

# Planning Committee Agenda

Wednesday, 13 August 2014 at 6.00 pm

Town Hall, Queens Road, Hastings, TN34 1QR

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# Public Document Pack **Agenda Item 3**

## PLANNING COMMITTEE

16 JULY 2014

Present: Councillors Street (Chair), Dowling, Roberts, Rogers, Scott (Vice-Chair), Wincott, Beaney, Beaver, Edwards and Lee

### 9. APOLOGIES FOR ABSENCE

None.

### 10. DECLARATIONS OF INTEREST

The following Councillors declared their interests in the minutes as indicated:

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Scott	14 – 13-14 Linton Road	Personal – Member of ESCC.

### 11. MINUTES OF THE MEETING HELD 18 JUNE 2014 (FOR INFORMATION)

**RESOLVED** – That the minutes of the meeting held on 18 June 2014 be approved and signed by the Chair as a true record, subject to the amendment of the wording of item 3, Rocklands Private Caravan Park. The page numbers were corrected as follows:-

Amendments to the wording of the report were corrected as follows:- on page 11 the words ‘Policy C1’ of the Hastings Local Plan 2004 was deleted. The words ‘Yes – Old Town’ were replaced with the words ‘No’. On page 12, under summary, the words ‘13 February 2014’ were replaced with the words ‘13 February 2013’. On page 15, Condition 1 of the recommendation for approval was amended to include the date of the permission ‘13.02.2013’.

### 12. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

### 13. PLANNING APPLICATIONS ATTRACTING A PETITION - THE FOLLOWING ITEMS WERE CONSIDERED:-

#### 14. 13-14 LINTON ROAD

Proposal: Change of use from former care home to supported living accommodation (sui generis)

Application No: HS/FA/14/00055

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Existing Use:	Care Home
Hastings Local Plan 2004	DG1, H4, DG2
Conservation Area:	No
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	H2, H4, SC1
Development Management Plan	
Proposed Submission Version:	DM1, DM3, DM4, HC2
Public Consultation:	42 letters of objection (at the time of writing the report), and 1 petition

The Development Manager reported on an application for the change of use from former care home to supported living accommodation (sui generis) at 13-14 Linton Road, Hastings.

The property is located on the west side of Linton Road and is surrounded by a mixture of large Victorian houses, some of which have been converted into flats, HMOs and smaller detached private dwelling houses.

The application seeks approval to split No 13-14 Linton Road into 3 independent units, to comprise 18 bedrooms, each in single occupation, 11 of which would have ensuite facilities. In addition there would be communal bathrooms, living/dining areas, kitchens and office space. One of the 18 bedrooms is to be allocated for the '24 hour presence' member of staff. A private garden for the three units will also be provided.

Staff will attend the site during normal working hours, i.e. 08.30 till 17.00 to provide support needed by the occupants. This will not only involve staff employed by the applicant but also County Council staff. There will also be a member of staff who lives within five minutes walk of the site who will be on a 24 hour call and a member of staff on-site continuously, with 12-hour shifts.

The previously submitted application HS/FA/13/00610 was for a proposal which involved the conversion of the site into 3 units each to be used as an HMO. This use would have fallen under the C4 use class. In this instance as the proposed use has altered to include 'supported living accommodation' and as a result is now considered to be a Sui Generis use.

The agent has stated that potential residents would be vetted by Social Services prior to placement within the units. The agent also stated that each resident would be visited regularly by their social worker. The only external alterations are to the access doors on the flank elevation serving No. 13a.

Having taken into account all the relevant matters including the residential amenity and character of the area; living environment, parking and highways, need, safety and security, the Development Manager felt that providing there is support on site 24 hours a day, the use is considered to be acceptable and therefore recommended the

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application be approved subject to conditions.

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

The petitioner, James Leathers, was present and spoke against the application.

The applicant's representative, Mr George Sewell (Planning Consultant), was present and spoke in support of the application.

Councillor Sabetian, Ward Councillor, was present and spoke against the application.

Councillor Beaney proposed a motion against the officer recommendation to refuse the application as set out in the resolution below, which was seconded by Councillor Beaver.

