

Public Document Pack

PLANNING COMMITTEE

25 MAY 2016

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

92. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Beaney, Cooke and Rogers. Councillor Clarke was sat in the gallery and observed the meeting as part of his planning training.

93. DECLARATIONS OF INTEREST

The following Councillors declared their interest in the minutes as indicated:

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Dowling and Scott	96.1 - 36 Croft Road, Hastings	Personal – Knows the petitioner Mr Osborne. Member of the same club
Webb	97.2 - 3 North Street	Personal – Knows one of the objectors Mrs Gallini
Scott and Wincott	97.3 - Summerfields Business Centre, Horntye Park	Personal – Member of East Sussex Fire Authority.

94. MINUTES OF THE MEETING HELD ON 20 APRIL 2016

RESOLVED – that the minutes of the meeting held on 20 April 2016 be approved and signed by the Chair as a true record.

95. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

96. PLANNING APPLICATIONS ATTRACTING A PETITION:

96.1 **Factory and Premises, 36 Croft Road, Hastings**

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Proposal:	Retrospective temporary change of use from warehouse (B8) to tile showroom (A1) (amended description)
Application No:	HS/FA/16/00086
Existing Use:	Ancillary area to tile showroom (use Class A1) - Unauthorized
Conservation Area:	No
Listed Building	No
Public Consultation	15 letters of objection and 1 petition received

The Planning Services Manager advised of the following updates to the report.

An amendment to the report was noted under the heading 'Conclusion'. Replace the words 'it is considered acceptable anf' with 'it is considered acceptable and'. An additional informative note Number 4 was added.

A supplementary report containing an amendment to Condition 3 of the officer's report, was circulated to the Committee and published on the Council's website prior to the start of the meeting. The words 'Not at all on Sundays or Bank Holidays' to be replaced with 'At no time on Sundays or Bank Holidays' for consistency. The Planning Services Manager also explained the position regarding permitted development rights.

The petitioner, Mr Raymond Osbourne, was present and spoke against the application. He raised concern regarding the volume of traffic and parking in the area. The applicant was present in the Council Chamber but chose not to address the Planning Committee.

Councillor Wincott proposed a motion to approve the application subject to the amendment of Condition 3 and the addition of Note 4. This was seconded by Councillor Lee.

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

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

TCPS 619A/1, TCPS 619A/2, TCPS 619A/4, TCPS 619A Planning Statement

2. **Deliveries and waste collection to and from the premises shall not take**

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place except between the following hours:-

08:00 to 17:00 Monday - Friday

08:00 to 12:30pm Saturdays, and at no time on Sundays or Bank Holidays.

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

8 am - 5pm Monday - Friday,

8am - 12.30pm Saturdays,

At no time on Sundays or Bank Holidays.

- 4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015, the approved tile show room (A1 retail use) shall be restricted to the area marked on drawing number TCPS 619A/3 only.**

- 5. The temporary change of use from part B8 to use class A1 shall cease on 1 May 2017. The use class as approved will return back to use class B8 as of 2 May 2017.**

Reasons:

- 1. For the avoidance of doubt and in the interests of proper planning.**
- 2. To safeguard the amenity of adjoining residents.**
- 3. In the interests of the amenity of the neighbouring residential occupiers.**
- 4. In the interests of the amenity of the neighbouring residential occupiers.**
- 5. To safeguard the amenity of adjoining residents.**

Notes to the Applicant

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.**
- 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the**

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applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

3. The proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.
4. The applicant is advised that the use is carried out in a manner that is considerate to local residents in respect of the parking of vehicles.

97. PLANNING APPLICATIONS:

97.1 11-15 Sedlescombe Road North, St. Leonards on Sea

Proposal:	Change of use from A1 (Supermarket) to D2 (Bingo Hall) with coffee shop extension, extension to create lobby area, shopfront alterations, canopy & outdoor seating area.
Application No:	HS/FA/16/00040
Existing Use:	Vacant supermarket (A1 retail use)
Conservation Area:	No
Listed Building	No
Public Consultation	7 letters of objection and 1 neutral comment received

Ms S Roots, Principal Planner presented this report and advised members of an additional condition to be included regarding opening hours (Condition No. 7). Miss Roots explained that objections received were in respect of parking, noise and competition some of which could be addressed by way of condition. An additional informative note Number 6 was added regarding litter.

A supplementary report containing an additional Condition No. 6 to the officer's report was circulated to the Planning Committee and published on the Council's website prior to the start of the meeting.

