

# Planning Committee Agenda

Wednesday, 10 September 2014 at 6.00 pm

Town Hall, Queens Road, Hastings, TN34 1QR

If you are attending the Town Hall for this meeting, please enter the building via the Community Contact Centre entrance.

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

		Page No.
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Minutes of the meeting held on 13 August 2014 (attached)	1 - 8
4.	Notification of any additional urgent items	
5.	Planning Applications attracting a petition:	
	(a) 9 St Margarets Terrace, St Leonards-on-sea	9 - 14
	(b) The Crown, 64-66 All Saints Street, Hastings	15 - 22
6.	Planning Appeals and Delegated Decisions	23 - 24
7.	Planning Applications:	
	(a) The Barn, Fairlight Place, Barley Lane, Hastings	25 - 34
8.	Additional Urgent Items (if any)	

This page is intentionally left blank

## 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

## PLANNING COMMITTEE

13 AUGUST 2014

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**

## PLANNING COMMITTEE

13 AUGUST 2014

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

## PLANNING COMMITTEE

13 AUGUST 2014

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;

## PLANNING COMMITTEE

13 AUGUST 2014

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

## PLANNING COMMITTEE

13 AUGUST 2014

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:**



**PLANNING COMMITTEE**

**13 AUGUST 2014**

- 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.**

**28. ADDITIONAL URGENT ITEMS (IF ANY)**

None.

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

This page is intentionally left blank

# Agenda Item 5a

AGENDA ITEM NO: 5(a)

**Report to:** PLANNING COMMITTEE

**Date:** 10 September 2014

**Report from:** Development Manager

**Application Address:** 9 St Margarets Terrace, St Leonards-on-sea, TN37 6EN

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

**Application No:** HS/FA/14/00551

**Recommendation:** Grant permission

**Ward:** CENTRAL ST LEONARDS

**File No:** XM25009

**Applicant:** Mr & Mrs Watson per SWG Designs 1A St Georges Road Hastings TN34 3NH

**Interest:** Freeholder

**Existing Use:** Residential

## Policies

Hastings Local Plan 2004: DG1, C1, C9

Conservation Area: Yes - Magdalen Road

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: SC1, EN1

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: DM1, DM3, HN1

## Public Consultation

Adj. Properties: Yes

Advertisement: Yes - Conservation Area

Letters of Objection: 6

Petitions Received: 1 Letters of Support: 1

**Application Status:** Not delegated - Petition & more than 2 objections received

## Summary

The application seeks permission to construct a second storey rear extension over an existing projection. I recommend permission is granted.

## The Site and its Location

The application site comprises a period terraced three storey building within the Magdalen Road Conservation Area and is one of a series of terraced buildings with flat roofed additions

to the rear, some of which including 9 St Margarets Terrace are visible from Villa Road. The area is densely built up and the application site backs onto similar style buildings along Magdalen Road. To the south lie the terraced houses of 1 - 6 St Margarets Terrace which have a perpendicular relationship to the terraces of 1 - 4 Magdalen Road and 7 - 12 St Margarets Terrace.

## **Details of the Proposal and Other Background Information**

The proposal seeks permission for a second storey rear extension over an existing extension. 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 and there are no windows in the south or rear elevation. To the north, the distance to the boundary is 2 metres and there is a window in this elevation, however, it would look out over an extension at No. 10.

## **Previous Site History**

There is no other site history than the application below which was submitted at the same time and included a roof terrace.

HS/FA/14/00552 Proposed additional extension to 2nd floor over existing property to form new bedroom and new roof terrace.  
Withdrawn - 4 August 2014

## **Details of Consultations**

Subsequent to a site notice and neighbour consultation letters, 6 letters of objection and a petition as well as 1 letter of support have been received at the time of writing this report. The objections include design, loss of light and loss of privacy.