**RESOLVED** – by (8 votes to 1, with 1 abstention) that planning permission be **REFUSED** subject to the following conditions:-

- 1. The change of use to supported living accommodation, for which there is no clearly identified need in the borough would conflict with the aims of policy H2 in the Hastings Local Plan, The Hastings Planning Strategy, 2011-2028 which seeks to achieve the provision of a range of accommodation to meet current and projected housing needs, and states:**

**POLICY H2: Housing Mix**

**Planning permission will be granted for residential development that delivers a balanced mix of housing both within each site, and across Hastings as a whole. The Council will seek to ensure a genuine mix of housing types within existing and future communities by encouraging proposals for housing development in terms of the extent to which they:**

- a) contribute to a well integrated mix of housing types and tenures to support a range of household sizes, ages and incomes to meet both current and projected housing needs**
  - b) address local tenure mix and whether there is a concentration of a particular tenure of housing that would benefit from diversification or greater choice**
  - c) take account of existing local household characteristics and whether there is a bias towards younger or older households, families or sharers and how the new development will fit into this context**
  - d) provide a proportion of homes to Lifetime Homes Standard**
  - e) in suitable and accessible locations, residential schemes of 50 or more dwellings will need to include at least 2% fully adapted dwellings for wheelchair users.**
- 2. The change of use to supported living accommodation would be likely**

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**to increase general activity in the area and be detrimental to the character and setting of the premises. The proposal would therefore conflict with the aims of policy HC2 b) in the Hastings Local Plan, Development Management Plan, Revised proposed Submission Version which states:  
Policy HC2 – Residential Institutions and Student Halls of Residence**

**Planning applications for residential institutions (including for the elderly, infirm and physically and sensory impaired) and for student halls of residence should comply with the following criteria.**

**b) Changing the use of an existing building should not detrimentally affect its character or setting.**

### 15. 3A THE UPLANDS

Proposal:	Extension to car parking area
Application No:	<b>HS/LB/14/00386</b>
Existing Use:	Residential
Hastings Local Plan 2004	N/A
Conservation Area:	Yes – Burtons St. Leonards
National Planning Policy Framework	Section 12
Hastings Planning Strategy	N/A
Development Management Plan	
Proposed Submission Version:	N/A
Public Consultation:	2 letters of objection, 1 petition and 1 letter of support received

The Development Manager reported on an application for Listed Building Consent for the formation of an additional parking space on area of garden at the south corner of the property at 3A The Uplands, St. Leonards on Sea. Works also include the removal of a concrete block wall, piers, trellis and gates.

The property, which is a Grade II Listed Building, is a semi detached villa constructed of coursed sandstone with rendered quoining and a rusticated plinth. It is divided into two flats and a maisonette. This row of six semi detached villas are located on a private road, which is off Maze Hill, and within the Burtons' St Leonards Conservation Area. Maze Hill runs along the boundary of the historic St Leonards Gardens.

The proposal is to provide additional parking between the south east steps, the front

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elevation and the existing paved driveway. The works will involve the removal of a section of concrete block wall, associated rendered piers and gates. The area is of an irregular shape and is approximately 6.4 metres by 3.6 metres. The surface is to have a block paviour finish to match the finish of the adjacent driveway and it will be constructed around an existing light well. A section of cast iron railings and a gate are to be installed and will run from the south corner of the front elevation and the edge of the remaining wall.

Having taken into account all the relevant matters including the impact on the character and appearance of the Grade II Listed Building, and on the setting of the adjacent or nearby Listed Buildings, the Development Manager believed there would be no harm to the character and appearance of the Grade II Listed Building and therefore recommended that Listed Building Consent be granted subject to conditions.

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

Prior to the start of the meeting, one additional objection letter from Mr Groves had been received after the circulation of the agenda and before the deadline for submission of documents for the meeting.

The petitioner, Mr Raymond Groves, was present and spoke against the application.

The spokesperson for the applicant, Mr Stuart Rumsey, was present and spoke in support of the application.

Councillor Scott moved the recommendation to approve the application as set out below. This was seconded by Councillor Beaver.

**RESOLVED – (unanimously) that listed building consent be GRANTED subject to the following conditions:-**

1. **The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted;**
2. **No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:**
  - (i) **Elevation drawings of the railings and gates (scale of 1:10);**
  - (ii) **Horizontal and vertical cross section drawings of the railings, gates and any drainage scheme (scale 1:2);**
  - (iii) **Details of any works to the light well.**

**Works shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed;**

3. **No works shall commence until sample block paviments have been**

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submitted to and approved in writing by the Local Planning Authority.

