

# Planning Committee Agenda

**Wednesday, 3 December 2014 at 6.00 pm**

Town Hall, Queens Road, Hastings, TN34 1QR

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# Agenda Item 3

## PLANNING COMMITTEE

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

### 43. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Edwards.

### 44. DECLARATIONS OF INTEREST

Councillors made no declarations of interest at this meeting.

### 45. MINUTES OF THE MEETING HELD ON 8 OCTOBER 2014

**RESOLVED** – That the minutes of the meeting held on 8 October 2014 be approved and signed by the Chair as a true record.

### 46. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

### 47. PLANNING APPEALS AND DELEGATED DECISIONS

The Development Manager reported one appeal that had been received and one appeal that had been dismissed. He also reported on a number of delegated decisions. All matters had arisen between 29 September and 24 October 2014.

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

### 48. PLANNING APPLICATIONS:

#### 48.1 SHEARBARN HOLIDAY PARK, BARLEY LANE

Proposal:	Erection of wooden reception building and retrospective consent for play equipment
Application No:	HS/FA/14/00762
Existing Use:	Holiday Park
Hastings Local Plan 2004	T7, DG1, L2, L3
Conservation Area:	No
National Planning Policy Framework	Sections 3, 7, 11
Hastings Planning Strategy	FA5, EN7
Development Management Plan	

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Proposed Submission Version: DM1, DM3, HN9, CC1

Public Consultation: 14 letters of objection received

The Development Manager reported on an application that sought permission to relocate the existing 'late arrival' reception building and retrospective consent for play equipment with a fenced enclosure at Shearburn Holiday Park, Barley Lane, Hastings.

Shearburn Holiday Park is within the High Weald Area of Outstanding Natural Beauty (AONB) and is adjacent to Hastings Country Park. The site is divided by Barley Lane with the Holiday Park on the south east side and the touring caravan and camp site on the north west side. The development that forms part of this application relates to the touring caravan and camp site. There are three shower and toilet blocks, a gas compound, a storage shed and bin store around the site.

The existing and proposed location of the reception building and the location of the play equipment are within the touring caravan and camp site on the north-west side of Barley Lane.

The reception building is located inside the entrance of the touring caravan and camp site. It is to be relocated to a position approximately 28 metres to the north of its present location onto a grassed area. The reason for re-siting the building is to improve the supervision of the arrivals to the touring caravan site and improve supervision of the site in general. The reception building measures 3.6 metres by 4.5 metres and is 2.8 metres in height. It is of a timber construction with a green felt, pitched roof.

The play equipment has been in place for approximately 12 months. It is mainly of timber construction and comprises a bus, two spring sit-on animals, a basket swing and a play boat. All pieces of play equipment are enclosed by a timber picket style fence.

The main issues considered were the impacts upon the amenity and impact on the AONB and Hastings Country Park; provision of visitor facilities, public safety and convenience and land stability.

The Development Manager considered the reception building and play equipment would enhance facilities within the site and they are appropriate to the character and appearance of the touring caravan and camp site. He felt there were no significant adverse impacts on the rural amenity enjoyed by visitors to the County Park; the landscape character of the Country Park, the AONB or the area in general and as such recommended that planning permission be granted subject to conditions.

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

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

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**RESOLVED** – by (9 votes to 1) 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 reception building hereby approved shall have a natural timber finish unless otherwise approved in writing by the Local Planning Authority;**
- 3. The development hereby permitted shall be carried out in accordance with the following approved plans:**

**Site Location Plan, H2/130901/01, H2/130901/03, H2/130901/04 & H2/130901/05.**

**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; and**
- 3. 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.**

**48.2 LAND NORTH OF 14 Fern Road**

Proposal:	Variation of condition 10 (approved plans) of Planning Permission HS/FA/08/00797 - minor alterations to elevations
Application No:	HS/FA/14/00713
Existing Use:	Vacant Land
Hastings Local Plan 2004	DG1

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Conservation Area:	No
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	No Conflict
Development Management Plan	
Proposed Submission Version:	DM1 and DM3
Public Consultation:	4 letters of objection received

The Development Manager reported on an application for the variation of condition 10 of Planning Permission HS/FA/08/00797 - 14 x 2 bedroom semi-detached dwellings at Land north of 14 Fern Road, St Leonards on Sea.

