

# Public Document Pack

## PLANNING

4 OCTOBER 2023

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

Officers: Suki Montague (Planning Lawyer), Paul Howson (Principal Planning Officer), Tom Bagshaw (Principal Planning Officer)

### 1. APOLOGIES FOR ABSENCE

None.

### 2. DECLARATIONS OF INTEREST

| Councillor  | Item   | Interest                                     |
|-------------|--------|--|
| Cllr Beaver | 4(a,b) | Personal – East Sussex County Councillor     |
| Cllr Cannan | 4(b)   | Prejudicial – Chair of the Charity Committee |

### 3. MINUTES OF PREVIOUS MEETING 26/07/23

**RESOLVED** – that the minutes of the meetings held on 26<sup>th</sup> July 2023 be approved as a true record.

### 4. PLANNING APPLICATIONS

### 5. SITE OF FORMER DANE COURT NURSING HOME, 32-36 CHAPEL PARK ROAD, (HS/FA/22/00409)

|                     |  |
|---------------------|--|
| Proposal            | Erection of 80 Bedroom Care Home with associated access, parking, open space and landscaping (includes renewable energy) |
| Application No      | HS/FA/23/00409   |
| Conservation Area   | No   |
| Listed Building     | No   |
| Public Consultation | Yes – 13 objections  |

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The Principal Planning Officer presented the report. Slides were shown of the location plan, block plan and an aerial photograph. Slides were shown of the current street

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frontage and the proposed streetscene. Slides were shown of the site layout, and the site plan. These slides showed the proposed traffic calming measures and the undercroft to the parking at the rear of the site. A slide of the side elevation showed how the rear is 4 storeys but the same height as the front elevation due to the falling land levels. Planning considerations listed were the impact on neighbours, ecology, landscaping and trees, and highways. The scale of the building is less intensive than the scheme approved in 2017.

Councillors asked the Principal Planning Officer if there is cycle parking or EV chargers. The Principal Planning Officer explained these are covered by conditions.

Councillors asked regarding swift bricks. The Principal Planning Officer explained this can be added as an additional condition.

Councillors debated.

Councillor Beaver proposed approval of the recommendation including the swift brick condition, seconded by Councillor Roberts.

### **RESOLVED (Unanimously)**

**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**

#### **Section 278 Agreement to provide:**

- 1) Off-site highway works associated with this development for the relocation of the traffic calming feature, relocation of road markings, and new access**

#### **Section 106 Agreement to provide:**

- Long-term maintenance and conservation of the protected species on the site**
- Travel Plan and audit fee**

**In the event that the Agreement is not completed by 31 December 2023 that the application be refused on the grounds that it does not comply with the provisions of the National Planning Policy Framework, the relevant policies of the Hastings Local Plan, The Hastings Planning Strategy, or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager.**

**B) Subject to the above**

**Grant Full Planning Permission 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:  
AP21028-L00; 1386-100; 1386-110; 1386-200; 0500 P02; 0501 P01; 0502 P01; 0503 P01; 0504 P02; 0505 P01; 0700 P02; and MEL-522-001 P2
3. Work which is audible at the site boundary and deliveries too and from the premises, during construction, shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 08:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
4. All ecological measures and/or works shall be carried out in accordance with the details contained in Badger Mitigation Strategy, February 2022 (revised September 2022) and Biodiversity Enhancement Strategy dated March 2022, for 32-36 Chapel Park Rd Hastings by Middlemarch as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
5. 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:
  - 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.
6. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competence person such as an ecological clerk of works or 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.
7. When creating semi-natural habitats, all species used in the planting proposals as detailed in Biodiversity Enhancement Strategy dated March 2022, for 32-36 Chapel Park Rd Hastings by Middlemarch shall be locally native species of local provenance.
8. No development, demolition, earth moving shall take place or material or

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machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Badger Mitigation Strategy, February 2022 (revised September 2022) and Biodiversity Enhancement Strategy dated March 2022, for 32-36 Chapel Park Rd Hastings by Middlemarch. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