Councillor Scott proposed a motion to approve the application subject to the addition of Conditions 6 and 7 & a note regarding litter. This was seconded by Councillor Lee.

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

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- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:**

53-15-100, 53-15-200 A, 53-15-201 B.

- 3. No development shall take place above ground until details (including colour) of the materials to be used in canopy hereby permitted as part of the overall development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
- 4. Noise emitted from the proposed PA system and any other plant equipment as part of the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10dB below the minimum external background noise, at a point 1 metre outside any window of any residential property, unless and until a fixed maximum noise level is approved by the Local Planning Authority.**
- 5. 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.

- 6. Prior to the development hereby approved being commenced, a noise report from a suitably qualified professional shall be submitted for written approval of the Local Planning Authority.**
- 7. The Premises shall not be used except between the following hours :-**
08.00 - 12.00 Monday to Saturday
08.00 - 20.00 Sundays and Bank Holidays.

Reasons:

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.**

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- 2. For the avoidance of doubt and in the interests of proper planning.**
- 3. To ensure a satisfactory form of development in the interests of the character and amenity of the area.**
- 4. To safeguard the amenity of adjoining and future residents.**
- 5. To safeguard the amenity of adjoining and future residents.**
- 6. In order to protect neighbouring residential amenity.**
- 7. In order to protect neighbouring residential amenity.**

Notes to the Applicant

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.**
- 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.**
- 3. If during any excavation, suspicions are aroused as to potentially contaminated land, then further scientific analysis must be undertaken.**
- 4. The applicant is advised that the premises will need to be licensed separately under the Gambling 2005 for a Bingo Hall.**
- 5. The applicant is advised that the work proposed will also be subject to building regulations. All the relevant regulations will apply, including means of escape requiring consultation with the Fire Brigade, disabled provisions and conservation of fuel and power.**
- 6. The applicant is advised that the outside seating area should be kept free of litter and rubbish associated with the use of the premises.**

97.2 3 North Street, St. Leonards on Sea

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Proposal:	Change of use of ground floor shop to single private dwelling, single storey rear extension, alterations to front elevation to remove 'shopfront' and addition of window at first and second floor. As amended by plan B080.02B received 19.01.2016 (amended description).
Application No:	HS/FA/15/00338
Existing Use:	Vacant unit
Conservation Area:	Yes – St. Leonards East
Listed Building	No
Public Consultation	4 letters of objection received at the time the report was published and 1 additional objection was received.

The Planning Services Manager advised that on 19th May 2016 the National Planning Policy Guidance was amended setting out when contributions could not be sought. These circumstances included that contributions could not be sought from developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000sqm. In light of this the Council are unable to seek an affordable housing contribution in relation to this application. The Planning Committee report had been amended and the resolution to grant permission subject to the provision of an off-site affordable housing contribution has been removed. The recommendation is now for approval subject to conditions.

A supplementary report explaining the change to government policy was circulated to the Committee and published on the Council's website prior to the start of the meeting.

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

RESOLVED – by (8 votes to 2) that planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
- 2. The materials to be used in the construction of the extension hereby permitted shall be those indicated on the approved plan B080.02B**
- 3. The new and replacement windows in the front elevation shall be slim-**

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line double glazed units.

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.

5. **The development hereby permitted shall be carried out in accordance with the following approved plan: B080.02B.**

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 that the finished extension matches the appearance of the existing dwelling.**
3. **To ensure that the finished development takes proper account of the character of the surrounding area in its use of materials in the interests of the amenity of the area.**
4. **To safeguard the amenity of adjoining residents.**
5. **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.**
3. **The proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.**

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97.3 Summerfields Business Centre, Horntye Park, Hastings

Proposal:	Demolition of single storey offices and redevelopment of site for 10 x 3 bed dwellinghouses and 22 x 1 and 2 bed flats, access, parking and landscaping.
Application No:	HS/FA/15/00984
Existing Use:	Vacant Offices (B1)
Conservation Area:	No
Listed Building	No
Public Consultation	2 letters of objection received. Council Application.

The Planning Services Manager presented a number of updates to the report.

A supplementary report containing an amendment to Condition No. 9 (SUDS) and additional Conditions No. 28 (Site investigation – contaminants) and 29 (Dropped kerb) to the officer's report, was circulated to the Planning Committee and published on the Council's website prior to the start of the meeting. The Planning Services Manager showed members various plans and aerial views of the proposed development. The key issue was the loss of employment uses which was considered acceptable in this instance.