## **Planning Considerations**

### **Impact on Conservation Area**

The only public area the extension will be visible from is Villa Road, looking down the rear passageway which runs in between the rows of terraced houses. This will be at some distance and the appearance of this alleyway is varied including other rear extensions. As such the effect on the character and appearance of the Conservation area is minimal and acceptable.

### **Impact on residential amenity**

The relationship to the north is acceptable, given that there is a deep extension and only a very small rear courtyard area at No.10. Neither the window nor the bulk of the extension will have any significant impact. To the rear the extension faces a tall windowless wall. The property at 2 Magdalen Road is severely overshadowed by this and the additional impact of the proposed extension to the north-west would be insignificant.

The relationship with the residential flats at 8 St Margarets Terrace is more critical. The rear windows already suffer some degree of loss of outlook and loss of light from the existing extension. Adding the proposed extension would have some impact on these windows and the courtyard. However, given that the proposed extension is to the north, it would only have a limited impact with regard to daylight to the windows.

I am mindful of the objection received from 4 St Margarets Terrace, one of the properties to the south, however, as the extension has no windows in this direction, there are no overlooking issues. Given that there are two properties in between the application site and the terrace to the south, the relationship with regard to overshadowing is acceptable. The views from the rear bedroom windows and the outside courtyard area will be affected, but this only applies to the view and not the immediate outlook and open space to the rear of the extension would remain, allowing views through to Villa Road.

3D computer images have been provided trying to demonstrate the effect on adjoining properties.

On balance, I consider the application to be acceptable.

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".

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 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:  
  
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 extractshave 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.
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)
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.
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.

