

Planning Committee Agenda

Wednesday, 1 July 2015 at 6.00 pm

Town Hall, Queen's Square, Priory Meadow, Hastings, TN34 1QR.

If you are attending the Town Hall for this meeting, please enter the building via the Queens Road entrance opposite the cinema.

For further information, please contact Emily Horne on 01424 451719 or email: ehorne@hastings.gov.uk

	Page No.
5. Planning Applications attracting a petition: (a) 101 Cambridge Road http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=_H_STBC_DCAPR_102623 (b) 26 Beauharrow Road, St. Leonards on Sea http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=_H_STBC_DCAPR_102259	
7. Planning Applications: (a) Little Fish and Chip Shop, Lower Promenade, Warrior Square, St. Leonards on Sea http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=_H_STBC_DCAPR_102585	

Agenda Item 5a

AGENDA ITEM NO: 5 (a)

Report to: PLANNING COMMITTEE

Date: 01 July 2015

Report from: Assistant Director of Housing and Built Environment

Application Address: 101 Cambridge Road, Hastings, TN34 1EP
Proposal: Change of use from dwellinghouse (C3) to HMO (Sui generis) to provide 8 bedrooms for students together with associated facilities.

Application No: HS/FA/15/00430

Recommendation: Grant Full Planning Permission

Ward: CASTLE
File No: CA15101
Applicant: Carousel Properties (SE) Ltd. per Town & Country Planning Solutions Sandhills Farmhouse Bodle Street Green HAILSHAM, East Sussex. BN27 4QU

Interest: Prospective purchaser
Existing Use: Vacant

Policies

Hastings Local Plan 2004: H4, DG1, C1, C8
Conservation Area: Yes - White Rock
National Planning Policy Framework: No Conflict
Hastings Planning Strategy: SC1, H2, H4
Hastings Local Plan, Development Management Plan, Revised
Proposed Submission Version: HC1, DM1, DM3, HN1, HN2

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - Conservation Area
Letters of Objection: 7
Petitions Received: 1

Application Status: Not delegated - Petition received

Summary

The application seeks planning permission for the change of use from dwellinghouse to 8 student bedrooms which would constitute a house in multiple occupation (HMO) in planning terms.

The Site and its Location

The application site comprises a large two-storey property on the corner of Cambridge Road and adjoining Trinity Villas within the White Rock Conservation Area. The existing plan shows a 7 bedroom property. A path leads along the side of the building from Cambridge Road through to White Rock Road. There is a green space area on the opposite side of the path. The property is larger than the adjoining terraced properties along Cambridge Road and has in effect two frontages. The property, which has been vacant for a long time, has been completely renovated both internally and externally. There is a side garden and a rear patio area.

There is some indication that the property might have been used historically as student accommodation before being vacant and at the time up to 6 unrelated individuals could have lived in the property as one household without requiring planning permission. However, there is no evidence that this is its authorised use and I consider the application on its own merit.

Details of the Proposal and Other Background Information

A similar application for the change of use from dwellinghouse (C3) to a house in multiple occupation (Sui Generis) was considered by the planning committee on 7 January 2015 where it was deferred and on 4 February 2015 when it was refused, as it was considered to be contrary to Policy H4 of the Hastings Planning Strategy. The decision notice stated that the Council refused the permit for the development for the following reason:

"POLICY H4: Houses in Multiple Occupation

In order to support mixed and balanced communities and maintain an appropriate housing mix within the Borough, applications for changes of use from:

- i) a Class C3 (dwelling house) to a Class C4 (House in Multiple Occupation), or;*
- ii) a Class C3 (dwelling house) to a House in Multiple Occupation in a sui generis use (more than six people sharing)*

will not be permitted where more than 10% of the total numbers of properties within a 100m radius of the application property are already in use as either Class C4, or other types of HMO in a sui generis use.

This policy will not apply to social housing, care homes, children's homes, bail hostels and properties occupied by students which are managed by an educational establishment.

This policy will not apply to households who have foreign students staying as guests for a set period of time.