9. The new access shall be in the position shown on the submitted plan [1386-100] and laid out and constructed in accordance with details to be secured within a s278 agreement with the Highway Authority.
10. No development shall commence until such time as a technically accepted highway scheme [layout of the new access, relocation of carriageway narrowing feature, access protection lines, reposition of designated parking bays, street lighting and signage] and details incorporating the recommendations given in a Stage 2 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved highway scheme shall be carried out in accordance with the approved details and completed prior to first occupation of the development hereby permitted.
11. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters;
  - the anticipated number, frequency and types of vehicles used during construction,
  - the method of access and egress and routeing of vehicles during construction,
  - the parking of vehicles by site operatives and visitors,
  - the loading and unloading of plant, materials and waste,
  - the storage of plant and materials used in construction of the development,
  - the erection and maintenance of security hoarding,
  - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - details of public engagement both prior to and during construction works.

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12. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the details shown on drawing (1386-100) and the turning space shall thereafter be retained for that use and shall not be obstructed.
13. No deliveries by vehicles of 7.5 tonnes and over shall be taken at or despatched from the site at any time.
14. Prior to occupation of development a Servicing Management Plan shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority which will indicate how deliveries are to be undertaken. The Servicing Management Plan shall be implemented as approved and adhered to on site thereafter.
15. The development shall not be occupied until car and cycle parking areas have been provided in accordance with approved plans. The proposed car parking spaces shall measure at least 2.5m by 5m and where located adjacent to a wall an additional 50cm shall be provided to the relevant dimension. The areas shall thereafter be retained for those uses.
16. Prior to the commencement of development, a detailed surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage system shall incorporate the following:

- a) Detailed drawings, control measures and constructions details for all the features of drainage system.
- b) Written evidence from Southern Water confirming agreement to proposed surface water discharge rates.
- c) Hydraulic calculations which demonstrate that the drainage system has enough capacity to accommodate runoff generated by rainfall events with a 1 in 100 (plus 40% for climate change) annual probability of occurrence while discharging at a rate agreed by Southern Water.
- d) Evidence that opportunities to use a gravity connection to the public sewer have been considered.

The development shall be carried out in accordance with the approved details, which shall remain in place for the lifetime of the development.

17. A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance.

The management plan shall cover the following:

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.

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b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

These details shall be submitted to and approved in writing by Local Planning Authority. Once approved, the development shall be carried out in accordance with the approved details, which shall thereafter remain in place for the lifetime of the development.

18. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces (and associated hard landscaped areas and all retaining and boundary walls) of the care home hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, which should remain in place for the lifetime of the development, unless otherwise agreed in writing.
19. No development shall take place above ground until full details of all boundary enclosures (including walls, fences and railings) have been submitted to and approved in writing by the Local Planning Authority. All such boundary enclosures shall be erected in accordance with the approved details before the building to which it relates is occupied and shall remain in place for the lifetime of the development, unless otherwise agreed in writing.
20. No flood lighting or other means of external illumination of the building or site shall be provided, installed or operated except in accordance with a detailed scheme which shall have been submitted to and approved in writing by the Local Planning Authority. Any such report should detail the provisions for the avoidance of 'spill light' - light that obtrudes beyond the area it was intended to light into surrounding areas or properties. Measures to avoid spill light must be installed on any approved external lighting prior to its erection and thereafter be retained and maintained.
21. In the event that contamination is found at any time when carrying out proposed development, that was not previously identified (such as asbestos containing material), it must be reported in writing immediately to the Local Planning Authority with proposed remediation measures. In the event that contamination is found to be present, upon completion of the works the developer shall provide written confirmation (verification report) that all works were completed in accordance with the agreed remediation details, this to be approved by the Local Planning Authority.
22. Prior to commencement of development above slab level, details, including acoustic specifications, of all fixed plant machinery and equipment associated with air moving equipment (including fans, ducting and external openings) installed within the site, which has the potential to cause noise disturbance to any noise sensitive receptors, shall be submitted to and approved by the Local Planning Authority. If there is the potential for noise disturbance, then we would expect a Noise Assessment to be completed using BS 4142 in order

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to ensure any adverse noise impacts are appropriately mitigated. A noise impact assessment is required which characterises the prevailing noise environment and identifies any potentially significant sources of noise. The survey methodology should include times, duration and a justification of the location chosen for monitoring.