Works shall be carried out in accordance with the details approved and the new car parking area approved shall not be used until those works have been completed; and

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

13.1263.002

### Reasons:

1. This condition is imposed in accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
2. To ensure the architectural and historic character of this Grade 2 Listed Building is adequately protected;
3. To ensure the architectural and historic character of this Grade 2 Listed Building is adequately protected; 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 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; and
3. The proposed extension to the car parking area will also require full planning permission.

## 16. PLANNING APPEALS AND DELEGATED DECISIONS

The Development Manager reported that two appeals had been dismissed. He also reported on a number of delegated decisions. All matters had arisen between 9 June and 4 July 2014.

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



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17. **PLANNING APPLICATIONS - THE FOLLOWING ITEMS WERE CONSIDERED:-**

18. **VICTORIA INN, 290 BATTLE ROAD**

Proposal:	Alterations to front elevation to install new shopfront and installation of ramp
Application No:	<b>HS/FA/14/00338</b>
Existing Use:	Former Public House
Hastings Local Plan 2004	DG1, DG2, DG14
Conservation Area:	No
National Planning Policy Framework	Section 7
Hastings Planning Strategy	FA1, SC1
Development Management Plan	
Proposed Submission Version:	DM1, DM3, DM4
Public Consultation:	3 letters of objection received

The Development Manager reported on an application for the installation of a new shopfront and ramps to the front of the building 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 original submission included the installation of an Automated Teller Machine (ATM) replacing the north window in the front elevation to the managers office. The ATM was close to the junction of Battle Road and Upper Glen Road and, following neighbour consultation, objections were received. The ATM has subsequently been deleted from the application.

The front entrance door and two windows to the west elevation are to be removed and a shopfront with sliding automatic doors fitted. The shopfront will be 2.4 metres in height and 4 metres in width and it is constructed of powder coated aluminium and laminated safety glass.

There will be two ramps to the front of the building. One ramp providing level access to the shop entrance doors and the other ramp provides delivery access to the door of the delivery holding area. The ramps are to have brick retaining walls with metal

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railings.

The proposed shopfront and ramps are not considered to have an adverse impact on the building, nearby residents or the neighbourhood in general. The Development Manager therefore recommended that planning permission be granted subject to conditions.

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

**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. No development shall commence until elevation, plan and section drawings, at a scale of 1:50 or 1:20, of the proposed shopfront have been submitted to and approved in writing by the Local Planning Authority.  
Development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed;
3. The brick work to be used in the construction of the external surfaces of the ramps hereby permitted shall match those used in the existing building; and
4. The development hereby permitted shall be carried out in accordance with the following approved plans:

13.13198/03, CFA/FULL/01-Rev 01, 3198/01.

**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;
3. To ensure that the finished ramps match the appearance of the existing building; and

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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.

### 19. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at. 7.14 pm)

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# Agenda Item 5

## Agenda Item: 5

**Report to:** Planning Committee

**Date:** 13 August 2014

**Report from:** Development Manager

**Title of report:** **PLANNING APPEALS & DELEGATED DECISIONS**

**Purpose of report:** To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 7 July 1 August 2014

**Recommendations:** That the report be noted

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Address	Proposal	BPO's Rec.	Where the decision was made	Type of Appeal
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**The following appeals have been received**

43-53 Norman Road	Formation of walkway through to no 51 Norman Road by demolition of modern extension (separate application approved). Conversion of offices over 49-53 to three apartments, Erection of four flats and one house on Shepherd street. Retention of storage and retail use for art gallery/shop at 43-49 and fine art to 53 Norman Road	Refusal	Delegated	Planning
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**The following appeals have been allowed**

Land rear of, 28-42 Barley Lane, Hastings	Demolition of 7 No. garages and erection of two detached dwellings with parking and turning.	Refusal	Delegated	Planning
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<b>Type of Delegated Decision</b>	<b>Number of Decisions</b>
Granted	59
Refused	7
Permission not required	1
Raise no Objection	1

**Background Papers:**

Various correspondence with Planning Inspectorate

**Report written by:**

Mandy Botting - Tel: (01424) 783264      Email: [dconquiries@hastings.gov.uk](mailto:dconquiries@hastings.gov.uk)

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# Agenda Item 6a

AGENDA ITEM NO: 6 (a)

**Report to:** PLANNING COMMITTEE

**Date:** 13 August 2014

**Report from:** Development Manager

**Application Address:  
Proposal:** **Site of, 2 Tilekiln Lane, Hastings, TN35 5EN  
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**

**Recommendation:** **Grant Full Planning Permission**

**Ward:** ORE  
**File No:** TI60002  
**Applicant:** Cotes Developments per Gravity Design Old  
Bank Court Morocco Street SE1 3HB