According to the current register of HMOs held and updated by Hastings Borough Council within the locale there are the following registered HMOs:

Cambridge Gardens – 10, 13, 14, 16, 17, 19, 20, 21, 24, 28, 29, 30, 31, 32, 34, 36, 37, 39 and 42

Cambridge Road – 33 and 34

Cornwallis Gardens – 3, 5, 18, 19, 20, 26, 27, 28, 38, 39-40, 43 and 44,

White Rock Gardens – 1-2

Cornwallis Terrace – 12 in total

I would also refer to the Planning Inspectorate judgement in respect of 93 Cambridge Road which upheld the Planning Committee's refusal to agree as an HMO

Furthermore I would suggest that 'saturation' has been reached in this area and that the current planning consent for 2 x 2 bedroom flats and 1x1 bedroom flats would benefit the local community and provide much needed family accommodation close to the town centre."

The submitted floor plan is identical to the previously submitted one, with four bedrooms at ground floor level as well as a living room, kitchen, bathroom and separate WC. Another four bedrooms are on the first floor with an additional kitchen, bathroom and WC. This is identical to the existing floor plan apart from the subdivision of the lounge to create an additional bedroom.

The application differs from the one previously considered only in the fact that the accommodation is now intended for students. The applicant has stated that the intention is to lease the bedrooms to students studying at the University of Brighton campus located in Hastings. However, the accommodation will not be managed by the University, and is not a Hall of Residence. As such the use would constitute a House in Multiple Occupation (HMO) outside the use class order (sui generis). It would not be possible to restrict the occupation to students by means of condition.

The applicant has submitted an appeal against the previous refusal; however, this has not yet been validated by the Planning Inspectorate. The agent has stated that if the current planning application is approved, then the appeal will be withdrawn.

Previous Site History

- HS/FA/14/00830 Proposed change of use from former B & B to supported living provision (Sui Generis)
Withdrawn 27/10/2014
- HS/FA/13/00670 Change of use to create 3no. self-contained flats
Granted 14/10/2013
- HS/FA/14/00941 Proposed change of use from dwelling house (C3) to HMO (sui generis)
Refused 5/02/2015

Details of Consultations

The Housing Services Team Leader states that the provision of bathroom, WC and kitchen amenities and dimensions of the proposed rooms comply with the Council standards for HMOs. A satisfactory means of escape in case of fire must be provided, together with a suitable automatic fire detection and alarm system. The proposed layout on the ground floor should be revised so that the kitchen should be separated from the means of escape by means of a half hour fire-resisting partition and door.

The property will require licensing under the Council's Additional HMO licensing scheme unless it is managed by a prescribed educational establishment.

The Building Control Manager comments that the proposal would be a change of use requiring full compliance with building regulations including means of escape, renovation of thermal elements/fittings (windows to be double-glazed), background ventilation, sound resistance, disabled access and consultation with the Fire Brigade.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

Change of use

The property, which had been vacant for many years has a total of seven bedrooms and limited amenity space. The 2013 permission for three flats has already established that this property is no longer suitable for family use by modern standards and that a more intensive use is acceptable. The proposed layout meets the housing standards and constitutes a more efficient use of the property. Policy H4 of the Hastings Strategy applies.

The application is supported by a letter of the University of Brighton confirming that it is intending to take a lease of the 8 study bedrooms and that the lease is likely to be for a term of 5 years starting in September 2015.

The university states that student numbers at the University of Brighton in Hastings are growing and for the academic year 2015/16, a number of new courses have been introduced, including Sports Journalism which it is anticipated will attract around 60 new students from outside the local area.

Impact on residential amenity and character of the area

The Council recognises that well managed HMOs can play a useful role in the range of housing available in the town to meet local needs. However, the aim of policy is to avoid undesirable concentrations of HMOs in the town.

The adopted Hastings Planning Strategy states that "*National planning policy guidance provides the context for ensuring that future housing delivery leads to the creation of sustainable, inclusive and mixed communities and to avoid situations where existing neighbourhoods become dominated by a particular housing type, such as shared houses (HMOs). ...*

There are already high numbers of HMOs in the town and, whilst we recognise that shared housing is important in meeting the needs of certain residents, including those on low incomes and young people starting out on their careers, we also recognise the negative effects that high concentrations of this type of housing may have on local communities.