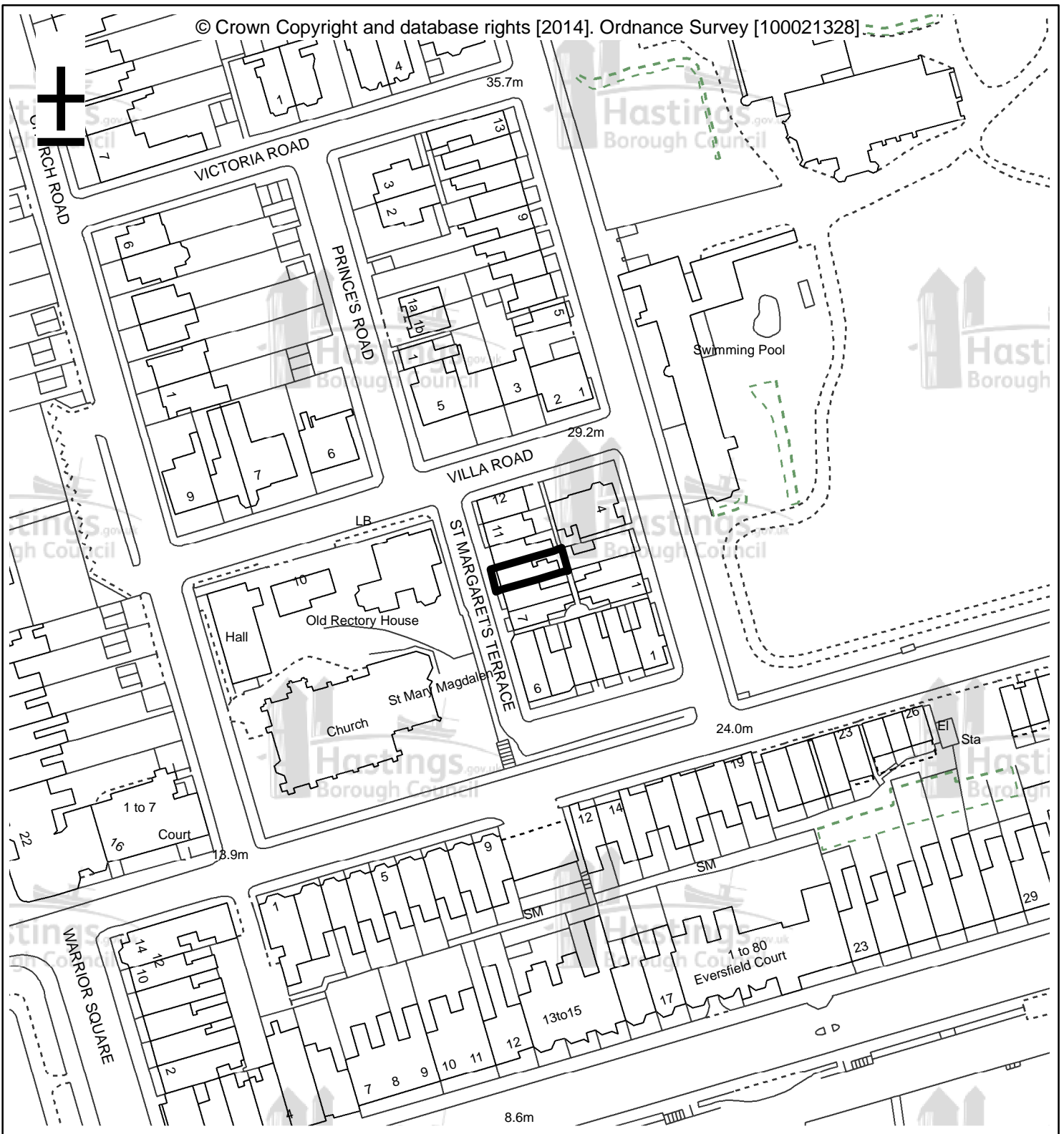
---

**Officer to Contact**

Mrs E Collins, Telephone 01424 783278

**Background Papers**

Application No: HS/FA/14/00551 including all letters and documents



**9 St Margarets Terrace**  
**St Leonards-on-sea**  
**TN37 6EN**

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



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

Date: Aug 2014

Scale: 1:1,250

Application No. HS/FA/14/00551

Terms and Conditions of Use of Ordnance Survey Material i) You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available; ii) You are not permitted to copy, sub-license, distribute, sell or otherwise make available any Data to third parties in any form; and iii) Third party rights to enforce the terms of this licence shall be reserved to Ordnance Survey.

This page is intentionally left blank



# Agenda Item 5b

AGENDA ITEM NO: 5 (b)

**Report to:** PLANNING COMMITTEE

**Date:** 10 September 2014

**Report from:** Development Manager

**Application Address:** The Crown, 64-66 All Saints Street,  
Hastings, TN34 3BN  
**Proposal:** New extraction flue/stack at the rear  
**Application No:** HS/FA/14/00277

**Recommendation:** Grant Full Planning Permission

**Ward:** OLD HASTINGS  
**File No:** AL75064V  
**Applicant:** Mr KLEINSCHROD per Steve Derhun Design  
and Build 108 Victoria Avenue Hastings East  
Sussex TN35 5BT

**Interest:** Owner  
**Existing Use:** Public House

## Policies

**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  
**Hastings Local Plan, Development  
Management Plan, Revised**  
**Proposed Submission Version:** DM1, DM3, DM6, HN1

## Public Consultation

**Adj. Properties:** Yes  
**Advertisement:** Yes - Conservation Area  
**Letters of Objection:** 6  
**Petitions Received:** 1

**Application Status:** Not delegated - Petition received

## Summary

The proposal is for the formation of a new ventilation system to serve the public house kitchen. The main issues are the impacts of the proposal on the amenity of neighbouring residents and the character and appearance of the area. After considering all matters it is considered that the proposal is acceptable subject to conditions.

## The Site and its Location

The site is located in the Old Town Conservation Area on the northern side of Crown Lane at the junction with All Saints Street. The site consists of a two storey public house, built of red brick with timber framed windows. A yard area is positioned to the rear of the public house which adjoins 9 Starr's Cottages, 63 All saints Street and a recently built dwelling to the north (planning permission: HS/FA/12/00704). 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 surrounding area has a varied character defined by a mixture of two-three storey terraced dwellings. The majority of which are formed of facing brick or rendered elevations with clay tile pitch roofs and timber sliding sash windows.

