture and appropriate landscaping as advocated by paragraph 58 of the National Planning Policy Framework.

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

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The Planning Services Manager reported that 2 planning appeals had been received; 1 appeal had been dismissed; 3 appeals have been allowed; and 2 appeals against conditions had been allowed. She also reported on the number of delegated decisions.

All matters had arisen between 11<sup>th</sup> February to 11<sup>th</sup> March 2016.

**85. PLANNING APPLICATIONS:**

**86. SITE OF FORMER OLD ROAR HOUSE, OLD ROAR ROAD, ST. LEONARDS ON SEA**

Proposal:	Construction of new 2-storey 4 bedroomed house
Application No:	HS/FA/15/00191
Existing Use:	Vacant corner of development site
Conservation Area:	No
National Planning Policy Framework:	No Conflict
Hastings Local Plan The Hastings Planning Strategy:	FA1 (Strategic Policy for Western Area), FA2 (Strategic Policy for Central Area), SC1 (Overall Strategy for Managing Change in a Sustainable Way), EN2 (Green Infrastructure Network), EN3 (Nature Conservation and Improvement of Biodiversity), EN4 (Ancient Woodland) H1 (Housing Density), H2 (Housing Mix), H3 (Provision of Affordable Housing), T3 (Sustainable Transport)
	LRA4 (Old Roar House, Old Roar Road), DM1 (Design Principles), DM3 (General Amenity), DM4 (General Access), DM6 (Pollution and Hazards), HN9 (Areas of Landscape Value)
Public Consultation:	15 letters of objection

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

**RESOLVED – (unanimously) that:**

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A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure a financial contribution towards the provision of off-site affordable housing, unless it has been conclusively shown that the development would not be viable if a payment were made. In the event that the Agreement is not completed or the viability issue not resolved by 25 March 2016 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2028 unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Grant permission subject to the above

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
2.
  - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
  - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
  - (iii) No occupation of any of the dwelling hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained and removed, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme;
4. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or

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become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

5. No development shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; other vehicle and pedestrian access and hard surfacing materials;
6. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the dwelling or in accordance with the programme agreed with the Local Planning Authority;
7. The dwelling hereby approved shall not be occupied until readily accessible external storage space for refuse bins awaiting collection and cycle storage space have been provided to the satisfaction of the Local Planning Authority. These storage facilities shall be retained for their intended purposes thereafter;
8. With the exception of internal works the building works, including site clearance and excavation, site deliveries and collections, 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. There shall be no obstruction to visibility (over 0.8 metres above the level of the adjoining footway) within splays, details of which shall be submitted with the details specified in Condition 1;
10. The development shall not be occupied until the parking area and garaging have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles;
11. No building hereby permitted shall be occupied until the same has been connected to the main drainage system in accordance with the details specified in condition 2;
12. No development shall commence until a plan of site landscaping and ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. This shall include:
  - (i) site landscaping.

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- (ii) ecological enhancements.**
- (iii) a management plan for the future short and long term management of both retained and created habitats outlining how the management of the area of Toothwort will be secured into the future.**
- (iv) landscaping specifically designed to mitigate against the effects of artificial lighting and increased human access/disturbance.**

**Ecological enhancements shall particularly focus on the ancient woodland but shall cover techniques and designs aimed at ecological enhancements for other wildlife in accordance with the requirements of the Ecological Scoping Survey by Martin Newcombe dated 4th February 2015;**

- 13. No development shall take place until protective fencing and warning signs have been erected as detailed in the approved Tree Protection Plan SA/956/14 in accordance with condition 3 (above). All permanent fencing and warning signs will be maintained in accordance with the plan, unless otherwise approved in writing by the Local Planning Authority;**
- 14. 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;**
- 15. The windows shown serving the bathroom and en-suites shall be obscure glazed and remain as such at all times; and**
- 17. The development hereby permitted shall be carried out in accordance with the following approved plans: 15.685/01 & 15.685/02.**

### **Reasons:**

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. To ensure a satisfactory standard of development and to prevent increased risk of flooding;**
- 3. In the interests of the visual amenity and to ensure the tree belt fronting Old Roar Road is adequately maintained;**
- 4. To ensure a satisfactory form of development in the interests of the visual amenity;**
- 5. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 6. To ensure a satisfactory form of development in the interests of the**

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**character and amenity of the area;**

- 7. To secure a satisfactory standard of development;**
- 8. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1);**
- 9. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety;**
- 10. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 11. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 12. To protect features of recognised nature conservation importance;**
- 13. To protect features of recognised nature conservation importance;**
- 14. To protect features of recognised nature conservation importance;**
- 15. In the interests of the amenity of the neighbouring and residential occupiers. (Hastings Local Plan 2004 Policy DG1); and**
- 17. For the avoidance of doubt and in the interests of proper planning.**

### **Notes to the Applicant**

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

(The Chair declared the meeting closed at. 6.58 pm)