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PLANNING

8 NOVEMBER 2023

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

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

1. APOLOGIES FOR ABSENCE

Apologies received from Councillor Roberts, Substituted by Councillor Webb

2. DECLARATIONS OF INTEREST

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

3. MINUTES OF PREVIOUS MEETING 04/10/23

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

4. PLANNING APPLICATIONS

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

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

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

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

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

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

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

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

Councillors debated.

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

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RESOLVED (8 votes for, 2 against)

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

Approve Reserved Matters subject to the following conditions:

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

Proposed Block Plan 0004 Rev P; Proposed Site Plan 0005 Rev J; Proposed Site Wide Sections 0006 Rev H; Proposed Floor Plans 0007 Rev G; Proposed Floor Plans - 1B2P House 0008 Rev H; Proposed Floor Plans - 2B4P House 0009 Rev G; Proposed Elevations 0010 Rev H; CCommunal Bin Storage 0011 Rev I; Communal Cycle Storage 0012 Rev G; Ramp Access 0013 Rev G; Proposed Site Access 0014 Rev C; Landscape Masterplan RCo453 Fig01 Rev 02; and, Drainage Layout 22309/10 Rev D
2. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been made available on site for inspection and approval in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such at all times thereafter.
3. Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 or as may be subsequently amended or re-enacted, no extensions or external alterations to the dwellings hereby permitted shall take place without the grant of an additional planning permission.
4. A maintenance and management plan, for the private communal spaces provided for the use of the residents of the dwellings hereby permitted, including details of the management company responsible, should be submitted to the Local Planning Authority for written approval prior to the occupation of any dwelling. This maintenance and management plan should evidence that these arrangements will remain in place throughout the lifetime of the development. The private communal spaces shall be maintained and managed in accordance with the approved details at all times thereafter.
5. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

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

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

6. No development shall take place (including any demolition, ground works, site clearance) until a method statement for translocation of protected species has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used including preparation of suitable receptor sites);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that translocation works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) initial aftercare and long-term maintenance (where relevant);

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

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

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

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

Reasons:

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

Notes to the Applicant

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

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Planning Policy Framework.

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

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

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

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

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

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

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

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

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

Councillors were shown plans and photographs of the application site.

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

Councillors debated.

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

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RESOLVED (9 votes for, 1 against)

Grant Full Planning Permission subject to the following conditions:

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

Topographical Survey, 1837 [23] -2, 1837 [23] -1A, 1847 [25] - Site Plan Rev A, Site Plan @scale of 1:500 (Sheet B) dated 22nd July 2023, 22-0576 C10111 Rev A, 22-0601 C10521 Rev A, 22-0601 C10522 Rev A
3. The materials to be used in the construction of the external surfaces of the chalet shall match those detailed on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.
4. The development shall not be occupied until a bin store has been provided in accordance with approved details which shall be submitted to and approved in writing by the Local Planning Authority and it shall thereafter be retained on the site for that purpose.
5. The development shall not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all areas of hardstanding or decking, and all planting on the land including details of those plants to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
6. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. The foul and surface water drainage systems shall be fully installed and fully operational prior to occupation and the systems shall be installed in

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

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

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

Reasons:

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

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

Notes to the Applicant

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

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

Contact details: info@naturespaceuk.com

3. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
4. Hastings Borough Council is working in partnership with Southern Water to identify foul water drains discharging into the surface water sewer system, often referred to as a misconnection that can pollute local watercourses and impact on bathing water quality.

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

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

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

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

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

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

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

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

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

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

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

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

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

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

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

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

Councillors debated.

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

RESOLVED (Unanimously)

Grant Full Planning Permission subject to the following condition:

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

ES2125/23/01A, TQRQM23068170306159

Reason:

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

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Notes to the Applicant

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

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

Contact details: info@naturespaceuk.com

3. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

8. PLANNING APPEALS AND DELEGATED DECISIONS

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

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

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