## Details of the Proposal and Other Background Information

The proposal involves forming 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 to run from the flat roof alongside an existing chimney at the rear of the building. The extract duct is to have a painted finish.

## Relevant Planning History

- HS/FA/12/00705 Internal alterations at ground floor to include the removal of the main staircase to the first floor. Change of use of the first floor to B1, including internal alterations & new external staircase to access the first floor at the rear.  
Granted subject to conditions 05 December 2012
- HS/FA/12/00986 Conversion of 1st floor to self contained flat, including the removal of the main staircase and new external staircase to access the first floor at the rear.  
Granted subject to conditions 18 February 2013

## Details of Consultations

The **Environmental Protection Team** (EPT) raised concern regarding the impact of the proposal on the area in terms of noise and odour but have recommended the use of conditions to control the impact (Condition 2) and since that time further information and amendments have been received following discussions with the EPT.

A total of **7 letters of objection** and **1 petition of objection** have been submitted. The main issues raised include odour, noise and appearance.

## 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**

The ductwork is to be located at the rear of the premises and will be fixed to an existing chimney stack. The applicant has proposed a grey finish to match the soffits and window frames of the pub and the recently built dwelling to the north. The grey finish contrasts with the brick work of the pub and the adjoining dwelling and ensures that the windows and soffits stand out as traditional features of the two buildings. However, this type of finish is not considered acceptable for the ductwork and it is considered that a much darker colour would be more appropriate as it would reflect ancillary features such as downpipes and railings which are found in the area. It is considered that a suitable painted finish together with the limited views available from Crown Lane will ensure that the ductwork is not a prominent feature of the streetscene. It is therefore recommended that a condition is imposed which requires details of the paint colour and finish to be submitted for approval.

The fresh air supply fan is to be located within the rear wall of the kitchen. A louvre or grille will be visible within the courtyard area to the rear but will not be visible from the streetscene. It is recommended that a condition is imposed requiring details of the exact positioning and design of the extract grille/louvre.

## **Amenity of Neighbouring residents**

A large proportion of the ductwork and the extractor fan are to be located internally where noise will naturally be reduced. An attenuator system is also proposed which will help reduce noise levels further. The fresh air supply fan will be located within the wall of the kitchen but, as confirmed by the manufacturer, has been chosen as it is a lightweight fan and is quieter than other fans available. Having regard to the comments made by the Environmental Protection Team, it is considered appropriate to impose a condition requiring that a noise assessment is submitted which demonstrates that the system will be 10db below background noise levels or, if this is not possible, what measures (e.g. attenuator system details) will be utilised to bring the system to within acceptable levels.

Following the EPT's original comments the applicant has submitted details of a charcoal filter which is to be installed as part of the system. The charcoal filter will remove unpleasant odours and gases from the air as it is extracted from the kitchen. In order to ensure that the system remains effective it is recommended that a condition is imposed which requires the carbon filter to be maintained in a sound working condition and for a detailed layout drawing showing the positioning of the carbon filter within the ventilation system.

## **Other Matters**

The EPT have recommended conditions regarding hours of operation, refuse storage and deliveries to and from the premises. It is not considered appropriate to impose these conditions as the application is for a ventilation system only and the premises is an established public house business.

## **Conclusion**

Through the use of conditions it is considered that the proposal will not result in adverse impacts on the character and appearance of the area or the amenity of neighbouring residents. I therefore recommend the proposal for approval 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. 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 ductworkThe 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.
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.
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.