The application site lies on the east side of Fern Road and is positioned between numbers 14 and 31 Fern Road. A public footpath crosses the site.

This application follows the approval of application HS/FA/08/00797 for minor alterations to elevations, allowed at appeal on 27<sup>th</sup> April 2011.

Condition 10 of application HS/FA/08/00797 related to the approved drawings for this scheme. By varying this condition, the applicant sought to replace some of the approved drawings showing changes to the design of the houses. In particular the roof design, the porch roofs and the proposed materials. The dwellings would have more individual character which would be more in keeping with properties in Fern Road.

The Development Manager felt the changes to the proposed dwellings were not significant in that the overall size and height of the buildings would remain the same. 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 Rogers proposed a motion to approve the application as set out in the resolution below. This was seconded by Councillor Wincott.

**RESOLVED – by (7 votes to 3) that planning permission be granted subject to the following conditions:-**

- 1. The development hereby permitted shall be begun before the 1st December 2014 in line with the original grant of permission by the Planning Inspectorate on the 1st December 2011;**
- 2. No Development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority;**

**(a) samples of external materials**

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- (b) boundary fences/wall/railing
- (c) details of the proposed footpaths to the individual dwellings
- (d) finished floor levels of all buildings

The development shall be carried out in accordance with the approved details and the dwellings shall not be occupied until the above works have been completed;

3. No dwelling shall be occupied until two garage/parking spaces have been provided in accordance with drawing No 08-953/003D from the original grant of permission HS/FA/08/00797. The garages shall be permanently retained for parking and shall not be used for any other purpose;
4. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-  
  
08.00 - 18.00 Monday to Friday  
08.00 - 13.00 on Saturdays  
No working on Sundays or Public Holidays.
5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the re-direction of the Designated Public Right of Way (DPROW) through the site. The scheme shall include pedestrian crossing points in Fern Road, and a timetable for implementation. The proposal shall be implemented in accordance with the approved scheme;
6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority;
7. No dwelling shall be occupied until the measures outlined on submitted drawing No. E4475/SK700F and accompanying document "Land Stability and Drainage Proposals to address Conditions contained in Planning committee Report dated 27th April 2011 in respect of Application No. HS/FA/08/00797 - Fern Road, St Leonards on Sea" by Stephen Wilson Partnership Ltd dated July 2011 have been fully implemented;
8. No development shall take place 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. Development shall be carried out in accordance with the approved details. The dwellings shall not be occupied until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is available to adequately service the

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**development;**

- 9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a remediation strategy detailing how such contamination shall be dealt with; and**
- 10. The development hereby permitted shall be carried out in accordance with the following approved plans: 4647/14/400, 4647/14/401, 4647/14/402, 4647/14/403, 4647/14/404 and 08-953/003D**

**Reasons:**

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. To ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area. (Hastings Local Plan 2004 - Policy DG1);**
- 3. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1);**
- 4. To safeguard the amenity of surrounding residents. (Hastings Local Plan 2004 - Policy DG4);**
- 5. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1);**
- 6. In view of the position of the site in an area of archaeological interest. In accordance with the aims of Policy C6 in the Hastings Local Plan 2004;**
- 7. To ensure the stability of the site and that construction takes account of the local ground conditions and the sloping nature of the site;**
- 8. To prevent surface water run-off from the site in the interests of the amenities of the area;**
- 9. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination; and**
- 10. For the avoidance of doubt and in the interests of proper planning.**



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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;
3. The maximum gradient of the private drive should not exceed 1 in 9;
4. Surface water must not discharge onto the highway;
5. It will be necessary to enter in to a Section 38 Agreement for the adoption of the roads and diverted footpath before the works commence;
6. The Wadhurst clay is of variable permeability, as a result, locations such as this site are prone to the emergence of numerous springs which cause complication during and post development. Groundwater may be encountered during site works, if groundwater is not controlled it may become contaminant. The applicant is advised to conduct a survey identifying and assessing groundwater conditions prior to commencement of development;
7. Consideration should be given to the provision of a domestic sprinkler system.