**Interest:** Owner  
**Existing Use:** Brownfield land which was partially developed  
with new flatted block before being partially  
demolished

**Policies**

Hastings Local Plan 2004: DG1, DG26 and DG27  
Conservation Area: No  
National Planning Policy Framework: Section 10  
Hastings Planning Strategy: SC1 and SC7  
Hastings Local Plan, Development  
Management Plan, Revised  
Proposed Submission Version: No Conflict

**Public Consultation**

Adj. Properties: Yes  
Advertisement: Yes - General Interest  
Letters of Objection: 6  
Petitions Received: 0

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

## Summary

This is an application to vary a condition attached to a planning permission. The condition required details of drainage work to be agreed and the works completed before works commenced. This wording is unusual and quite onerous, and the applicants wish to vary the requirement so that the details are agreed before works commence, but the work can be carried out during the normal development process, and completed before the properties are occupied. This is reasonable and it is recommended that the condition be varied to reflect our normal wording.

## The Site and its Location

The application site relates to 2 Tilekiln Lane, Hastings. Formally the site of a care home, this building was demolished in favour of a consented scheme for 13 flats. The approved scheme was partially built but it is understood the developer experienced difficulties and the project was abandoned. The partially built building stood derelict for a number of years before recently being partially demolished. The site therefore remains partially developed.

## Details of the Proposal and Other Background Information

The applicant wishes to vary condition 10 of planning permission HS/FA/03/00750. This was a permission for the erection of a block of 13 flats and condition 10 stated:

*"Development shall not begin until both foul and surface water drainage works have been carried out in accordance with details to be first submitted to and approved by the Local Planning Authority."*

This condition is unusual in that it requires drainage works to be both approved and carried out prior to any other development. The applicant considers this too onerous and has asked for the condition to be varied to:

*"Development shall not begin until details of both foul and surface water drainage have been submitted to and approved by the Local Planning Authority"*

By varying the condition the applicant is hoping that drainage details can be approved prior to further works but rather than being completed now they are asking whether the drainage can be completed at a later time - usually completion of the drainage infrastructure is required prior to occupation.

The planning permission that is being varied was approved in 2005 with a 5 year time limit. The permission could be considered expired but the applicant considers that it was implemented and therefore extant. Looking through the planning history I am satisfied that the permission was implemented and can therefore be considered extant. The conditions from this permission can therefore be varied.

## Previous Site History

HS/FA/03/00750 13 X FLATS IN PURPOSE BUILT BLOCK. (REVISED SCHEME)  
Granted subject to conditions 12 October 2005

## **Details of Consultations**

The **Environment Agency** has raised no objections.

**Southern Water** has raised no objections.

The **Hastings & Rother Building Control Partnership** has raised no objections.

There have been 6 objections against the application. Concerns include:

- the relevance of the 2005 planning permission;
- flooding from surface water;
- the justification for the variation;
- the cumulative impact of development in terms of flooding;
- changes in regulations and legislation which may alter the development;
- the impact of the development on the AONB; and
- matters related to the process and referencing of the amendment application.

## **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".

The main policy that applies in this instance is policy SC7 of the Hastings Local Plan: The Hastings Planning Strategy (HPS). Others apply and are listed above. The main issue to consider is whether the proposed alteration to the wording of condition 10 is acceptable.

### **Variation of condition**

As explained above the applicant considers that the current wording of condition 10 is too onerous. The current condition requires the applicant to submit drainage details for approval and requires that the approved drainage is completed prior to any other works. This is unusual as the standard drainage condition used by the Council for new developments requires details to be approved prior to development but only requires its full completion prior to occupation of a new development. The applicant would like the condition varied so that the wording reflects this more common approach.

The applicant enquired with the Council in May 2014 whether the proposed variation to the condition was going to be acceptable. At the time the applicant was advised that such a change would be acceptable as looking at the comments for the 2003 application, by expert drainage bodies like the Environment Agency and Southern Water, there appeared to be no reason why such an onerous condition was required.

Those drainage experts have been consulted on this variation application too and all have come back saying that they have no objection to the proposed variation of the condition.

A number of objections to the variation are concerned about the change and what this means in terms of surface water and flooding. Despite the objections received there is no evidence to suggest that the drainage infrastructure needs to be addressed in the way condition 10 currently requires. It is also not considered that this development specifically will cause any surface water drainage problems that require special measures or that it needs to address any cumulative impacts. With this in mind it would appear that varying the condition using the standard drainage condition is acceptable.