23. Prior to the first operation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with EMAQ+ Control of Odour and Noise from Commercial Kitchen Extraction Systems 2018. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.
24. Prior to the commencement of construction, details of the climate change mitigation and adaptation measures to be used in the development hereby approved 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, which shall thereafter be retained and maintained for the lifetime of the development.
25. 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.
26. 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 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. All arboricultural measures and/or works shall be carried out in accordance with the details contained in the arboricultural document submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. All trees produced abroad but purchased for transplanting shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees were

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needed and their origin and how long they have been in the nursery will be supplied to the Local Planning Authority prior to the commencement of any tree planting.

### 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 residents.
4. To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.
5. To ensure badgers are not trapped and harmed on site and to prevent delays to site operation.
6. To ensure adequate professional ecological expertise is available on site during construction to assist those implementing the development to comply with statutory requirements, planning conditions and any relevant protected species licences.
7. To conserve and enhance biodiversity by protecting the local floristic gene pool that has evolved within the local landscape, and to prevent the spread of non-native species and those of no local provenance.
8. Irreparable damage can be done to biodiversity features on construction sites in a very short space of time, it is necessary to ensure that features to be retained are adequately identified and physically protected from accidental damage by development operations, eg by earth moving machinery.
9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
10. In the interests of road safety.
11. In the interests of highway safety and the amenities of the area.
12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
14. To ensure the safety of persons and vehicles entering and leaving the access



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and proceeding along the highway.

15. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
16. To prevent increased risk of flooding.
17. To prevent increased risk of flooding.
18. In the interests of the visual amenity of the area.
19. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
20. To safeguard the amenity of adjoining and future residents.
21. To safeguard the amenity of adjoining residents.
22. To ensure a satisfactory form of development in the interests of residential amenity.
23. To ensure a satisfactory form of development in the interests of residential amenity.
24. In accordance with Policies SC3 and SC4 of the Development Management Plan 2015.
25. To ensure a satisfactory form of development in the interests of visual amenity.
26. In the interest of protecting trees and as biosecurity is important to minimise the risks of pests and diseases being imported into the UK and introduced into the environment.

### 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. Formal applications for connection to the public foul sewerage system, and the water supply required in order to service this development, please contact Southern Water: Development Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO2 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).

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4. The applicant is strongly advised to contact the Environmental Health Division before services fixtures and fittings etc. are installed to the kitchen and other food rooms/areas, for advice satisfying the requirements of food safety law.
5. The Food Business Operator will be required to register the food establishment with the Local Council 28 days prior to opening. The registration form can be found online at [http://www.hastings.gov.uk/environmentalhealth/food\\_safety/businesses/foodpacks/caterers](http://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers)
6. Installation of a sprinkler system is required in the finished building.
7. 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 (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval 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.
8. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

6. **STADE HALL, THE STADE, HASTINGS, TN34 3FJ (HS/FA/23/00511)**

|                     |  |
|---------------------|--|
| Proposal            | Installation of two air source heat pump units on the roof |
| Application No      | HS/FA/23/00511   |
| Conservation Area   | Yes – Old Town   |
| Listed Building     | No   |
| Public Consultation | Yes  |

**Councillor Cannan left the chamber for this item.**

The Principal Planning Officer presented the report. Slides were shown of a location plan, block plan, aerial photograph and photographs of the Stade Hall from ground level. Slides were shown of the elevations from the north and south. The proposal is to locate two Air Source Heat Pump units on the roof of Stade Hall. These are being installed to improve the energy rating of the building. The units must be located on the roof but their location has been chosen to minimise the impact on views from the ground. The Conservation Officer and Marketing and Major Projects Manager raise no objection.

Councillors debated.

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

### **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:

Site Location plan; BF/S8/3/2 - Block plan; BF/S8/3/3 - Proposed roof plan; BF/S8/3/4 - East and west elevations; BF/S8/3/5 - North & south elevations; Heat pump details from Daikin - model RZASG100MV1

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

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

### **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 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.

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

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

(The Chair declared the meeting closed at. 6.29 pm)