---

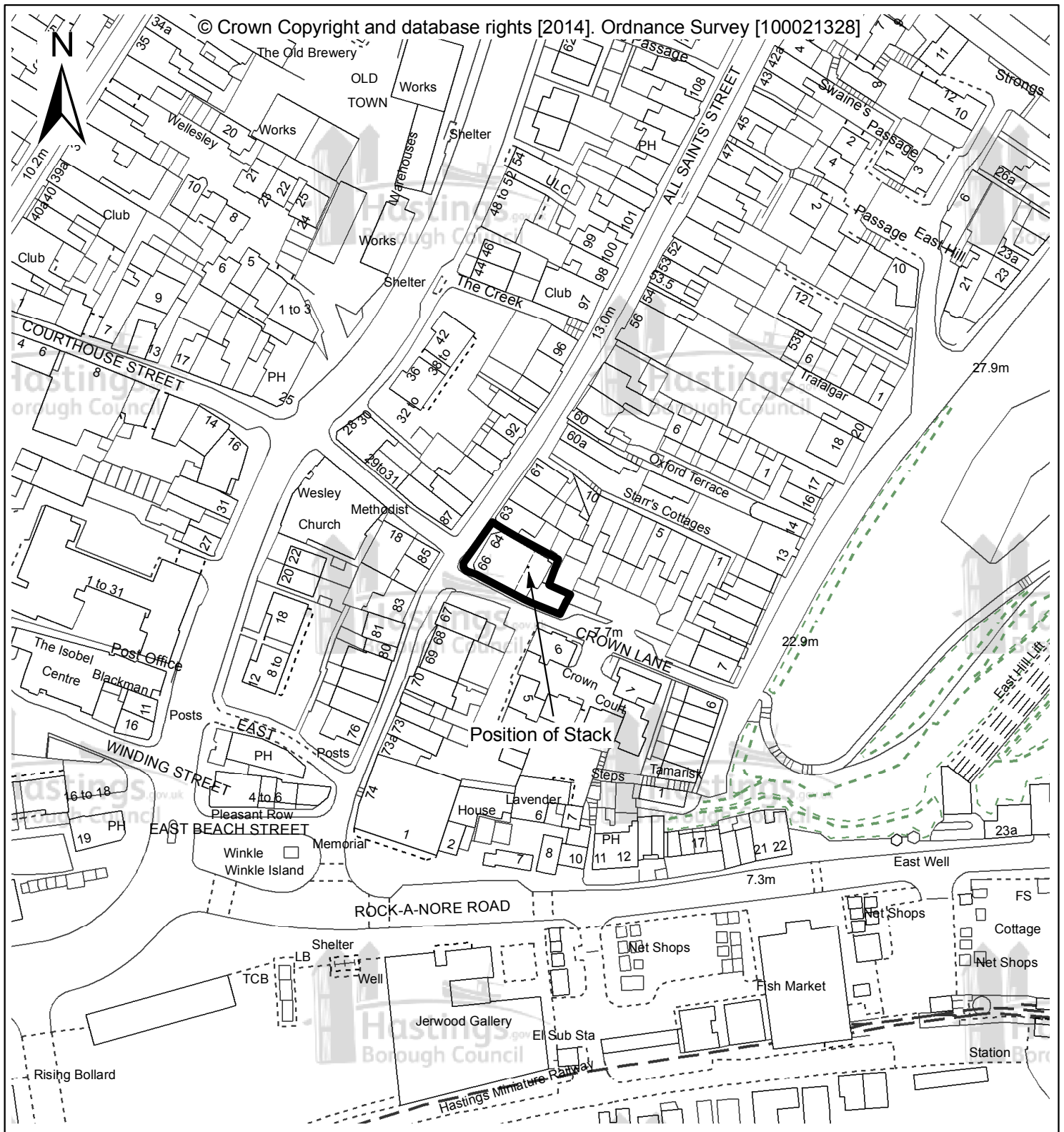
### **Officer to Contact**

Mr T Tanner, Telephone 01424 783336

### **Background Papers**

Application No: HS/FA/14/00277 including all letters and documents

This page is intentionally left blank



**The Crown, 64-66 All Saints Street  
Hastings  
TN34 3BN**

New extraction flue/stack at the rear



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: August 2014

Scale: 1:1,250

Application No. HS/FA/14/00277

Terms and Conditions of Use of Ordnance Survey Material i) You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available; ii) You are not permitted to copy, sub-license, distribute, sell or otherwise make available any Data to third parties in any form; and iii) Third party rights to enforce the terms of this licence shall be reserved to Ordnance Survey.

