

PLANNING COMMITTEE

10 SEPTEMBER 2014

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

27. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Wincott.

28. DECLARATIONS OF INTEREST

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

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Dowling	31a – 9 St. Margarets Terrace	Prejudicial – Lives in close proximity to the site.

29. MINUTES OF THE MEETING HELD ON 13 AUGUST 2014 (ATTACHED)

RESOLVED – That the minutes of the meeting held on 13 August 2014 be approved and signed by the Chair as a true record.

30. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

31. PLANNING APPLICATIONS ATTRACTING A PETITION:

31.1 9 St Margarets Terrace, St Leonards-on-sea

Proposal: Proposed additional extension to 2nd floor over existing property to form new bedroom.

Application No: HS/FA/14/00551

Existing Use: Residential

Hastings Local Plan 2004: DG1, C1, C9

Conservation Area: Yes - Magdalen Road

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National Planning Policy Framework No Conflict

Hastings Planning Strategy SC1, EN1

Development Management Plan

Proposed Submission Version: DM1, DM3, HN1

Public Consultation: 1 petition; 6 letters of objection and 1 letter of support received.

The Development Manager reported on an application for a proposed additional rear extension to the 2nd floor over an existing property to form a new bedroom at 9 St. Margarets Terrace, St. Leonards on Sea.

The site forms part of a period terraced three storey building within the Magdalen Road Conservation Area. The area is densely built up with similar style buildings along Magdalen Road.

The footprint of the extension measures 3.2 by 3.5 metres with a height of 3 metres. It would be built on the boundary with No.8 St Margarets Terrace to the south. There will be no windows in the south or rear elevation. To the north, the distance to the boundary is 2 metres, in this elevation there will be a window, however it would look out over an extension at No.10.

The Development Manager felt the impact on the Conservation Area and the impact on residential amenity would be minimal, he therefore recommended the application be approved subject to conditions.

Having raised his prejudicial interest, Councillor Dowling was absent from the Chamber during discussion and debate.

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

The petitioner, Mr Graham Fifield, was present and spoke against the application.

The applicant, Mr Simon Goodsell, was present and spoke in support of the application.

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

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 development hereby permitted shall be carried out in accordance with the following approved plans:**

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157-P-02A & 157-S-01-C, 157-P-03;

3. No development shall take place until

- **samples of materials and finishes**
- **details of rainwater goods**
- **details of flues and extracts**

have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;

4. The flat roof shall not be used as a roof terrace for sitting out on; and

5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in the extension hereby approved.

Reasons:

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. For the avoidance of doubt and in the interests of proper planning;**
- 3. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1);**
- 4. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1); and**
- 5. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1).**

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.**

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31.2 The Crown, 64-66 All Saints Street, Hastings

Proposal:	New extraction flue/stack at the rear.
Application No:	HS/FA/14/00277
Existing Use:	Public House
Hastings Local Plan 2004	DG1, DG3, DG4, C1
Conservation Area:	Yes - Old Town
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	FA5, SC1, SC4, EN1
Development Management Plan	
Proposed Submission Version:	DM1, DM3, DM6, HN1
Public Consultation:	1 Petition and 7 letters of objection received

The Development Manager reported on an application for a new ventilation system at the rear of the premises to serve the public house kitchen at The Crown, 64-66 All Saints Street, Hastings.

The site is located in the Old Town Conservation Area at the northern side of Crown Lane at the junction with All Saints Street. The surrounding area has a varied character defined by a mixture of two-three storey terraced dwellings.

The site consists of a two storey public house which adjoins 9 Starr's Cottages. Due to the topography of the area the yard area is at a lower level than the adjoining properties and is enclosed by boundary walls.

The proposal involves the formation of a new ventilation system for the kitchen of the public house. The ventilation system is to involve both fresh air supply and extractor fans with an attenuator to reduce noise and a charcoal filter to control odours. A large part of the ductwork is to run internally with a new external duct from the flat roof along side an existing chimney at the rear of the building. The extract duct will have a painted finish.

The main issues considered were impacts of the proposal on the amenity of neighbouring residents and the character and appearance of the area. Through the use of conditions, the Development Manager considered the proposal would not result an adverse impact and therefore recommended approval.

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

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The petitioner had been invited to attend, but was not present.

The applicant, Mr Steve Derhun, was present, but chose not to speak.

Councillor Rogers 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 three years from the date of this permission;
2. Noise levels from the ventilation system measured at neighbouring noise sensitive premises shall at all times be 10db below background noise levels;
3. No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - (a) a detailed plan showing the location of all plant and ductwork;
 - (b) detailed drawings of the location and design of any grilles or louvres proposed;
 - (c) details of the paint colour and finish for the ductwork.

The works shall be carried out in accordance with the details approved and the ventilation system shall not be brought into use until those works have been completed;

4. The charcoal filtration system shall be maintained in a sound working condition in perpetuity unless otherwise agreed in writing by the Local Planning Authority; and
5. The development hereby permitted shall be carried out in accordance with the following approved plans:

SD/328/28B

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;
2. To safeguard the amenity of adjoining and future residents;
3. To ensure a satisfactory form of development in the interests of the character and amenity of the area;
4. To safeguard the amenity of adjoining and future residents in relation to cooking odours; and

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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; 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.