### **48.3 SITE OF FORMER OLD ROAR HOUSE, 104 OLD ROAR ROAD**

Proposal:	Variation of condition 22 (approved plans) of Planning Permission HS/FA/14/00052 - amendment to road layout
Application No:	HS/FA/14/00770
Existing Use:	Dwellings under construction previously C2 Res Institution
Hastings Local Plan 2004	H6, NC3, NC6, NC7, DG1, DG2, DG3, DG11, N L1
Conservation Area:	No
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	FA1, FA2, SC1, EN2, EN3, EN4, H1, H2, H3, T3
Development Management Plan	

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Proposed Submission Version: DM1, DM3, DM4, DM6, HN9, LRA4

Public Consultation: 4 letters of objection received

The Development Manager reported on an application for the variation of condition 22 of planning permission HS/FA/14/00052 – amendment to road layout at site of former Old Roar House, 104 Old Roar Road, St. Leonards on Sea.

The application site is located on the south eastern side of Old Roar Road and consists of a vacant area of land previously occupied by a detached building (used as a childrens care home) and an outbuilding.

This application follows the approval of application HS/FA/14/00052 for amendments to planning permission HS/FA/13/00499 – 10 houses (3x4 bedroom detached houses and 7x2 bedroom terraced houses) and 4x2 bedroom apartments. Previous amendments involved changes to the design of the detached dwellings, alterations to the parking layout and the formation of a second entrance from Old Roar Road.

The current minor material amendments involve changes to the type of hard surfacing materials; minor changes to the hard surfacing areas for two of the detached dwellings and the parking area for the proposed flats; the formation of a turning head; the formation of a pedestrian path to the side of one of the terraced houses to give access to the rear garden; the bin storage area for the proposed flats is to be enlarged; the fence line for the detached dwelling located nearest to the western boundary is to be located further to the north-west.

The development is subject to a requirement to provide 20% affordable housing which equates to 3 units. This is to be secured through the use of a Section 106 Agreement.

The main considerations were the impacts of the proposal on the character and appearance of the area, highway safety and tree loss.

The Development Manager felt the proposal would remain in keeping with the character and appearance of the area and that suitable soft landscaping could be achieved through the use of conditions and the proposal would not result in additional highway safety issues, he therefore recommended the application be approved.

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 Dowling.

### **RESOLVED – (unanimously) that:**

- (A) **The Development Manager be authorised to issue planning permission on the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to ensure that 3 part buy part rent units are provided at the site.**

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- (B) Subject to (A) above grant planning permission subject to the following conditions:**
- 1. The development hereby permitted shall be begun before the expiration of three years from 18 December 2013;**
  - 2. (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.**
  - 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 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;**

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means of enclosure; other vehicle and pedestrian access and circulation areas; hard surfacing materials;

6. 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;
7. No unit hereby approved shall be occupied until readily accessible external storage space for refuse bins awaiting collection and cycle storage space have been provided to the satisfaction of the Local Planning Authority. These storage facilities shall be retained for their intended purposes thereafter;
8. With the exception of internal works the building works, including site clearance and excavation, site deliveries and collections, required to carry out the development allowed by this permission must only be carried out within the following times:-  
  
08.00 - 18.00 Monday to Friday  
08.00 - 13.00 on Saturdays  
No working on Sundays or Public Holidays.
9. No development shall commence until details of the size and location of any temporary structures required during the construction process, proposals in respect of the public footpath during construction, a vehicle wheel washing facility together with areas for the storage of materials, and temporary site hoardings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved details, and the approved details shall remain in place and in operation for the duration of the construction period;
10. Every loaded lorry shall be covered before leaving the site;
11. No building hereby permitted shall be occupied until the same has been connected to the main drainage system and the approved means of vehicular and pedestrian access thereto have been constructed to a specification and to an extent approved by the Local Planning Authority in relation to that building;
12. There shall be no obstruction to visibility (over 0.8 metres above the level of the adjoining footway) within splays, details of which shall be submitted with the details specified in Condition 1;
13. Two garage/parking spaces for each of the detached houses shall be provided to a specification and in a position approved by the Local Planning Authority in relation to each detached dwelling hereby permitted before it is occupied;