It is likely that the number of HMOs in the town as a whole will increase, driven by increasing student numbers as a result of the new University campus, changes to housing benefit and the increasing need for smaller affordable units of accommodation. If we are to continue to accommodate the need and demand for HMOs, we need to ensure that local communities are mixed and balanced in terms of both housing tenure and the people that live there.

The National HMO lobby has identified a 'tipping point' in respect of concentrations of HMOs. This tipping point is described as a threshold beyond which a deviation departs so far from the 'norm' that a community can 'tip' from balance to un-balance. The HMO tipping point, largely based on the impacts of associated demographic change, is considered to occur when HMOs exceed 10% of properties."

While there may be a number of HMOs further away, the number of HMOs within 100m radius of this property is 1 HMO and 158 properties (this equates to approximately 0.6%).

The number of HMOs is based on a list of HMOs provided by Housing on 11 November 2014, Council Tax on 17 November 2014 and LLPG HMO classifications on 17 December 2014.

Although the proposed use might be a more intensive use of the property, this in itself is not sufficient to justify a refusal. The property is fronting the busy Cambridge Road and I do not consider that the proposed use of this property at this location would have a materially adverse impact on the amenity of occupants of neighbouring or nearby properties. No external alterations or extensions are proposed.

It is also worth noting that the property has a current valid planning permission for the use as three flats comprising 2no. two-bedroom and 1no. one-bedroom units. This means that the property could be occupied by a similar number of people and the level of activity would be comparable.

Provision for refuse storage and cycle parking

A cycle store and bin store has been indicated on the submitted plan, although there is no overall block plan of the site explaining how the cycle store would be accessed.

Fence

A fence had been erected around the property which exceeded 1m in height adjacent to a highway used by vehicular traffic. The height of a section of the fence has been reduced and the application includes the reduction in height to 1m of the currently unauthorised fence on the eastern boundary where it abuts Trinity Villas.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Recommendation

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:

mb 880/15/01, 02 14/601/1, 3.
3. The use hereby approved shall not be commenced until readily accessible external storage space for refuse bins awaiting collection have been provided to the satisfaction of the Local Planning Authority.
4. The property shall not be occupied until such time as the cycle parking, as shown on the approved plans, has been provided. The area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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 character and amenity of the area.
4. To ensure an adequate level of parking for cycles to serve the development.

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. Consideration should be given to the provision of a domestic sprinkler system.
4. Separate planning permission will be required for the installation of upvc windows.

Officer to Contact

Mrs E Collins, Telephone 01424 783278

Background Papers

Application No: HS/FA/15/00430 including all letters and documents

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Agenda Item 5b

AGENDA ITEM NO: 5 (b)

Report to: PLANNING COMMITTEE

Date: 01 July 2015

Report from: Assistant Director of Housing and Built Environment

Application Address: 26 Beauharrow Road, St Leonards-on-sea, TN37 7BL

Proposal: Erection of three detached houses and garages

Application No: HS/FA/15/00071

Recommendation: Grant Full Planning Permission

Ward: ASHDOWN

File No: BE28026

Applicant: Beauharrow Developments Ltd. per Town & Country Planning Solutions Sandhills Farmhouse Bodle Street Green Hailsham BN27 4QU

Interest: Owner

Existing Use: Domestic curtilage

Policies

Hastings Local Plan 2004: DG1, DG2, DG3, DG4, DG11, NC7, NC8, NC9

Conservation Area: No

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: FA1, SC1, EN2, EN3, T3

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: DM1, DM3, DM3, HN7, HN8

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 3

Petitions Received: 1

Application Status: Not delegated - Petition received.

Summary

The proposal is for the erection of 3 x 5 bedroom houses with detached garages within the garden area of 26 Beauharrow Road. The main issues are the impacts of the proposal on the character and appearance of the area, the amenity of neighbouring residents, protected trees and biodiversity. After considering all matters I recommend the proposal for approval subject to conditions.