32. PLANNING APPEALS AND DELEGATED DECISIONS

The Development Manager reported that one appeal had been received and one appeal had been dismissed. He also reported on a number of delegated decisions. All matters had arisen between 4 August 2014 to 29 August 2014.

RESOLVED – that the report be noted.

33. PLANNING APPLICATIONS:

33.1 The Barn, Fairlight Place, Barley Lane, Hastings

Proposal:	Variation of condition 11 (approved drawings) of planning permission HS/FA/13/00691 - Conversion of existing barn to form live/work unit, including re-construction of sections of external walls as indicated. (Minor material amendment showing new emergency exit, new secondary wall, changes to external walls, removal of tree and new vehicular access).
Application No:	HS/FA/14/00465
Existing Use:	Converted barn (unoccupied)
Hastings Local Plan 2004	DG1, DG3, L2, NC3, NC5
Conservation Area:	No
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	SC1, EN2, EN3, EN4

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Development Management Plan

Proposed Submission Version: DM1, DM3, DM6, DM7

Public Consultation: 6 letters of objection received

The Development Manager reported on an application for a minor material amendment to the previous planning consent HS/FA/13/00691 for the conversion of the existing barn to form a live/work unit at The Barn, Fairlight Place, Barley Lane, Hastings.

The site is set among a range of agricultural cottages and farm buildings which previously formed part of the farm complex at Fairlight Place Farm. The farm and buildings are located just outside Hastings Country Park, but within a Local Nature Reserve and the High Weald Area of Outstanding Natural Beauty.

The application is for a minor material amendment to a previous permission HS/FA/13/00691 for the conversion of the existing barn to form a live/work unit. The amendments relate to: new emergency exits, new secondary wall, changes to external walls, removal of trees, new vehicular access.

The Development Manager felt the latest alterations were acceptable, these comprised: the form and step arrangements for the decking on the south side of the barn; the replacement of the shingle areas at the north side of the barn with block pavings; the omission of the planting areas within the front parking area and the introduction of a handrail and steps at the south end of the front parking area.

The Development Manager believed this application would not have a detrimental visual impact on the building or the surrounding Area of Outstanding Natural Beauty subject to details being submitted. He 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 Beaver 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 carried out in accordance with the following approved plans:

13.644/04D;**
- 2. The replacement silver birches shall be planted as heavy standards, 14-16cm girth. The trees should be planted between November and March;**

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3. The emergency exits shall be used for this purpose only and shall not be opened at other times;
4. Notwithstanding what is shown on the approved drawing, the planting areas within the front parking area shall be retained in accordance with drawing 13.644/04C;
5. No development shall take place until details of the materials to be used for the decking, block paving and the handrail and steps have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;
6.
 - (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; and
 - (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

In particular, the surface water drains must not open to allow other liquids to be poured into them and more details are required;
7. 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;
8. 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;
9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows

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and doors other than those expressly authorised by this permission shall be constructed;

10. No development shall commence until details of ecological enhancements have been submitted to and approved in writing by the Local Planning Authority (LPA). This shall include:

- Ecological enhancements to be realised as part of the building design.**
- A management plan (for the future short and long term management of both retained and created habitats).**
- Landscaping specifically designed to mitigate against the effects of artificial lighting and increased human access/disturbance.**

Ecological enhancements may include; the provision of bird and bat boxes, bricks and tiles, the planting of ecological features as part of a landscape plan, green/brown roofs and green facades.

No development shall take place until full details of a protected Species Contingency Plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) Surveys at agreed periods by an agreed expert to determine the possible presence of particular protected species previously specified by the local planning authority.**
- (b) Details of appropriate mitigation measures and contingency plans should such a protected species be found to be present and either (i) preparing to breed, (ii) in the process of breeding or (iii) rearing young.**

The surveys, mitigation and contingency measures shall be implemented in accordance with the approved plan, unless otherwise approved in writing by the local planning authority;

11. The car parking spaces shown on the approved plan shall be provided prior to the occupation of the development hereby permitted and thereafter shall not be used for any purpose other than the parking of vehicles;

12. All recommendations outlined in the Contamination Assessment Report and remediation Strategy and Verification Plan shall be undertaken;

13. The proposed work shall be carried out in accordance with the remediation strategy and verification plan. The development shall not be occupied until the remediation verification report is approved in

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writing by the Local Planning Authority; and

- 14. If during remediation, other contamination not previously identified is found to be present, the applicant should submit a method statement to the Local Planning Authority that details how the unsuspected contamination will be dealt with.**

Reasons:

- 1. For the avoidance of doubt and in the interests of proper planning;**
- 2. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 Policy DG1);**
- 3. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1);**
- 4. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 Policy DG1);**
- 5. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 Policy DG1);**
- 6. To prevent increased risk of flooding;**
- 7. To ensure a satisfactory standard of development;**
- 8. To ensure a satisfactory standard of development;**
- 9. To safeguard the character of the buildings in their particular context;**
- 10. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 11. To ensure an adequate level of off-street parking to serve the development;**
- 12. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1);**
- 13. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1); and**
- 14. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1).**

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Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;
 2. 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. This planning permission has been issued as a variation to planning permission HS/FA/13/00691. 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 permission which still apply.
34. ADDITIONAL URGENT ITEMS (IF ANY)

(The Chair declared the meeting closed at. 6.27 pm)