It is important to note that in varying this condition the applicant is not forgoing the requirement to install appropriate drainage infrastructure at the site. The Council would still have control as to whether appropriate drainage will be provided as the applicant would be required to have a drainage scheme approved and they will have to provide that drainage as approved.

## **Other**

The objections to the application also raise a number of other issues. Although not directly related to the proposed change to the condition they still need to be addressed.

Firstly, some of the objections disagree that the planning permission granted in 2005 is extant. The decision notice for planning permission HS/FA/03/00750 granted the permission for 5 years. If the development was not implemented this would mean that the permission expired in 2010, however, the applicant considers the development implemented and therefore the permission is extant. Whilst some objectors consider that the passage of time means the permission is extant, others specifically address the issue of conditions and contest that the permission was not implemented as not all of the pre-commencement conditions were addressed.

The applicant received correspondence from the Council in April 2014 letting them know that there is no record of some of the pre-commencement conditions being complied with, however, the planning history also shows a string of correspondence relating to the commencement and progression of the development and, although not all pre-commencement conditions seem to have been dealt with, no enforcement action was taken in this respect. There is no indication that any other action was taken against the developer for any other reasons that would suggest the planning permission wasn't implemented either.

The case law around the implementation of planning permissions is not black and white and whilst in some cases not complying with pre-commencement conditions can be considered as not implementing a permission, equally, there are instances in which this is not the overriding matter. It is matter of fact and degree.

This is not an application for a lawful development certificate (to establish whether the permission is extant) so the facts of the case are not being tested but I am satisfied, based on the planning history, that although the development appears to be started in breach of some conditions, these conditions were not fundamental to the continuation of the development. The development can therefore be considered implemented and the permission extant.

Secondly, some of the objections mention that the development is out of character with the area and will harm the AONB. To be clear this is an application to vary the wording of condition 10 and only the changes to this condition are being considered. The impact of the development on its surroundings was assessed as part of the original application and are not open for discussion again as part of this application.

Lastly, some of the objections are concerned with whether the development can actually be built out due to changes in other legislation - i.e. building regulations. It is not for the planning process to determine whether the development can be completed because of other non-planning rules and regulations. If other legislation means that the development needs to be altered in some way then the applicant can consider whether such a change requires a non-material amendment, a minor material amendment or a fresh planning application. If any of these things are required the local residents will be consulted on these changes.

## **Conclusion**

Considering the above discussion, and in particular the lack of any special issues that require drainage to be treated differently at this site than elsewhere in the Borough, I consider the proposed variation of condition 10 is acceptable. The suggested wording by the applicant is not quite enough to ensure the drainage works will be carried out as approved so I recommend the condition is worded as follows:

- (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 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.*

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 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 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 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.
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.
11. To ensure a satisfactory form of development in the interests of vehicular and pedestrian safety.
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.