The Site and its Location

The site consists of the garden area of 26 Beauharrow Road which is accessed via a private drive leading southwards from Beauharrow Road. The site adjoins 28 Beauharrow Road to the north-west which has recently been developed with 7 houses now known as The Russets. The area to the rear is designated as ancient woodland and the area to the south-east is designated as a Local Wildlife site. Part of the site is designated as a Wildlife Corridor. The area opposite the site is currently vacant but has planning permission for a single dwelling (HS/FA/14/00590). The land opposite also forms part of a wider site and an appeal for the refusal of a scheme of 4 houses on that site has recently been submitted (HS/FA/14/01026).

The area is predominantly residential and consists of a variety of detached houses, bungalows and some semi detached dwellings. Relatively large levels of trees and other vegetation can also be found in the area which gives it a semi rural type character and appearance.

Details of the Proposal and Other Background Information

This is a fully detailed application. The proposal involves the erection of 3 x 5 bedroom houses with detached garages within the garden area of 26 Beauharrow Road.

The proposed detached dwellings each have a width of 10.5 metres, a maximum depth of 10.95 metres and maximum height of 9 metres. Each dwelling would have a new driveway which would form access to the new dwellings.

Each of the new properties will have a detached garage. Each will have a width of 6.2 metres, a depth of 6.2 metres and a maximum height of 5.1 metres.

Drawing no. 14.582/01F shows a single house type, but the site layout plan - Drawing no. 14.582/02 B shows two of the houses to be "handed" - a mirror image of the design shown on drawing Drawing no. 14.582/011F. To avoid confusion a condition can be attached to any approval to cover this point.

Sufficient information has been submitted regarding materials, however, samples will need to be submitted prior to construction taking place. This will be conditioned.

Relevant Site History

HS/OA/80/00666 Erection of a dwelling house.
Refused 26 November 1980 for the following reasons:

Subsequent appeal dismissed.

Details of Consultations

The **Borough Arboriculturalist** has advised that a suitable buffer is proposed between the development and the adjoining area of ancient woodland and raises no objection subject to conditions requiring tree protection measures and a soft planting scheme.

Comments have been received from **Southern Water** who have recommended the use of an informative regarding the need for a sewer connection and provided general advice.

The **Environment and Natural Resources Manager** has recommended the use of a condition requiring the development to be completed in accordance with the submitted ecological report.

A total of **3 letters of objection** and **1 petition of objection** have been received. The main issues raised include: highway safety, water run-off, damage to road surfaces, noise and general disturbance during construction, loss of habitat, drainage, emergency service vehicle access, devaluation of properties and character of the area.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

Character and Appearance

Following amendments, the proposed dwellings are similar in size and scale to those recently constructed at 28 Beauharrow Road and are considered to be in keeping with the variety of housing types which exist in the area.

The dwellings include clay tile pitch roofs, timber weather board, gables and other features which draw on the characteristics of the area. It is therefore considered that the scheme is in keeping with the character and appearance of the surrounding area.

Living Environment

The Hastings Development Management Plan Revised Proposed Submission Version 2014 (DM Plan) sets standards for internal space for dwellings. The policy only sets standards for dwellings up to 4 bedrooms but the current proposal is for 5 bedrooms. The proposal exceeds the requirement for a 4 bedroom property by 74 square metres and is therefore considered adequate. Each dwelling is to have a garden of over 10m in length and therefore complies with the requirements of part (g) of the DM Plan and DG11 of the Hastings Local Plan 2004 (HLP).

The dwellings have been positioned so that they do not overlook one another or result in poor levels of light or outlook. The dwellings are positioned to the rear of the existing house at 26 Beauharrow Road which creates a similar relationship to that at 28 Beauharrow Road. Given the separation distances it is considered that a condition requiring details of boundary enclosures and soft landscaping will ensure that both current and future occupants experience a good quality living environment. The existing 26 Beauharrow Road also retains a suitable garden of at least 10m in length.