Councillor Wincott proposed a motion to approve the application subject to the amendment of Condition 9 and the addition of conditions 28 and 29. This was seconded by Councillor Beaver.

RESOLVED – by (9 votes to 1) that:

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

- financial contribution towards upgrade & maintenance of play facilities;
- financial contribution towards the upkeep of Summerfields Woods Local Nature Reserve
- financial contributions to primary schools, libraries and Public Rights of Way; and
- affordable housing

unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the

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identified development contributions. In the event that the Agreement is not completed, or the viability issue not resolved by 25 August 2016 that permission be refused on the grounds that the application does not comply with the relevant policies (policies H3, C11, EN2, EN3, EN5, EN6, and HN8) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Subject to the above:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
12489_00-00-3-3, 12489_00-01-3-4, 12489_05-01-3-3, 12489_00-01-2-1,
12489_B_15_00-2-3,12489_05-01-3-1,12489-SPR-60-01-2_2, 12489-SPR-
60-02-2_2,12489_99-01-3-1,12489_99-02-3-1, 12489_20-01-2-3,
12489_B_30_00-2-1
3. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to/made available on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. 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 and thereafter retained. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.
5. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority and thereafter

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retained.

6. **No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping to the whole site (including the Biodiverse Garden), which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.**

7. **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. The soft landscaping areas shown within the approved landscaping scheme shall be provided prior to occupation of any part of the development and thereafter retained.**

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

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

9. **No development shall take place until details of a surface water drainage scheme have been submitted to and agreed in writing by the local planning authority. The surface water drainage scheme should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system. Where a sustainable drainage scheme is to be provided, the submitted details shall:**

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- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters
- ii. be supported by a site investigation which incorporates ground water monitoring, preferably in winter, and soakage tests undertaken in accordance to BRE365 (*when infiltration is proposed*)
- iii. provide a management and maintenance plan of the development which shall 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

Development shall be carried out in accordance with the approved surface water drainage scheme and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed. No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

10. Prior to occupation, a “lighting design strategy for biodiversity” for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for all bat species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without

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prior consent from the local planning authority.

11. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competent person [e.g. *an ecological clerk of works /on-site ecologist*] have been submitted to and approved in writing by the local planning authority. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
12. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

13. All ecological measures and/or works shall be carried out in accordance with the details contained in Land at Summerfields, Bohemia Road, Ecological Assessment Report by Ash Partnership dated December 2015.
14. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers 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:

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- a) creation of sloping escape ramps for badgers, 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.
15. No development shall take place above ground until full details of all boundary walls/fences/railings/enclosures have been submitted to and approved in writing by the Local Planning Authority. All such boundary walls/fences/railings/enclosures shall be erected before the building to which it relates is occupied.
 16. No works or development shall take place above ground until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority. Thereafter all tree planting shall be carried out in accordance with those details and at those times.
 17. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BS5837:2012: Trees in relation to design, demolition and construction, standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
 18. Prior to demolition works commencing on site a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include details relating to storage compounds for plant/machinery/materials; wheel washing provision, welfare facilities and contractor parking. The development shall be implemented in accordance with the approved Traffic Management Scheme.
 19. The development shall not be occupied until a turning space for service/emergency vehicles has been provided and constructed in accordance with details which have been submitted to and approved in writing by the Planning Authority and the turning space shall thereafter be retained for that use.
 20. The development shall not be occupied until parking areas have been

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provided in accordance with the approved plans and the areas shall thereafter be retained for that use.

- 21. The development shall not be occupied until a cycle parking area has been provided in accordance with the approved plans and the area shall thereafter be retained for that use.**
- 22. Prior to the landscaping of the Biodiverse Gardens, details of the management and responsibility of the Biodiverse Garden to be submitted in writing and approved by the Local Planning Authority. Thereafter, management of the garden to be carried out in accordance with the approved details.**
- 23. Prior to the commencement of development, details of appropriate climate change mitigation and adaptation measures as required by policy SC3 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028, shall be submitted to the Local Planning Authority. The development shall be carried out in accordance with the approved details and measures proposed shall be retained thereafter unless agreed in writing by the Local Planning Authority.**
- 24. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved programme of archaeological work.**
- 25. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 24 and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.**
- 26. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.**
- 27. No work shall be carried out on site for the development hereby approved until a detailed management plan for reducing construction waste during the building process in the form of site management,**

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waste management and project design and planning has been submitted to and approved in writing by the Local Planning Authority. The approved waste management plan shall be implemented throughout the period of work on site.