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- 14. The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles;**
- 15. No building hereby permitted shall be occupied until the same has been connected to the main drainage system and the approved means of vehicular and pedestrian access thereto have been constructed to a specification and to an extent approved by the Local Planning Authority in relation to that building;**
- 16. No development shall take place until the measures outlined in the submitted ecological statements and reports (Land at Former Old Roar House Hastings East Sussex: Ecological Scoping Survey by Martin Newcombe 19 June 2013, Site of Old Roar House Hastings East Sussex: Bat Survey 2013 by Martin Newcombe 26 July 2013, Site of Old Roar House Hastings East Sussex: Reptiles 2013 by Martin Newcombe 29 July 2013), have been fully implemented, unless:**
  - (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;**
  - (ii) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.**
- 17. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:**
  - (i) An appropriate scale plan showing 'wildlife protection zones' where all construction activities are restricted and where protective measures will be installed or implemented;**
  - (ii) Details of wildlife features of importance such as ancient woodland, Sites of Nature Conservation Importance and protected species;**
  - (iii) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction. These to include measures such as the covering of trenches and manholes, during construction; the safeguarding of badgers setts, runs and foraging area, especially relating to the throughput of construction and other vehicular traffic, timing of operational**

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activities; the erection of protective fencing at agreed distances from sensitive habitats and wildlife areas;

- (iv) **A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed, such as the bird nesting season and other wildlife breeding seasons;**
- (v) **Persons responsible for:**
  - (a) **Compliance with legal consents relating to nature conservation;**
  - (b) **Compliance with planning conditions relating to nature conservation;**
  - (c) **Installation of physical protection measures during construction;**
  - (d) **Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;**
  - (e) **Provision of training and information about the importance of 'wildlife protection zones' to all personnel on site.**

**This list to be updated whenever necessary to keep the contact list current. All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority;**

- 18. **No development shall commence until a plan of site landscaping and ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. This shall include:**
  - (i) **site landscaping;**
  - (ii) **ecological enhancements;**
  - (iii) **a management plan for the future short and long term management of both retained and created habitats outlining how the management of the area will be secured into the future;**
  - (iv) **Landscaping specifically designed to mitigate against the effects of artificial lighting and increased human access/disturbance.**

**Ecological enhancements will particularly focus on the ancient woodland but will cover techniques and designs aimed at ecological enhancements for other wildlife;**

- 19. **No development shall take place until permanent fencing and warning signs have been erected in accordance with the approved 'Wildlife Protection Plan for Construction' submitted in accordance with**

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**condition 17 (above). All permanent fencing and warning signs will be maintained in accordance with the plan, unless otherwise approved in writing by the Local Planning Authority;**

- 20. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority;**
- 21. Prior to occupation of the buildings hereby approved acoustic fences shall be erected either side of the private access drive in accordance with details to be submitted for approval by the Local Planning Authority. The development shall be completed in accordance with the approved details and the fences shall be maintained in perpetuity;**
- 22. The development hereby permitted shall be carried out in accordance with the following approved plans:**

**D.13.1014/104, D.13.1014/108, D.13.1014/204A, D.13.1014/105, D.13.1014/106, D.13.1014/107, TREE PLAN ORH/TSP/0001, TREE PLAN ORH/TPP/002A, D.13.1014/101A, D.13.1014/102C**

### **Reasons:**

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. To ensure a satisfactory standard of development and to prevent increased risk of flooding;**
- 3. In the interests of the visual amenity;**
- 4. To ensure a satisfactory form of development in the interests of the visual amenity;**
- 5. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 6. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 7. To secure a satisfactory standard of development;**
- 8. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1);**
- 9. In the interests of the visual and residential amenities of the locality;**
- 10. In the interests of highway safety and the amenities of the area;**

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11. To ensure that no property is occupied until adequate access and drainage facilities have been provided;
12. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety;
13. In the interests of traffic safety;
14. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety;
15. To ensure a satisfactory form of development in the interests of the character and amenity of the area;
16. To protect features of recognised nature conservation importance;
17. To protect features of recognised nature conservation importance;
18. To protect features of recognised nature conservation importance;
19. To protect features of recognised nature conservation importance;
20. To protect features of recognised nature conservation importance;
21. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4); and
22. 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;
3. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk);
4. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk);



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5. With regard to conditions 17 and 19, the tree protection measures should be in accordance with the standards set out under BS5837:2012 Trees in relation to design, demolition and construction – Recommendations;
6. Consideration should be given to the provision of a domestic sprinkler system; and
7. This planning permission has been issued as a variation to the original planning permission HS/FA/14/00052. 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.