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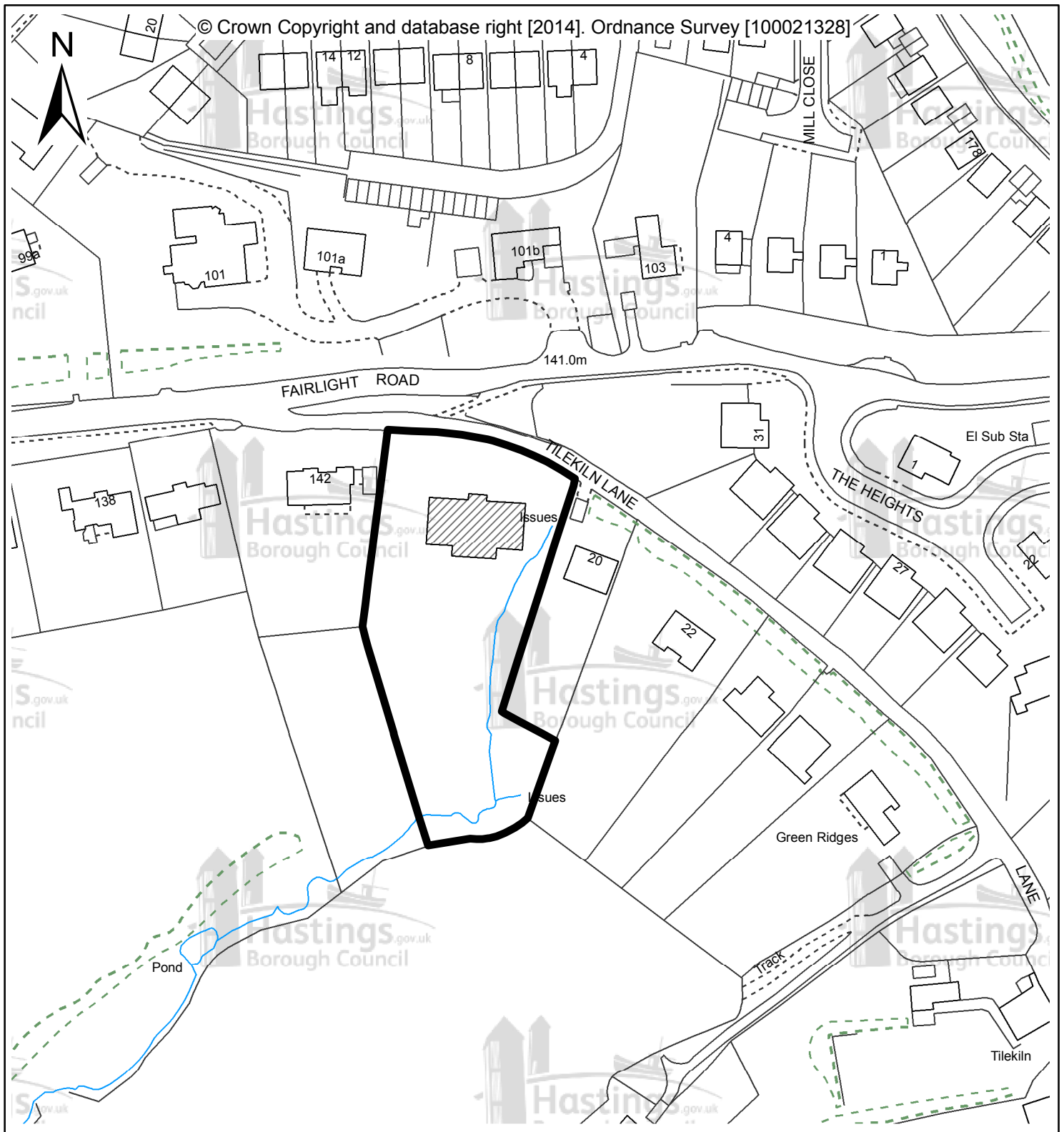
## **Officer to Contact**

Mr S Batchelor, Telephone 01424 783254

## **Background Papers**

Application No: HS/FA/14/00454 including all letters and documents





**Site of, 2 Tilekiln Lane  
Hastings  
TN35 5EN**

Variation of condition 10 (drainage) of planning permission  
HS/FA/03/00750 (13 x flats in purpose built block)



Development Manager,  
Hastings Borough Council,  
Aquila House, Breeds Place,  
Hastings, East Sussex TN34 3UY  
Tel: 01424 781090  
email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)

Date: Jul 2014

Scale: 1:1,250

Application No. HS/FA/14/00454

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# Agenda Item 6b

AGENDA ITEM NO: 6 (b)

**Report to:** PLANNING COMMITTEE

**Date:** 13 August 2014

**Report from:** Development Manager

**Application Address:** The Victoria Inn, 290 Battle Road, St Leonards-on-sea, TN37 7BA

**Proposal:** Instalment of one new condenser unit, one condenser pack and two air conditioning units.

**Application No:** HS/FA/14/00528

**Recommendation:** Grant Full Planning Permission

**Ward:** ASHDOWN

**File No:** UP50230

**Applicant:** Southern Co-operative per Evolve RPS Limited  
The Coach House The Grange Business Park  
Hewish, Bristol, City of. BS24 6RR

**Interest:** Owner

**Existing Use:** Former Public House

## Policies

Hastings Local Plan 2004: DG1, DG4

Conservation Area: No

National Planning Policy Framework: Section 7

Hastings Planning Strategy: FA1, SC1

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: DM1, DM3, DM6

## Public Consultation

Adj. Properties: Yes

Advertisement: No

Letters of Objection: 3

Petitions Received: 0

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

## Summary

This application is for the installation of a new condenser unit, condenser pack and two new air conditioning units. This plant is to provide new refrigeration cases and air conditioning within a new shop and is to be located to the side of the building, adjacent to Upper Glen Road. The proposal is considered to be acceptable and it is recommended that planning permission be granted, subject to conditions.