Amendments were sought which involved reducing the height of the dwellings and relocating the garage and dwelling closest to the boundary with 28 Beauharrow Road further to the south east. This alteration ensures that the scheme will not result in poor quality outlook or overbearing impacts on the dwellings at the Russetts. The proposal will also comply with Building Research Establishment (BRE) guidance on sunlight and daylight.

Highways and Transport

In accordance with the ESCC parking calculator, there is a requirement to provide 8 spaces for a scheme of this size. Each dwelling is to have a garage for two vehicles and a private drive which could be used for at least 2 additional vehicles. It is, therefore, considered that the scheme makes adequate demand for the parking demands it generates.

The proposal is to make use of the existing private drive from Beauharrow Road which forms part of the application site boundary. The section of Beauharrow Road from Battle Road to the junction with the drive is also within the site boundary. This section has been resurfaced and improved as part of the developments 28 Beauharrow Road.

The improvement works involved the provision of acoustic fences to part of the private drive to protect neighbouring developments and the formation of a passing place. The road is therefore considered adequate for the current proposal. However, it is recommended that a condition is imposed requiring details of the small section of road which remains unmade to be submitted for approval.

Construction vehicles have the potential to damage the recently improved section of road and it is recommended that a condition is imposed which requires any damage to be made good.

Housing Need and Affordable Housing

Both the HLP and the Strategy advise that there are large numbers of small units across the Borough. The proposed dwellings are family size homes and therefore help to address imbalances in the housing stock as required by Policy H2 of the Strategy.

As a result of national changes the Council's affordable housing policy no longer applies to schemes of 10 units or less. The scheme is, therefore, considered acceptable without an affordable housing contribution.

Biodiversity

Part of the site is crossed by a wildlife corridor. Following discussions with the Environment and Natural Resources Manager, he is satisfied that the proposal is acceptable as the buildings themselves are not within the wildlife corridor but the gardens are. It is recommended that a condition removing permitted development rights for any future outbuildings in rear gardens is included within the consent.

As confirmed by the Borough Arboriculturalist the dwellings are a minimum of 15m from the adjoining ancient woodland in accordance with Natural England Standing Advice. However, the garden areas will be within closer proximity to the ancient woodland.

Drainage

In order to ensure that the proposal makes adequate provision for foul and surface water drainage and following the response from Southern Water, it is recommended that a condition is imposed requiring drainage details to be submitted for approval.

Other Matters

It is noted that outline planning permission for a single dwelling has previously been refused at the site. The reasons for refusal related to the unmade nature of Beauharrow Road and that the proposal was isolated in relation to other forms of development. Since that time planning policies have changed and Beauharrow Road has been improved as part of the development at 28 Beauharrow Road.

Conclusion

The proposal has been designed to ensure that a good quality living environment is created for future occupants without impacting on the amenity of neighbouring residents. The scheme is considered to be in keeping with the character and appearance of the area and helps provide additional family size accommodation in this part of the Borough. It is therefore considered that the scheme represents sustainable development and is acceptable. I therefore recommend the proposal for approval subject to conditions.

Other considerations

The Human Rights considerations have been taken into account fully in balancing the planning issues.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

Recommendation

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. Construction traffic must not damage the through routes to the site. Any reinstatement works required must be approved in writing and carried out to the satisfaction of the Local Planning Authority.
3. No development shall take place until the recommended measures outlined in the submitted ecological and arboricultural statements and reports (Tree Survey Arboricultural Impact Assessment & Tree protection Plan Land at 26 Beauharrow Road St Leonards on Sea TN37 7BL by The Mayhew Consultancy Ltd Dated June 2014 and Ecological Appraisal Land at 26 Beauharrow Road St Leonards on Sea TN37 7BL by The Mayhew Consultancy Ltd Dated June 2014) have been fully implemented, unless:
 - (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the time scales contained therein or;

- (ii) unless the scheme(s), or programme(s) of measures contained within the ecological and aboricultural statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.
4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development (in accordance with BS5837 2012: Trees in relation to design, demolition and construction – Recommendations). 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.
 5. 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.
 6. 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 "BS 5837:2012 - Trees in relation to design, demolition and construction. - Recommendations" 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.
 7. The development hereby permitted shall be carried out in accordance with the following approved plans: 14.582/01F; 02B;
 8. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwellings 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.

9. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; 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.
10. 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.
11.
 - (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 hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwellings 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.
12. The reconstructed access road shall be in the position shown on the submitted plan (drawing no. 14.582/02 B) and all works undertaken shall be executed and completed to the satisfaction of the Local Planning Authority prior to any occupation of the development.
13. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the submitted plan (drawing no. 14.582/02B) and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.
14. Prior to the commencement of development a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. This shall include the size of vehicles, routing of vehicles and hours of operation.
15. Before the development hereby approved is commenced 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 and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

16. Before the development hereby approved is occupied provision shall be made in each property for connection to fibre-based broadband infrastructure.
17. 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.
18. The windows in the first floor side elevations of the proposed dwellings shown serving bathrooms or an en suite shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.8 metres from finished floor level.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building works within the rear garden areas (for example outbuildings) shall take place without the grant of an additional planning permission.
20. No development shall take place above ground until full details of all boundary treatments including any fencing, walls or enclosures have been submitted to and approved in writing by the Local Planning Authority. All such boundary treatments shall be erected before the building to which it relates is occupied.
21. Drawing no. 14.582/02 B does not match the footprint of 2 of the proposed dwellings with drawing no. 14.582/01, specifically the dwellings located furthest away from the existing northern boundary line. No development shall take place above ground until these details have been amended, submitted to and approved 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. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hasting Local Plan 2004 - Policy DG1).
3. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
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.

6. To protect features of recognised nature conservation importance and the character and appearance of the area.
7. For the avoidance of doubt and in the interests of proper planning.
8. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
9. In the interests of the visual amenity and to protect neighbouring residential amenities.
10. In the interests of the visual amenity and to protect neighbouring residential amenities.
11. To prevent increased risk of flooding.
12. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
14. In the interests of highway safety and for the benefit and convenience of the public at large.
15. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.
16. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
17. To safeguard the amenity of adjoining residents.
18. In the interests of the amenity of the neighbouring residential occupiers.
19. To protect the wildlife corridor.
20. To safeguard the amenity of adjoining residents.
21. To correct the existing anomaly between drawing nos. 14.582/02 B and 4.582/01.

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. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water, Southern House, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.
4. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.
5. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mr Y Watt, Telephone 01424 783336

Background Papers

Application No: HS/FA/15/00071 including all letters and documents

Agenda Item 7a

AGENDA ITEM NO: 7 (a)

Report to: PLANNING COMMITTEE
Date: 01 July 2015
Report from: Assistant Director of Housing and Built Environment

Application Address: The Little Fish and Chip Shop, Lower Promenade, Warrior Square, St Leonards-on-sea, TN37 6FA
Proposal: Painted advertisement on roof
Application No: HS/AA/15/00392

Recommendation: Grant Advertisement Consent

Ward: CENTRAL ST LEONARDS
File No: FO50450T
Applicant: Mr Barlow 61 Quebec Road St Leonards-on-sea TN38 9HH

Interest: Freeholder
Existing Use: Fish and Chip kiosk

Policies

Hastings Local Plan 2004: DG16
Conservation Area: Yes - Warrior Square
National Planning Policy Framework: Para 67.
Hastings Planning Strategy: SC1, EN1,
Hastings Local Plan, Development Management Plan, Revised
Proposed Submission Version: DM3

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - Conservation Area
Letters of Objection: 4
Petitions Received: 0
Letters of Support: 1

Application Status: Not delegated - More than 2 letters of objection received

Summary

This application is for retrospective consent for the painted advertisement on the roof of the fish and chip shop/kiosk on the Lower Promenade in Warrior Square. The main issues are the impacts on the Warrior Square conservation area and the character and appearance of the area. After considering all matters, on balance I recommend approval for the advertisement.