### **48.4 FORMER NURSERY SITE, REDGELAND RISE**

Proposal:	Approval of reserved matters of appearance, layout and scale of proposed development of planning permission HS/OA/11/00854 (Redevelopment of site to provide 28 dwellings)
Application No:	HS/DS/14/00561
Existing Use:	Former plant nursery
Hastings Local Plan 2004	H1, NC8, NC9, DG1, DG2, DG3 and DG11
Conservation Area:	No
National Planning Policy Framework	Section
Hastings Planning Strategy	DS1, FA1, SC1, SC2, SC3, SC4, EN2, EN3, H1
Development Management Plan	
Proposed Submission Version:	LP1, DM1, DM3, DM4, HN7 and HN8
Public Consultation:	3 letters of objection received

The Development Manager reported on an application for the approval of reserved matters of outline planning permission at Former Nursery Site, Redgeland Rise, St. Leonards on Sea.

The principle of the development for 28 dwellings was approved as part of outline permission HS/OA/11/00854. This application sought approval of reserved matters for appearance; landscaping, layout and scale.

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Details of the development comprised a mixture of two storey detached and semi-detached housings and flats with brick walls and tiled roofs. The flats have been designed to minimise the impact on properties in Redgeland Rise. Plots 19,20,21 and 22 have a split level design internally to take account of the gradient of the site.

Off-street car parking will be provided to the front and side of the buildings, adjacent to the properties they serve. The layout allows for soft landscaping to the front gardens. The houses all have 10m long gardens and each of the flats has a garden of 9m in length.

The main issues considered were the impacts upon the character of the area; the impact on neighbouring residential amenities, adequacy of parking provision and road layout, the impact on trees and the impact on biodiversity.

Details regarding boundary treatments, predominantly along the southern boundary shared with properties on Churchwood Way were subject to correspondence between the applicant and local residents. Prior to any works, details will need to be submitted as part of the landscaping details required by condition.

The Development Manager recommended that the reserved matters be granted subject to conditions.

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

Councillor Scott proposed a motion to approve the application, subject to the addition of Condition 4 and Reason 4 as set out in the resolution below. This was seconded by Councillor Roberts.

**RESOLVED** – (unanimously) that Reserved Matters be granted subject to the following conditions:-

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

1719 002 P2, 003 P5, 10 P2, 11 P2, 20 P2, 21 P2, 30 P2, 31 P2, 40 P2, 41 P2, 42 P2. 50 P3, 51 P2, 145 P1, 146 P1, 147 P1, 150 P1, 151 P1, 152 P1 and 153 P1.

2. The following windows shall remain obscure glazed and fixed shut at all times:

- The first floor rear bathroom window of unit 1
- The first floor rear bathroom window of unit 2
- The first floor rear elevation window of unit 3/4
- The first floor rear elevation window of unit 5/6

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- **The first floor side elevation window of unit 15**
  - **The first floor side elevation window of unit 18**
  - **The first floor side elevation window of unit 23**
  - **The first floor side elevation window of unit 24**
  - **The first floor side elevation window of unit 28**
3. **Before the development hereby approved is commenced details of appropriate climate change mitigation and adaption measures to be incorporated into the houses shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
  4. **Unless otherwise agreed in writing by the Local Planning Authority, a wall shall be provided to the southern boundary in the vicinity of plots 14 and 15.**

### **Reasons:**

1. **For the avoidance of doubt and in the interests of proper planning.**
2. **In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)**
3. **In the interests of achieving a low carbon future in a changing climate in accordance with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.**
4. **In the interests of the amenities of neighbouring residents.**

### **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. **The applicant is reminded that the conditions of outline planning permission HS/OA/11/00854 still apply and need to be complied with.**
4. **The applicant is reminded that outline planning permission HS/OA/11/00854 which relates to this permission is the subject of an**

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obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

5. The applicant is advised that the landscaping details required to be submitted prior to the commencement of development will need to include the following:
- Details of a badger protection corridor along the southern boundary in order to comply with condition 11 of outline planning permission HS/OA/11/00854.
  - Details of any other ecological enhancements and mitigation measures relating to landscaping in order to comply with condition 11 of outline planning permission HS/OA/11/00854. For example fencing that allows free movements for badgers.
  - Details of boundary improvements that have been agreed with local residents.
  - Details of all tree removal/protection and details of replacement trees/planting.
6. There may be badgers on the site and your attention is drawn to the provisions of the Badger Protection Act 1992. It is a criminal offence to kill or injure a badger; to damage or obstruct access to its sett; or to disturb a badger when it is occupying a sett.
7. Consideration should be given to the provision of a domestic sprinkler system.