This page is intentionally left blank



# Agenda Item 6

## Agenda Item: 6

**Report to:** Planning Committee

**Date:** 10 September 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 4 August and 29 August 2014

**Recommendations:** That the report be noted

---

<b>Address</b>	<b>Proposal</b>	<b>BPO's Rec.</b>	<b>Where the decision was made</b>	<b>Type of Appeal</b>
----------------	-----------------	-------------------	------------------------------------	-----------------------

**The following appeals have been received**

19 Harold Road, Hastings	Erection of garden shed	Refusal	Delegated	Planning
--------------------------	-------------------------	---------	-----------	----------

**The following appeals have been dismissed**

Land Adjoining 5, Essenden Road	Demolition of existing lock up garages and redevelopment to provide 2 x three bedroom semi-detached houses.	Refusal	Delegated	Planning
---------------------------------	---	---------	-----------	----------

<b>Type of Delegated Decision</b>	<b>Number of Decisions</b>
Granted	42
Refused	2
Prior Approval not required	2
Raise no Objection	2
General PD (Conditional)	1
No Jurisdiction to Determine	1

**Background Papers:**

Various correspondence with Planning Inspectorate

**Report written by:**

Mandy Botting - Tel: (01424) 783264 Email: dcenquiries@hastings.gov.uk

# Agenda Item 7a

AGENDA ITEM NO: 7(a)

**Report to:** PLANNING COMMITTEE

**Date:** 10 September 2014

**Report from:** Development Manager

**Application Address:** The Barn, Fairlight Place, Barley Lane,  
Hastings, TN35 5DT

**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

**Recommendation:** Grant Full Planning Permission

**Ward:** ORE

**File No:** FA35460T

**Applicant:** Polecat Properties per Elliott Pardington  
Architecture 6 Lilac Drive Monmouth  
Monmouthshire / Sir Fynwy NP25 5DY

**Interest:** Freeholder

**Existing Use:** Converted barn (unoccupied)

## **Policies**

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

Hastings Local Plan, Development  
Management Plan, Revised

Proposed Submission Version: DM1, DM3, DM6, DM7

## **Public Consultation**

Adj. Properties: Yes

Advertisement: No

Letters of Objection: 6

Petitions Received: 0

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

## **Summary**

The application is 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 Site and its Location**

In the past the building formed part of the farm complex at Fairlight Place Farm, to which access is obtained by means of a surfaced roadway leading from Fairlight Road. The former farmhouse is a short distance to the north, and there is a terrace of three agricultural workers' cottages adjoining the site to the north west. The farm and building are located just outside Hastings Country Park but within a Local Nature Reserve and the High Weald Area of Outstanding Natural Beauty. To the south of the building is a concrete hard standing which was formally used as a milking parlour. To the north there is an area of grassland.

To the south and east of the site are a range of modern agricultural buildings operated by Hastings Borough Council and Hastings Country Park.

## **Details of the Proposal and Other Background Information**

The amendments relate to:

**New emergency exits:** The applicant has stated that the emergency exits at first floor level are required for the revised bedroom layout.

**New secondary wall:** To be built inside an existing boundary wall.

**Changes to external walls:** Some of the external walls have been rebuilt to incorporate areas of natural stonework to match the existing building.

**Removal of trees:** It is stated that remediation works relating to contaminated land led to the loss of existing silver birch trees at the north of the site. Replacement trees are proposed.

