

## PLANNING COMMITTEE

13 AUGUST 2014

Present: Councillors Beaney, Beaver, Charman (as the duly appointed substitute for Councillor Scott), Dowling, Edwards, Lee, Street (Chair) and Webb (as the duly appointed substitute for Councillor Wincott)

The start of the meeting was adjourned for 10 minutes for the arrival of the Solicitor.

### 20. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Scott and Wincott.

### 21. DECLARATIONS OF INTEREST

Councillors made no declarations of interest at this meeting.

### 22. MINUTES OF THE MEETING HELD ON 16 JULY 2014

**RESOLVED** – That the minutes of the meeting held on 16 July 2014 be approved and signed by the Chair as a true record.

### 23. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

### 24. PLANNING APPEALS AND DELEGATED DECISIONS

The Development Manager reported that one appeal had been received and one appeal had been allowed. He also reported on a number of delegated decisions. All matters had arisen between 7 July and 1 August 2014.

**RESOLVED** – that the report be noted.

### 25. PLANNING APPLICATIONS:

#### 26. Site of 2 Tilekiln Lane

Proposal:	Variation of condition 10 (drainage) of planning permission HS/FA/03/00750 (13 x flats in purpose built block)
Application No:	HS/FA/14/00454
Existing Use:	Brownfield land which was partially developed with new flatted block before being partially demolished
Hastings Local Plan 2004	DG1, DG26, DG27
Conservation Area:	No

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National Planning Policy Framework Section 10  
Hastings Planning Strategy SC1 and SC7  
Development Management Plan  
Proposed Submission Version: No Conflict  
Public Consultation: 6 letters of objection received

The Development Manager reported on an application for the variation of condition 10 (drainage) of planning permission HS/FA/03/00750 (13 x flats in purpose built block) at 2 Tilekiln Lane, Hastings.

The site relates to 2 Tilekiln Lane, formerly the site of a care home. The building has stood derelict for a number of years before recently being partially demolished.

The planning permission that is being varied was approved in 2005 for a block of 13 flats, with a 5 year time limit. Having regard to the planning history, the permission was considered to have been implemented and is extant.

The applicant sought to vary the wording of condition 10, so that details of the drainage works are agreed before works commence on the site, and the drainage work is carried out and completed during the normal development process prior to the occupation of the properties.

Having taken into account all the relevant matters, the Development Manager recommended the application be approved subject to conditions.

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

Councillor Beaver proposed a motion to approve the application as set out in the resolution below. This was seconded by Councillor Roberts.

**RESOLVED – (unanimously) that planning permission be GRANTED subject to the following conditions:-**

- 1. The development hereby permitted shall be begun before the expiration of five years from the date of planning permission H/FA/03/00750;**
- 2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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;**
- 3. 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**

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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;

4. 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;
5. No development shall take place until full details of all boundary walls and fences have been submitted to and approved in writing by the Local Planning Authority. All such boundary walls and fences shall be erected before the building to which it relates is occupied;
6. No development shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas and hard surfacing materials;
7. 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;
8. There shall be no obstruction to visibility (over 0.8 metres above the level of the adjoining footway) in either direction onto Tilekiln Lane within splays of 2.4m x 25m;
9. The private access drive shall have a minimum width of 4.5 metres for a distance of 10 metres from the carriageway to allow for two way traffic;
10. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.  
  
(ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or

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flats hereby approved shall occur until those works have been completed.

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

11. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme for the improvement of pedestrian access between Fairlight Road and across the frontage of the site to Tilekiln Lane. Such scheme shall provide for the timing of the improvement works in relation to the implementing of the development, and shall be implemented in accordance with such timing before any of the flats are occupied; and
12. There must be no new buildings, structures (including gates, walls and fences), raised ground levels or other like obstructions within the channel of the existing watercourse within the boundary of the site.

### Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;
2. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1);
3. To ensure a satisfactory standard of development;
4. To ensure a satisfactory standard of development;
5. To safeguard the amenity of adjoining and future residents. (Hastings Local Plan 2004 - Policy DG1);
6. To ensure a satisfactory standard of development;
7. To ensure a satisfactory standard of development;
8. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety;
9. In the interests of traffic safety;
10. To ensure that no property is occupied until adequate access and drainage facilities have been provided;

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11. To ensure a satisfactory form of development in the interests of vehicular and pedestrian safety; and
12. To maintain a channel for overland flood flows.

### Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. **Statement of positive engagement:** In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. This planning permission has been issued as a variation to planning permission HS/FA/03/00750. The pre-commencement conditions listed above are copied from the previous permission and may have already been discharged. If the conditions have been dealt with previously you will not be required to deal with those conditions again, unless matters associated with those conditions have changed. Any outstanding matters required by condition should be submitted to the Local Planning Authority as soon as possible. There may also be informatives from the previous permissions which still apply.

### 27. The Victoria Inn, 290 Battle Road

Proposal:	Instalment of one new condenser unit, one condenser pack and two air conditioning units.
Application No:	HS/FA/14/00528
Existing Use:	Former Public House
Hastings Local Plan 2004	DG1, DG4
Conservation Area:	No
National Planning Policy Framework	Section 7
Hastings Planning Strategy	FA1, SC1
Development Management Plan	
Proposed Submission Version:	DM1, DM3, DM6
Public Consultation:	3 letters of objection received

The Development Manager reported on an application for the installation of a new

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condenser unit; one condenser pack and two air conditioning units at The Victoria Inn, 290 Battle Road, St. Leonards on Sea.

The property is a large detached building located on the corner of Battle Road and Upper Glen Road. The building is the former Victoria Inn public house and restaurant, which is to be used as a convenience store. This change of use does not require planning permission, as the change is permitted by the General Permitted Development Order.

The area comprises a mix of residential and commercial properties. The new plant area is to be located adjacent to staff accommodation in an area north of the main building. It is to be installed onto a concrete platform and enclosed by a timber fence, with gate for access.

The main issues considered were the impact of the proposed refrigeration and air conditioning units on the amenities of the occupants of nearby residential properties, and the impact on the streetscene and surrounding area. The Development Manager felt the proposed refrigeration and air-conditioning units were not considered to have an adverse impact and therefore recommended that planning permission be granted subject to conditions.

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

Councillor Rogers proposed a motion to approve the application as set out in the resolution below, subject to the removal of condition and reason 3. This was seconded by Councillor Roberts.

**RESOLVED** – (unanimously) that planning permission be **GRANTED** subject to the following conditions:-

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission;**
2. **The noise emanating from the condenser unit, condenser pack and two new air-conditioning units hereby approved shall not exceed the noise levels stated within the noise report provided by KR Associates (UK) Ltd, reference KR03805 and dated 13th May 2014;**
3. **The condenser unit, condenser pack and two new air-conditioning units hereby approved shall not be used until the fence and gated enclosure is in place; and**
4. **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**13-XXX-200A, CP-STLE-001-001, CP-STLE-001-002**

**Reasons:**

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- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. In the interests of the amenity of the neighbouring residential occupiers;**
- 3. In the interests of the amenity of the neighbouring residential occupiers; and**
- 4. For the avoidance of doubt and in the interests of proper planning.**

### **Notes to the Applicant**

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning; and**
- 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.**

### **42. ADDITIONAL URGENT ITEMS (IF ANY)**

None.

(The Chair declared the meeting closed at. 6.22 pm)