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

None.

(The Chair declared the meeting closed at 6.30PM)

# Agenda Item 5

## Agenda Item: 5

**Report to:** Planning Committee

**Date:** 3 December 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 27 October and 21 November 2014

**Recommendations:** That the report be noted

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

1 Lower Park Road	Replacement front window with Rehau sliding sash uPVC window	Refusal	Delegated	Planning
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**Appeals decisions**

**Nothing to report**

<b>Type of Delegated Decision</b>	<b>Number of Decisions</b>
Granted	50
Refused	1
Prior Approval Not Required	2
Withdrawn by Applicant	3

**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)

# Agenda Item 6a

AGENDA ITEM NO: **6 (a)**

**Report to:** PLANNING COMMITTEE

**Date:** 03 December 2014

**Report from:** Development Manager

**Application Address:** **Site of former Hurst Court, 316 The Ridge, Hastings, TN34 2RA**

**Proposal:** **Erection of a Restaurant / Public House, Associated Residential Accommodation, Car Park, Access, Landscaping and Ancillary Works**

**Application No:** **HS/FA/14/00477**

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

**Ward:** ST HELENS

**File No:** RI55316V

**Applicant:** Marston's PLC per Nathaniel Lichfield & Partners  
14 Regent's Wharf All Saints Street London N1 9RL

**Interest:** Not owner - option to purchase site in the event of planning permission

**Existing Use:** Vacant previously development land

**Policies**

Hastings Local Plan 2004: H1 (Site Ref 66), NC8, NC9, L2, DG1, DG2, DG17, DG25 and C6

Conservation Area: No

National Planning Policy Framework: Sections 2, 4, 7, 11 and 12

Hastings Planning Strategy: FA2, SC1, SC2, SC3, SC4, EN1, EN2, EN3, EN7, CI1 and T3

Hastings Local Plan, Development Management Plan, Revised Proposed Submission Version: LP1, DM1, DM3, DM4, HN4, HN7, HN9, SA4 and SH3

**Public Consultation**

Adj. Properties: Yes

Advertisement: Yes - Departure from Local Plan

Letters of Objection: 19

Petitions Received: 0

Letters of Support: 3

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

## **Summary**

The application site relates to part of a large piece of land formerly known as Hurst Court, The Ridge. Although allocated for housing, the applicant wishes to build a public house/restaurant at the site with associated parking and a play area.

The application has been accompanied by a viability report explaining that the development of the site for residential purposes would be unviable and as such a departure from the site's allocation would be justified. The District Valuers Service have independently assessed this information and agree that the development of the site for residential purposes would be unviable. As the residential development of the site is considered unviable the alternative use of the site as a public house/restaurant is considered acceptable in principle.

The design of the proposed development is considered acceptable. Although not consistent with previous advice for a tall striking building at the site, the proposed development addresses the street, uses appropriate materials and retains a large amount of the site's tree coverage. The use is also considered to be compatible with the surrounding area. There will be no harm to character and appearance of the local area.

It is not considered that there will be any harm to neighbouring residential amenities mostly because many of the properties are suitably distanced from the development. Closer properties will be suitably screened to ensure no harm and the applicant has proposed a number of mitigation measures to reduce noise from mechanical ventilation. Odour control measures can be required by condition.

The proposal does not result in harm to protected species and a large number of trees are being retained.

The proposal provides for an adequate amount of parking and the Local Highway Authority is satisfied that the proposed development will not significantly add to traffic problems or cause any highway safety concerns.

The proposed development is recommended for approval subject to conditions and a legal agreement for a new footpath and a contribution towards local highway improvements.

## **The Site and its Location**

The application site relates to part of a large piece of land formerly known as Hurst Court, The Ridge. Measuring an area of approximately 0.7ha, the site sits within a predominately residential area with open countryside (the High Weald Area of Outstanding Natural Beauty) to the north of the site and an area of green space to the west. There is a church nearby, a newly built care home to the south and the green spaces are used as playing fields.

The site includes many trees, some of which are preserved. It is bound by residential properties and three roads – The Ridge, Chowns Hill and Stonestile Lane.

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

The applicant proposes to erect a restaurant/public house at the site with associated manager's flat, car park and play area.