**New vehicular access:** The applicant states that the new vehicular access to the east side rear garden area is intended to provide access for deliveries to the office suite and long term maintenance of the garden. During the consideration of this application a further amendment has been received, which re-locates the proposed vehicular access further to the south-east (utilising what the applicant understands to have been a pre-existing vehicle access).

The other additional alterations comprise:

Variation to the form and step arrangements for the decking on the south side of the barn.

Replacement of the shingle areas at the north side of the barn with block pavings.

Omission of the planting areas within the front parking area.

Introduction of a handrail and steps at the south end of the front parking area.

## **Previous Site History**

HS/FA/08/00144 Conversion of redundant barns & associated stores to provide live/work unit  
Granted 25 April 2008

HS/FA/12/00339 Conversion of existing barn and associated stores to provide live/work unit  
Granted 21 June 2012

- HS/FA/13/00363 Conversion of redundant barn to live/work unit - (amendment to previous planning permission HS/FA/12/00339 - addition of mezzanine floor within main barn area  
Granted 07 August 2012
- HS/FA/13/00691 Conversion of existing barn to form live/work unit, including reconstruction of sections of external walls as indicated  
Granted 25 October 2013

## Details of Consultations

Six letters of objection have been received. The concerns raised include, reference to the fact that the works have already been done, visual appearance, traffic & vehicle safety, loss of privacy and loss of trees.

**The Borough Arboriculturalist** states that the silver birches should be planted as heavy standards with a girth of 14-16cms. These trees should be planted between November and March (Condition 2 attached).

**The Highway Authority** does not wish to provide formal comments as Barley Lane is not adopted highway.

**The Principal Environmental Health Officer** has no comments to make.

**The Environment and Natural Resources Manager** has no objections to a delivery access.

**The Building Control Surveyor** has confirmed that the emergency exit hatches were requested by Building Control and that they meet their requirements. The first floor bedrooms are inner rooms due to the open plan layout below so they must have alternative means of escape. Velux windows provided in the roof pitch were too high for this purpose.

## 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 emergency exits have been conditioned so that they shall be opened for this purpose only and shall not be used as windows. Therefore, there will be no harm to the residential living conditions of adjoining properties.

The visual impact of the emergency hatches and the walls is acceptable and will cause no visual harm to the building or the surrounding Area of Outstanding Natural Beauty.

The replacement birch trees have also been conditioned: they shall be planted as heavy standards with a girth of 14-16cms.

Six car parking spaces lie to the north of the building. The use of the building is a mixed use of office and residential. There is no objection to a driveway for deliveries at the location shown on the latest revised plan further to the south east.

The latest additional alterations comprising variation to the form and step arrangements for the decking on the south side of the barn, and replacement of the shingle area at the north side of the barn, with block pavings as well as the introduction of a handrail and steps at the south end of the front parking area will have no detrimental visual impact on the building or the surrounding Area of Outstanding Natural Beauty subject to details being submitted.

The omission of the planting areas within the front parking area is not considered to be acceptable as the planting will soften the appearance of the 6 car parking spaces and help to integrate them into the landscape. A condition has been added to retain this planting.

There is no objection to the other amendments and I recommend approval.

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 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.
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.

- (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 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 writing by the Local Planning Authority.
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)
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)