The Site and its Location

The site is located on the Lower Promenade within Warrior Square. The site does not adjoin any neighbouring properties but is within close proximity to purpose built beach shelters. The site is within the Warrior Square Conservation Area and the Central St Leonards Cultural Quarter.

The advertisement is located on the north facing roof slope of the existing kiosk. Due to the differing levels from the Lower Promenade and the Upper Promenade the roof slope of the kiosk displaying the advertisement is clearly visible within the street scene of Warrior Square.

Details of the Proposal and Other Background Information

This is an application for the retention of the recently painted advertisement on the roof of the fish and chip kiosk on the Lower Promenade.

Previous Site History

Number	Description
HS/FA/13/00947	Proposed kiosk serving take-away fish and chips/refreshments (A5) and sundries (A1) - Granted - 29.01.2014
HS/CD/14/00160	Discharge of conditions 2a (extract), 2b (fryers), 2c (external materials) & 5 (refuse) of planning permission HS/FA/13/00947.

Details of Consultations

As part of this application a site notice was displayed. 4 letters of objection were received and 1 letter of support was also submitted.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

In accordance with Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the Local Planning Authority is to exercise its powers in the interests of 'amenity' and 'public safety'. The Hastings Local Plan 2004 may be held as a material consideration in the determination of express consent applications, as are the Hastings Local Plan Planning Strategy, the Hastings Local Plan Development Management Plan Revised Proposed Submission Version, the SPD Shopfronts and Advertisements and the NPPF.

The main policies that apply are DG16 of the Hastings Local Plan 2004, Policies SC1 and EN1, of the Hastings Planning Strategy, and the following proposed additional paragraph to policy DM3 of the Development Management Plan Revised Proposed Submission Version

"Para 2.26 Advertising can look unattractive if poorly executed. Badly designed, very bright or inappropriately sited signs can detract from the character of a building or street. The effects of advertisement on the amenity and highway safety will be carefully considered before express consent will be given. The Council has an adopted Supplementary Planning Document - Shopfronts and Advertisements, 2007, which has been programmed for updating in the current LDS"

Paragraph 67 of the NPPF is also relevant. Additional design guidance is also produced by the Council in the form of 'SPD – Shopfronts and Advertisements'. The policies and guidance seek to protect and enhance appearance and design within the public realm and ensure public safety

Amenity:

Due to the location of the site and the differing land levels from the Lower and Upper Promenades the advertisement options open to the applicant are relatively limited. Also, due to the proximity to the public footpath along the Upper Promenade any form of hanging or projecting sign has the potential to have a detrimental impact on public safety.

Public Safety:

In its current form, the advertisement does not have a detrimental impact on public safety and does not cause any disruption to pedestrian flow.

Impact on the Street scene and Conservation Area:

As stated above the site is located within the Warrior Square Conservation and is clearly visible when travelling along the sea front.

I take into account the concerns raised by the local residents in relation to the impact of the advertisement and it not being in keeping with Warrior Square. However, when viewing the advertisement in the context of the wider sea front I am of the opinion that it does not have an overriding detrimental impact on its surroundings.

Conclusion:

Taking the above into account, I am of the opinion that although the placement of advertisements on roofs within a Conservation Area is not generally supported and would not be encouraged, on balance, in this instance, due to the lack of suitable alternatives the advert is acceptable.

Evidence of Community Involvement

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Recommendation

Grant Advertisement Consent subject to the following conditions:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

2. No advertisement shall be sited or displayed so as to—
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

- c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
5. The period of consent lapses at the expiration of five years from the date of issue.

Reasons:

1. In accordance with the Town & Country Planning (Control of Advertisements) Regulations 2007.
2. In the interests of safeguarding the amenities of the area.
3. In the interests of safeguarding the amenities of the area.
4. In the interests of safeguarding the amenities of the area.
5. To comply with regulation 14(5) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Any advertisement may continue to be displayed after this date, subject to the same conditions as set out in the Consent and the power of the District Planning Authority to require discontinuance of the display under Regulation 8.

Notes to the Applicant

1. Failure to comply with any condition imposed on this consent 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.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/AA/15/00392 including all letters and documents

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