The applicant has made this application despite the site being allocated in the current Hastings Local Plan 2004 for new housing. This allocation is proposed to be carried forward in the emerging Hastings Local Plan: Development Management Plan.



The applicant first approached the Council about erecting the restaurant/public house at the site in June 2013. At the time they were advised of the housing allocation and that the proposed use would not be considered acceptable unless it could be proved that the site could not be developed for housing due to matters such as the site's constraints, development viability or an oversupply of housing allocations.

This application has been accompanied by a viability report, arguing that a residential development of the site would be unviable. This information has been independently assessed by the District Valuers Service (DVS).

## **Previous Site History**

HS/FA/11/00695 Proposed residential development comprising 20 units, access road, parking and associated landscaping.  
Refused 06 June 2011

HS/FA/07/00815 Residential development (incorporating the demolition of existing building) comprising 55 units including 14 affordable housing units), access road, parking and associated landscaping.  
Appeal against non-determination dismissed 26 January 2009

## **Details of Consultations**

The **Local Highway Authority** has raised no objection subject to conditions and a s106 legal agreement securing a financial contribution towards local highway improvements and the provision of a footpath across the frontage of the site.

**Southern Water** has raised no objection subject to a condition requiring drainage details to be submitted and an informative notifying the applicant to make a formal application for connection to the public sewerage system.

The **County Archaeologist** has raised no objection.

The **Borough Arboriculturalist** has raised no objection subject to conditions regarding tree protection during construction and details of a landscaping scheme.

The **Environment & Natural Resources Manager** has raised no objection.

The **Principal Environmental Health Officer (Environmental Protection)** has raised no objection subject to conditions.

The **Environmental Health Officer (Food, Health & Safety Team)** has raised no objection but has provided a list of legal requirements the applicant will need to consider.

The **Housing Needs & Enabling Manager** has raised no objection.

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

The **Waste & Streetscene Officer** has raised no objection but comments that a waste storage area be located as close to the access as possible. The submitted drawings do show a yard which includes an area for waste storage. This is easily accessible from the highway and suitably sized. It is considered acceptable.

**Sussex Police** has raised no objection subject to opening hours being consistent with other establishments in the area and that the outside seating area is not used after 21:00.

**UK Power Networks** has raised no objection.

The **Strategic Economic Infrastructure Team Manager (ESCC)** has raised no objection.

The **Licensing Manager** has raised no objection.

There is an objection from a **Planning Policy** perspective on the basis that the proposal would be inconsistent with policy DS1 of the Hastings Local Plan: The Hastings Planning Strategy. The policy encourages new housing within the Borough.

The proposal would be inconsistent with policy H1 of the Hastings Local Plan 2004 and policy SH3 of the Hastings Local Plan: Development Management Plan which allocate the site for housing development. As the proposal does not provide for any housing there will be no provision of affordable housing which would be inconsistent with policy H3 of the Hastings Local Plan: The Hastings Planning Strategy.

Nevertheless it is acknowledged that the application has been accompanied by a viability report stating that a residential development would not be viable and this has been independently assessed by the DVS.

**Rother District Council** has raised no objection subject to:

- The Borough Council being satisfied that housing delivery was still achievable if the principle of the restaurant/public house was considered acceptable.
- A condition being imposed for the retention of trees both within and adjoining the site and any additional soft landscaping to protect landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty.
- A condition being imposed to ensure that the proposed development safeguards nearby badger setts and associated foraging areas.

There have been 19 letters of objection received. Comments relate to:

- Impact on the character of the area
- Impact on neighbouring residential amenities
- The proximity of parking to residential gardens and possible noise pollution
- The possibility of further tree pruning
- Impact on protected species
- Quality of the submitted ecology information
- Increased traffic and highway/pedestrian safety problems
- Nuisance from light pollution
- Problems related to construction (parking/litter problems caused by contractors)
- Need and competition with existing businesses
- Loss of site for housing
- Nuisance from smells/odours caused by the commercial kitchen
- Poor public transport links
- Development viability and retaining the residential allocation
- Quality of the submitted transport statement

The have been three letters of support received. Reasons include:

- Proposal will provide much needed jobs and be a community benefit
- Proposal will not exacerbate problems with traffic as vehicle use will not be during peak times
- Development will provide a facility and opportunities for leisure and relaxation close to residential properties not served by many other establishments

## **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 policies/guidance that apply are policies H1 (Site Ref 66), NC8, NC9, L2, DG1, DG2, DG17, DG25 and C6 of the Hastings Local Plan 2004 (HLP); policies FA2, SC1, SC2, SC3, SC4, EN1, EN2, EN3, EN7, CI1 and T3 of the Hastings Local Plan: The Hastings Planning Strategy (HPS); and policies DM1, DM3, DM4, HN4, HN7, HN9, SA4 and SH3 of the Hastings Local Plan: Development Management Plan (DMP). Others apply and are listed above.