## The Site and its Location

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 re-open 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. Upper Glen Road slopes down from the west to the east and the properties opposite, in Upper Glen Road, are elevated from the highway. Although there is land to the rear of the main building, there is an extant planning permission for the erection of two semi detached properties.

## Details of the Proposal and Other Background Information

The plant comprises a refrigeration condenser unit, a refrigeration condenser pack and two twin fan air conditioning units. 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 dimensions of the plant are as follows:

- Condenser unit - H1150mm x W3654mm x D1145mm,
- Condenser pack – H1813mm x W2432mm x D690mm,
- Air conditioning units (two) – H1340mm x W900mm x D320mm.

## Recent Site History

HS/AA/14/00589	Various signage Application not yet determined
HS/FA/14/00338	Alterations to front elevation to install new shopfront and installation of ramp. 16 July 2014
HS/FA/14/00282	Proposed construction of 2 x semi-detached dwellings with associated car parking, cycle and refuse storage. Resolved to be granted subject to a unilateral agreement
HS/FA/14/00286	Variation of condition 4 (approved plans) of Planning Permission HS/FA/13/00830 - Demolition of existing rear conservatory and extension and erection of a ground floor single storey - Amendment, alterations to support proposed new doors, with new front entrance ramps & removal of chimney. Granted 06 May 2014
HS/FA/13/00830	Demolition of existing conservatory and rear extension and the erection of a ground floor single storey extension to the rear (east) and an extension to the side (north) of the existing building. Granted 25 November 2013

## Details of Consultations

There have been three objections from occupants of properties north of the site which face the proposed plant area. The objections relate to noise levels and disturbance.

The **Principal Environmental Health Officer** has no objection, subject to conditions, and state that they are in agreement with the report providing the noise mitigation measures are in place and that the plant is maintained.

## 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".

Policies DG1 and DG4 in the adopted Hastings Local Plan 2004, policies DM1, DM3 and DM4 of the Development Management Plan Revised Proposed Submission Version and policies FA1, SC1 of the Hastings Planning Strategy are relevant, as is Section 7 of the National Planning Policy Framework.

### Impact on Amenities of Nearby Residents

Due to existing nearby residential properties and the extant planning permission for a pair of semi detached properties within the garden of the former public house, this is the main consideration. The properties that would most likely to be affected by the proposal are those facing the north side elevation of the former Victoria Inn, at 3 and 5 Upper Glen Road and future occupants of the adjacent semi-detached dwellings, which have not yet been built.

The noise report submitted with the application states the background noise and the rating noise levels fall within the scope of British Standard 4142:1997. It states that the instalment of the plant will not have a detrimental effect on local residents and will not be likely to give rise to complaints in the future. The Principal Environmental Health Officer has studied the report and is in agreement.

The refrigeration and airconditioning units are to be enclosed by a 2m high timber enclosure, which will provide an element of acoustic screening and the units will be in excess of 20 metres from 3 and 5 Upper Glen Road. The proposed properties in the garden of the former public house are set back from the side elevation of the main building, which will provide an additional barrier.

Providing the refrigeration and aircondition units do not exceed the levels stated in the noise report, it is considered there will be no detrimental impact regarding noise pollution on occupiers of nearby or adjacent residential properties. To protect the living conditions of existing and future occupiers of nearby properties by ensuring the noise emissions do not exceed those within the noise report, Conditions 2 and 3 have been added.

## Impact on Streetscene

The proposed plant is screened by the timber fence and gate and is not visible from the street. It is also set in from both Battle Road and Upper Glen Road boundaries. There is therefore no adverse impact on the visual amenity of the building or the neighbourhood in general.

## **Conclusion**

The proposed refrigeration and airconditioning units are not considered to have an adverse impact on the amenities of occupants of nearby residential properties and there is no visual harm to the streetscene and surrounding area. It is therefore recommended that planning permission be granted subject to conditions.

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 noise emanating from the condenser unit, condenser pack and two new airconditioning 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. No development shall commence until details of the proposed enclosure fence and gate have been submitted to and approved in writing by the Local Planning Authority.  
Development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.
4. The condenser unit, condenser pack and two new airconditioning units hereby approved shall not be used until the fence and gated enclosure is in place.
5. 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:**

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 visual amenity of the area.
4. In the interests of the amenity of the neighbouring residential occupiers.
5. 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.
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.