28. Prior to commencement of development, a Phase 1 desk study shall be submitted to and approved in writing by the Local Planning Authority. The Phase 1 desk study should assess all available historical and environmental information, include the findings of a site walkover and include a risk-based conceptual model of the site identifying the potential sources, pathways and receptors at the site (“preliminary risk assessment”). The requirements for a Phase 1 desk study can be found in the document Guidance for the Safe Development of Housing on Land Affected by Contamination, NHBC/EA/CIEH, R&D Publication 66: 2008. If the desk study indicates as part of a preliminary risk assessment that potential pollutant linkages are likely on the site then further intrusive investigations will be required (Phase 2 investigation) in line with CLR 11 ‘Model Procedures for the Management of Contaminated Land’ prior to the commencement of development. Where a Phase 2 survey is required, this shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the recommendations of the Phase 2 survey. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.
29. Prior to the commencement of development, details of a dropped kerb between the access road and courtyard parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure a satisfactory form of development in the interests of the visual amenity.
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 visual amenity.

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- 6. To ensure a satisfactory form of development in the interests of the visual amenity.**
- 7. To ensure a satisfactory form of development in the interests of the visual amenity and in order to ensure a satisfactory level of soft landscaping within the new development.**
- 8. To safeguard the amenity of nearby residents.**
- 9. To ensure adequate drainage provision and prevent increased risk of flooding.**
- 10. To protect features of recognised nature conservation importance.**
- 11. To protect features of recognised nature conservation importance.**
- 12. To protect features of recognised nature conservation importance.**
- 13. To protect features of recognised nature conservation importance.**
- 14. In the interests of the safety and wellbeing of badgers on the site.**
- 15. To ensure a satisfactory form of development in the interests of the visual amenity.**
- 16. In the interests of the visual amenity and adequate screening to neighbouring sites.**
- 17. In the interests of the health of the trees.**
- 18. In the interests of highway safety and for the benefit and convenience of the public at large.**
- 19. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.**
- 20. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.**
- 21. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.**

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- 22. To protect and enhance the conservation and biodiversity of the garden.**
- 23. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.**
- 24. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.**
- 25. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.**
- 26. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.**
- 27. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.**
- 28. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.**
- 29. In order to secure a well planned development and in the interests of highway safety.**

Notes to the Applicant

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.**
- 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.**
- 3. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).**
- 4. Consideration should be given to the provision of a domestic sprinkler system.**

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97.4 Land at and South of Holmhurst St. Mary, The Ridge, St. Leonards on Sea

Proposal:	Redevelopment of land to the south of Holmhurst St Mary of up to 208 units with access off of The Ridge.
Application No:	HS/OA/15/00077
Existing Use:	Undeveloped
Conservation Area:	No
National Planning Policy Framework	Sections 4, 6, 7, 8, 10, 11 and 12
The Hastings Planning Strategy	DS1, FA1, SC1, SC2, SC3, SC4, SC5, SC7, EN1, EN2, EN3, EN6, EN7, EN8, H1, H2, H3, CI1, CI1, T3 and T4
Hastings Local Plan – Development Management Plan	LP1, DM1, DM3, DM4, DM5, DM6, HN1, HN4, HN7, HN8, HN9, and LRA1 48 letters of objection and 1 petition received
Public Consultation	

The Planning Services Manager advised that this application was brought before the Planning Committee in November 2015 where it was resolved to be approved subject to the completion of a Section 106 legal agreement. The legal agreement was required to be completed by 25 May 2016, but the agreement will not be finished by this time. The Council and the applicant have both worked proactively to ensure the agreement is completed soon, but given the extensive requirements and the multiple parties involved more time is required. The application was brought before Planning Committee again to request an extension for the completion of the Section 106 legal agreement until 25th August 2016.

Councillor Dowling proposed a motion to approve the application. This was seconded by Councillor Roberts.

