

Public Document Pack

PLANNING

12 DECEMBER 2023

Present: Councillors Collins, Bacon, Beaney, Beaver, Cannan, Sinden and Williams

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

1. APOLOGIES FOR ABSENCE

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

Councillor Beaver was appointed as Chair unanimously.

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

2. DECLARATIONS OF INTEREST

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

3. MINUTES OF PREVIOUS MEETING 08/11/23

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

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4. PLANNING APPLICATIONS

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

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

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

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

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

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

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

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

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

Councillors debated.

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

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RESOLVED (Unanimously)

Grant Full Planning Permission subject to the following conditions:

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

21.408/02F, Manufacturers Specification (LONGI)
3. The existing hedgerow east of the proposed solar panel array, and shown on approved drawing 21.408/02F, shall be retained at all times the solar panels remain in situ and shall be maintained at a minimum height of 1.5m above ground level along the entire eastern side of the application site. Should the hedgerow become damaged, diseased or die it should be replaced within the next planting season at a planted height that is greater than the solar panels.
4. No development shall take place until temporary protective fences to safeguard the trees and hedges to be retained on the site have been erected in accordance with the current BSI 5837 standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
5. All arboricultural measures and/or works shall be carried out in accordance with the details contained in Tree Survey Arboricultural Impact Assessment & Tree Protection Plan (AR/29614) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interest of protecting the setting of designated heritage assets and the local landscape.

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4. In the interests of visual amenity.
5. In the interests of visual amenity.

Notes to the Applicant

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

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

Proposal	Proposed change of use from shop (Class E) to cafe and bar (Class E and Sui Generis) and the installation of two louvered vents within the ground floor rear elevation of building (amended description).
Application No	HS/FA/23/00620
Conservation Area	Yes - St. Leonards East
Listed Building	No
Public Consultation	Yes – 27 Objections, 13 Support

The Planning Officer presented the application for a proposed change of use from shop (Class E) to cafe and bar (Class E and Sui Generis) and the installation of two louvered vents within the ground floor rear elevation of building (amended description).

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

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

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

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

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

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

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

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

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

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

Councillors debated.

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

RESOLVED (Unanimously)

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Grant Full Planning Permission subject to the following conditions:

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

Location and block plans (23.492.1)
Existing and proposed rear elevation (23/492/04)
Proposed floor plan (23.492.03A)
Proposed ventilation plan (05B)
Ventilation report (dated: 4.9.23)
Planning statement (revision A)
Operation and management of business statement
Risk assessment plan (23.492.3B)
3. During construction any work which is audible at the site boundary, including deliveries to and from the premises, shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 09:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
4. No live music or amplified sound system shall be used or generated which is audible outside the building, within the residential unit above or within adjoining buildings.
5. The premises shall not be used except between the following hours:-

17:00 - 23:00 Monday - Tuesday, including Bank Holidays

11:00 - 23:00 Wednesday - Sunday
6. The shop front shall remain free of any internally or externally placed advertisements or anything that would obscure views into the premises such as window film.
7. The use approved shall not commence until a report detailing the noise insulation and vibration reduction between the proposed café and bar at ground floor and the existing residential premises at first floor, is submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the approved report prior to the commencement of the use of the café and bar and thereafter be retained and maintained.
8. The use approved shall not commence until the ventilated bin store as shown on approved plan No. 23.492.03A is provided and thereafter be retained in perpetuity for that purpose.

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Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining and future residents.
4. To safeguard the amenity of adjoining and future residents.
5. To safeguard the amenity of adjoining and future residents.
6. To ensure that clear views into the shop are maintained in order to protect the vitality and viability of the shopping centre.
7. To ensure a satisfactory form of development, and to safeguard the amenity of adjoining and future residents.
8. In order to secure a well-planned development that functions properly and prevents waste becoming a detriment to the surrounding area.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner in accordance with paragraph 38 of the National Planning Policy Framework.
3. If signage is proposed, then this may require consent, the applicant is advised to contact the Environmental Health Division for advice on the Advertising and Display Advertisement Regulations. If consent is required, this should be obtained prior to the signage being installed.
4. The Food Business Operator will be required to register the food establishment with the Local Council 28 days prior to opening. The registration form can be found online at http://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/ca
5. The applicant is strongly advised to contact the Environmental Health Division prior to any services, fixtures and fittings etc. are installed for advice on satisfying the requirements of the Food Safety and Hygiene Regulations 2005 and the Food Safety and Hygiene (England) Regulations 2013 and the Health and Safety Law.