### **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/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.

---

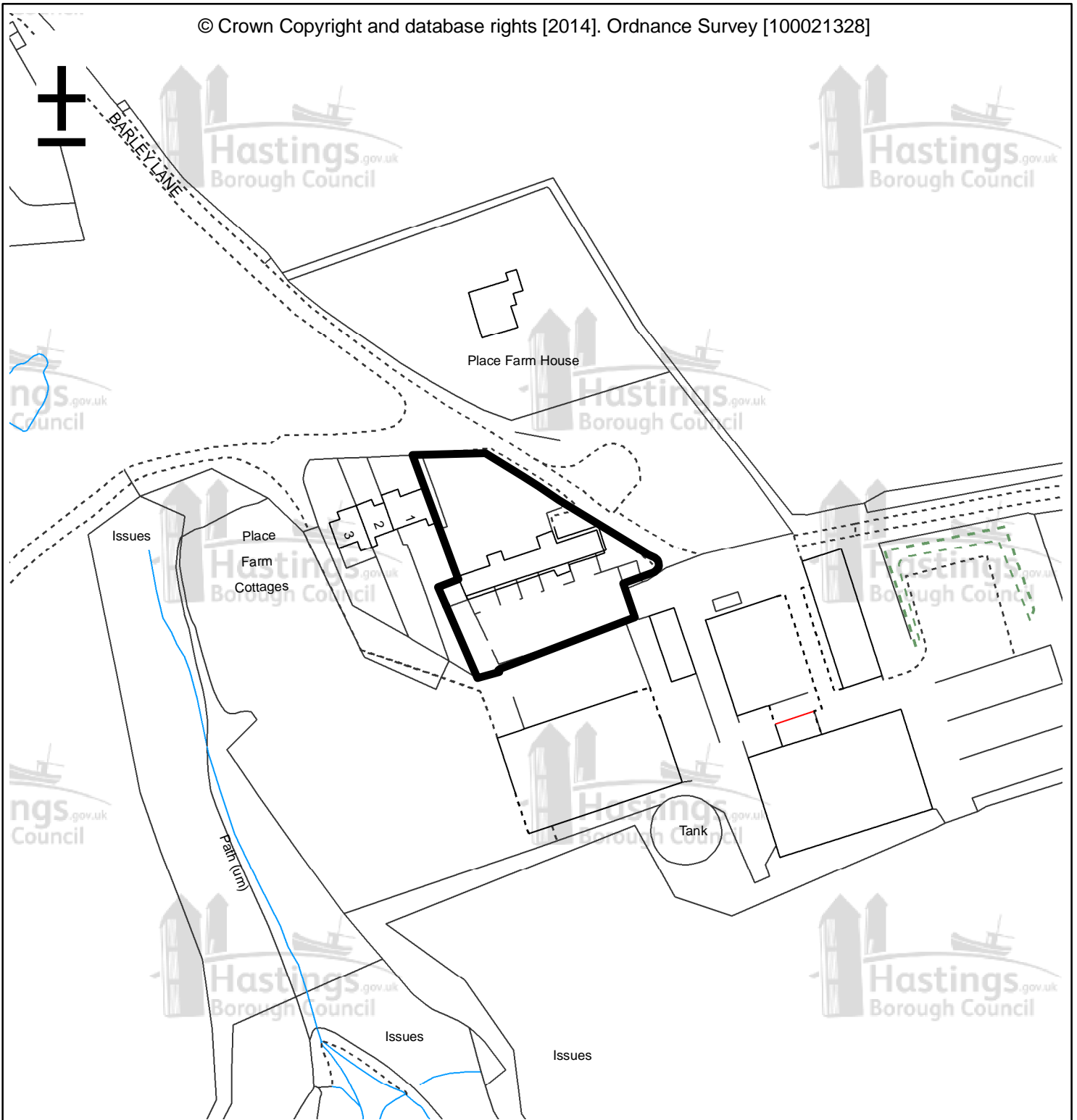
### **Officer to Contact**

Mrs E Collins, Telephone 01424 783278

### **Background Papers**

Application No: HS/FA/14/00465 including all letters and documents

This page is intentionally left blank



**The Barn, Fairlight Place  
Barley Lane  
Hastings  
TN35 5DT**

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).



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: Aug 2014

Scale: 1:1,250

Application No. HS/FA/14/00465

Terms and Conditions of Use of Ordnance Survey Material i) You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council make it available. ii) You are not permitted to copy, sub-license, distribute, sell or otherwise make available any Data to third parties in any form; and iii) Third party rights to enforce the terms of this licence shall be reserved to Ordnance Survey.

This page is intentionally left blank