RESOLVED – (by 7 votes to 3) that:

A) The Development 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 local highway improvements;
- a Travel Plan and associated auditing contribution;

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- the provision, maintenance and management of open space and play provision;
- the maintenance, management and monitoring of trees, protected species and wildlife areas;
- a financial contribution towards Sussex Police and their infrastructure requirements;
- the repair and restoration of the Statue of Queen Anne - a Grade II* Listed Building;
- financial contributions to schools, libraries and Public Rights of Way; and
- affordable housing

unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the identified development contributions. In the event that the Agreement is not completed or the viability issue not resolved by 25 August 2016 that permission be refused on the grounds that the application does not comply with the relevant policies (policies H3, CI1, T3, EN3, EN6, EN1, and HN1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Subject to the above:

1. Approval of the details of the layout, scale and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. The development hereby permitted shall be carried out, in terms of access only, in accordance with the following approved plans:

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Indicative Site Layout - Rev K

- 6. Prior to the commencement of development, details of the proposed surface water drainage 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 approval in consultation with the Highway Authority. The development shall be carried out in accordance with the approved details.**
- 7. Before house building commences, the new estate road(s) shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Planning Authority in consultation with this Authority.**
- 8. Prior to development, including excavation works, commencing on site a Traffic Management Scheme (TMS) shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include an outline construction schedule, compound areas for plant, machinery, materials, contractor parking; routing of vehicles and details of wheel washing facilities. Given the proximity to local schools, deliveries should avoid peak periods. The development shall be carried out in accordance with the approved TMS.**
- 9. The development hereby permitted shall not commence until details of the layout of the access roads and the specification for the construction of the access which shall include details of footways, surfaces, lighting, parking, cycle parking and emergency access onto Welton Rise, have been submitted to and approved in writing by the Local Planning Authority and the use hereby permitted shall not commence until the construction of the road link has been completed in accordance with the specification to be agreed with the Highway Authority.**
- 10. The new estate road[s] shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.**
- 11. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with**

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details submitted and approved in relation to condition 1 (reserved matters) above. The turning space shall thereafter be retained for that use and shall not be used for any other purpose.

12. The development shall not be occupied until parking area[s] have been provided in accordance with the details which have been submitted and approved in accordance with condition 1 (reserved matters) above. The parking shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
13. The development shall not be occupied until cycle parking areas have been provided in accordance with the details which have been submitted to and approved in relation to condition 1 (reserved matters) above. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
14. The development shall not be brought into use until a Traffic Regulation Order to restrict parking along Eldridge Way or an alternative measures to maintain safe passage of vehicles has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
15.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
16. The details for condition 15 above shall include details of the measures which will be undertaken to protect the public water mains sewers during the course of development.

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17. The details required for condition 15 above shall include details of management and maintenance of the SuDS system during the lifetime of the development.
18. The surface water drainage details for condition 15 above shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year (including appropriate climate change allowances) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.
19. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
20. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [1] to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.
21. Safe access to footpath Hastings 145 is to be maintained at all times during and following completion of the development.
22. Due to the alteration to footpath Hastings 145 the development shall not be brought into use until it has been formally diverted under s257 of the Town and Country Planning Act 1990.
23. The development shall not be brought into use until footpath Hastings 145, from Welton Rise to The Ridge, has been improved to an adoptable standard in accordance with details submitted to and approved in writing by the Local Planning Authority.
24. The landscaping details required by condition 1 above (reserved matters) shall include details of open space and play provision.
25. No development shall commence until a construction environmental management plan (CEMP) has been submitted to an approved in

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writing by the Local Planning Authority. The CEMP shall include details in accordance with the submitted environmental statement, which includes matters such as controlling noise, dust, hours of building work and surface water run-off. Development shall be carried out in accordance with the approved CEMP.

26. The reserved matters details submitted for conditions 1 above shall include details of appropriate climate change mitigation and adaptation measures as required by policy SC3 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028.
27. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.
28. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following;
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details and phasing agreed, unless otherwise agreed in writing by the local planning authority.

30. No development shall take place (including demolition, ground works, vegetation clearance) until an ecological design strategy (EDS) addressing, mitigation, compensation, enhancement, restoration has been submitted to and approved in writing by the Local Planning

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Authority.

The Ecological Design Strategy shall include the following;

- **Review of site potential and constraints.**
- **Detailed design(s) and/or working method(s) to achieve stated objectives.**
- **Extent and location/area of proposed works on appropriate scale maps and plans.**
- **Type and source of materials to be used where appropriate, e.g. native species of local provenance.**
- **Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.**
- **Persons responsible for implementing the works.**
- **Details of initial aftercare and long-term maintenance and management.**
- **Details for monitoring and remedial measures.**
- **Details for disposal of any wastes arising from works.**

The Ecological Design Strategy shall be implemented in accordance with the approved details and phasing and all features shall be retained in that manner thereafter.