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6. The applicant is reminded that any trade waste produced at this establishment will not be collected by a registered and licensed trade waste carrier, and the collections will not be frequent enough to prevent the waste from becoming a detriment to the surrounding area.
7. The applicant is advised that if the catering level increases and further ventilation is required then a new planning application may be required. If this is the case, the applicant is advised to contact the Local Planning Authority.
8. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works then all works should cease, and Natural England should be contacted for advice.

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

Contact details: info@naturespaceuk.com

9. The applicant is advised that such proposals, will require a separate application under the Licensing Act 2003, for a premises licence, with the full 28 day consultation process, with copies provided to all responsible authorities, of which planning are one of the statutory consultees.
10. The applicant is advised that customers should be asked to leave the premises quietly in order to have regard to local residents.

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

Proposal	Conversion of house into two flats, and erection of side extension to create 5 flats. Creation of parking area at rear
Application No	HS/FA/22/00872
Conservation Area	No
Listed Building	No
Public Consultation	Yes 17 objections

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

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

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

Councillors were shown plans and photographs of the application site.

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

There were no questions for the Officer.

Councillors debated.

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

RESOLVED (Unanimously)

Grant Full Planning Permission subject to the following condition:

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

040-3-EX-TOPO, 060-3-001 REV A, 060-3-002 REV A, 060-3-003 REV B, 060-3-101 REV B, 060-3-102 REV B, 060-3-004 REV B, 062-3-S1
3. No development shall take place above ground until samples and details of the materials to be used in the construction of the external surfaces of the approved development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. The development shall not be occupied until refuse storage facilities has been provided within the site in accordance with the details shown on plan ref: 060-3-004 REV B. Once installed, the refuse storage facilities shall hereafter be retained within the site for that purpose.

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5.
 - Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
 - Development shall then be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.

and

- (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

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

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

7. Notwithstanding the details on the approved drawings, no development shall take place until a scheme of soft landscaping has been submitted to and approved by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
8. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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9. Notwithstanding the details on the approved drawings, no development shall take place above ground until full details of the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished site levels; all new means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); and proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.). The hard landscaping works shall be carried out in accordance with the approved details.
10. The approved development shall not be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing.
11. The development shall not be occupied until a parking area has been provided in accordance with the approved plans and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
12. The proposed parking spaces shall measure at least 2.5 metres by 5 metres in size and the length and width of each parking space shall be increased by 0.5 metres where the spaces abut fences or walls.
13. The development shall not be occupied until cycle parking area has been provided in accordance with details contained in plan ref:060-3-004 REV B. The cycle storage facilities shall hereafter be retained for that use and shall not be used other than for the parking of bicycles.
14. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved drawings. The vehicular turning areas shall thereafter be retained for that use and shall not be used for any other purpose.
15. No development including demolition work shall be commenced on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:
 - (a) Routing of construction and delivery vehicles to / from the site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Full details of all measures to be employed to reduce dust and noise during the demolition works and during the construction phase of the development
 - (e) Temporary traffic management / signage where required

The approved details shall be adhered to throughout the construction process.

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16. Prior to the commencement of the development, the details of the proposed surface water drainage strategy to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site, shall be submitted to the Local Planning Authority for its prior written approval in consultation with the Highway Authority. The drainage strategy shall be implemented in accordance with the approved details.
17. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary ecology appraisal and roost assessment by CT Ecology Limited dated 24th February 2023.
18. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers and other mammals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:
 - a) creation of sloping escape ramps for badgers and other mammals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of the visual amenity of the area.
4. In order to secure a well planned development.
5. To prevent increased risk of flooding.
6. To safeguard the amenity of adjoining residents.
7. In the interests of the visual amenity.
8. In the interests of the visual amenity.
9. In the interests of the visual amenity.
10. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

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11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
12. To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
14. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
15. In the interest of highway safety and to safeguard the amenity of neighbouring residents.
16. To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.
17. To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.
18. To ensure badgers and other mammals are not trapped and harmed on site and to prevent delays to site operation.

Notes to the Applicant

1. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
2. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
3. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
4. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.
5. The applicant is reminded that, under the Conservation of Habitats and

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Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

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

Contact details: info@naturespaceuk.com

6. You are advised to consult the East Sussex Building Control Partnership e-Mail: building.control@wealden.gov.uk with regard to the provision of adequate means of escape in case of fire and necessary fire precaution works.
7. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read their New Connections Charging Arrangements documents which are available on their website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements
8. The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:
water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx
9. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
10. Where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
 - Specify the responsibilities of each party for the implementation of the SuDS scheme.
 - Specify a timetable for implementation.

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- Provide a management and maintenance plan for the lifetime of the development.

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

11. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk
12. The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.

5. PLANNING APPEALS AND DELEGATED DECISIONS

The Committee noted the report.

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

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