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**Officer to Contact**

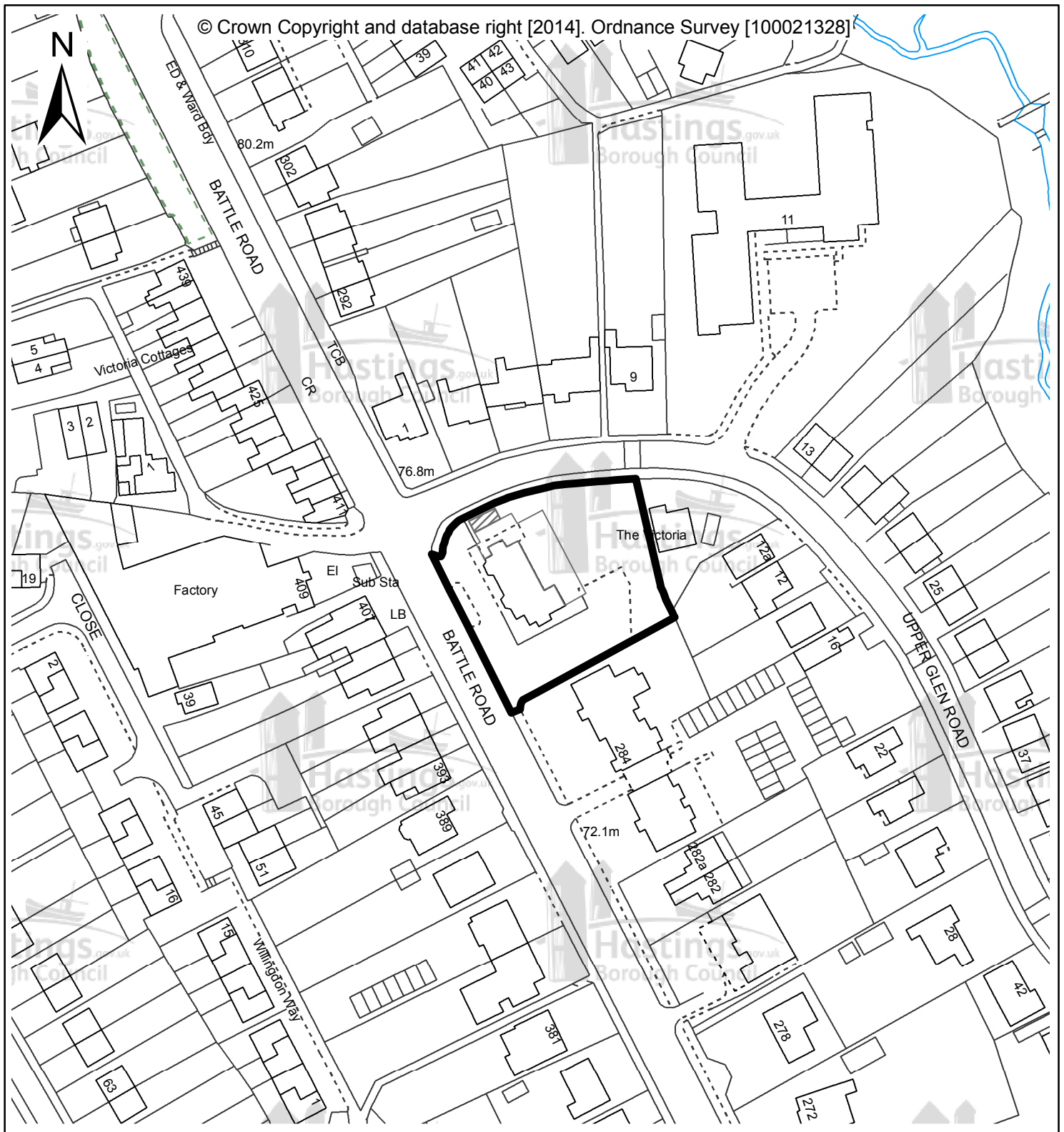
Mrs C Boydell, Telephone 01424 783298

**Background Papers**

Application No: HS/FA/14/00528 including all letters and documents

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**The Victoria Inn, 290 Battle Road  
St Leonards-on-sea  
TN37 7BA**

Instalment of one new condenser unit, one condenser pack and two air conditioning units.



Development Manager,  
Hastings Borough Council,  
Aquila House, Breeds Place,  
Hastings, East Sussex TN34 3UY  
Tel: 01424 781090  
email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)

Date: Jul 2014

Scale: 1:1,250

Application No. HS/FA/14/00528

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