32. **The details submitted for condition 1 (reserved matters) above shall include provision of at least 2% of the dwellings to be fully adapted for wheelchair users.**
33. **The details submitted for condition 1 (reserved matters) above shall include provision of a district heating or combined heat and power system, with possible connections to existing and allocated development, unless otherwise agreed in writing by the Local Planning Authority.**
34. **The sound insulation measures of the dwellings hereby approved (specifically the glazing and ventilation) should ensure that the internal noise levels in habitable rooms do not exceed 35 dB LAeq,16hr during the daytime and 30 dB LAeq,8hr during the daytime. Internal noise levels in bedrooms at night should also not exceed 45 dB L_{Amax},F.**
35. **The CEMP required at condition 25 above shall include an addendum report which provides details of the expected noise levels at existing residential receptors during each phase of the construction process. The significance of the predicted construction noise levels should be**

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assessed against the ABC method detailed within BS 5228-1:2009+A1:2014 “Code of practice for noise and vibration control on construction and open sites – Part 1: Noise”. Where a significant adverse impact is identified, appropriate noise mitigation measures will be detailed within and will be implemented in accordance with the approved CEMP.

Reasons:

- 1. The application is in outline only.**
- 2. The application is in outline only.**
- 3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.**
- 4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.**
- 5. For the avoidance of doubt and in the interests of proper planning.**
- 6. In the interests of highway safety.**
- 7. In the interests of highway safety and for the benefit and convenience of the public at large.**
- 8. In the interests of highway safety and to protect neighbouring residential amenities.**
- 9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.**
- 10. In the interest of highway safety and for this benefit and convenience of the public at large.**
- 11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.**
- 12. 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.**

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- 14. In the interests of highway safety.**
- 15. To prevent increased risk of flooding.**
- 16. To prevent increased risk of flooding.**
- 17. To prevent increased risk of flooding.**
- 18. To prevent increased risk of flooding.**
- 19. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.**
- 20. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.**
- 21. To maintain Public Rights of Way.**
- 22. To maintain Public Rights of Way.**
- 23. In the interests of pedestrian safety.**
- 24. To ensure a satisfactory form of development in the interests of the character and amenity of the area.**
- 25. In the interests of the amenity of the neighbouring residential occupiers.**
- 26. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.**
- 27. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.**
- 28. To protect features of recognised nature conservation importance.**
- 29. To prevent the spread of invasive non-native species.**
- 30. To prevent the spread of invasive non-native species.**

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- 31. In the interests of the health of the trees and the visual amenity of the area.**
- 32. To comply with condition LRA1 of the Hastings Local Plan, Development Management Plan.**
- 33. To comply with condition LRA1 of the Hastings Local Plan, Development Management Plan.**
- 34. To protect the amenity of future occupiers.**
- 35. In the interests of the amenity of the neighbouring residential occupiers.**

Notes to the Applicant

- 1 Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.**
- 2 Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.**
- 3 The developer's attention is drawn to the committee report and the consultation responses received as part of the application. Both include comments which will be necessary to take on board when developing a detailed submission.**
- 4 Consideration should be given to the provision of a domestic sprinkler system.**
- 5 This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).**

97.5 Island outside St. Leonards Warrior Square Railway Station, Kings Road, St. Leonards on Sea

Proposal: To install one KX100 style
telephone kiosk
Application No: HS/TL/16/00090
PC. 28

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Existing Use:	No existing use
Conservation Area	Yes – Kings Road
Listed Building	No
Public Consultation	6 letters of objection received

The Planning Services Manager presented this report.

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

RESOLVED – (by 7 votes to 3) that Prior Approval be given subject to the following conditions:

1. The development must be completed on or before 30 May 2018.
2. The development shall be carried out in accordance with the details approved.

Reasons:

1. In accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015
2. In accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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 paragraphs 186 and 187 of the National Planning Policy Framework.
2. Prior to the display of any advertisements on the approved telephone kiosk, you are advised to make sure they are displayed in accordance with the Advertisement Regulations. Planning permission may be required.

98. PLANNING APPEALS AND DELEGATED DECISIONS

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The Planning Services Manager reported that 1 appeal had been dismissed. She also reported on the number of delegated decisions.

All matters had arisen between 11th April to 13th May 2016.

(The Chair declared the meeting closed at 8.04 pm)