The main issues to consider are the principle of the development (the loss of an allocated housing site), the impact on the character and appearance of the area, the impact on neighbouring residential amenities, the impact on biodiversity, the impact on trees, parking and highway related matters.

### **Principle of the development**

The application site is allocated in the HLP for housing – site reference 66. This allocation is proposed to be taken forward in the emerging DMP as part of policy SH3. The use of the site as restaurant/public house would clearly be contrary to the existing HLP and the emerging DMP but the applicant claims the development of the site for residential purposes would be unviable and as such a departure from the existing and emerging development plan allocations would be justified.

To support their argument the applicant submitted, with their application, a viability report based on the indicative development of the site for two different residential schemes – a 22 unit scheme and a 19 unit scheme. In principle, these schemes are considered acceptable and as such were considered an appropriate way of testing the viability of residential development at the site.

The DVS were asked to independently assess the information submitted by the applicant and initially they considered that the residential development of the site was viable. In fact, they considered a viable residential development could be provided along with a full complement of development contributions – i.e. affordable housing, play space, highway improvements and financial contributions towards schools and libraries.

The DVS initial opinion was based on the opinion that they considered the applicant's benchmark land value (BLV) (the value of the land today, without any development) was set too high. The DVS considered that the applicant's BLV inappropriately took into account the value of the land at the time it was last purchased in 2006 and the holding costs that had developed in that time such as finance interest. When considering development viability the

BLV should usually be based on the current market value at the time of the application. Having undertaken this work themselves the DVS considered the BLV was much lower than the applicant had stated and as such the returns on a residential development would be sufficient enough to make a development viable.

The applicant did not agree with this view and entered into further discussions with the DVS, providing more information about land values in the local area. The outcome of these discussions is that the applicant has provided sufficient evidence to show that the residual land value (RLV) of both indicative schemes would be well below the BLV meaning that both schemes would be in deficit and residential development at the site would not be viable.

Clearly, the preferred approach would be for the site to be developed for residential purposes but the applicant has shown that it would not currently be viable to do so. The NPPF at paragraph 173 explains that to enable development to come forward it should be able to provide a competitive return for a willing landowner and a willing developer. If there is not going to be competitive return or a willing landowner then the development should not be burdened by development plan policy – in this instance the allocation of the site for housing purposes.

A material consideration in this application is also the likelihood that a residential development of the site will ever be implemented given the history of the site, which has remained undeveloped since its allocation in 2004. It is also known that the current landowner paid a high price for the site which is unlikely to yield a decent return for residential development for the foreseeable future. There have also been no discussions about developing the site for residential purposes since summer 2012. The likelihood of developing the site for residential purposes appears to be very slim.

Of course it is disappointing that the applicant considers that the site cannot provide towards the Borough's requirement for additional housing. The site is estimated in the emerging DMP to provide for 20 new units and losing this would impact upon the Council's housing supply forecast. That being said the site is not a large strategic housing site and although it could be argued that the site should be retained considering the viability information submitted I am of the opinion that a departure from the allocation for housing is acceptable and that the development of the site as a restaurant/public house is acceptable in principle.

### **Impact on the character and appearance of the area**

The site was previously occupied by a substantial, detached, decorative Italianate style building known as Hurst Court. Its grand scale, striking design and prominent location made it an important and distinct feature in the streetscape. Unfortunately the building had no statutory protection and was lawfully demolished in 2009.

Many applications and discussions regarding the development of the site referenced the design of Hurst Court and it was this that for a long time influenced the advice given – that there should be tall striking buildings at the site's frontage to match the impressiveness of Hurst Court.

Such a development would be appropriate for the site but I consider that this is not the only acceptable development approach for the site which would also benefit from a smaller scale development which retains the wooded nature of the development site; something that maintains more openness in this transitional semi-rural nature of this edge-of-town location which is transitioning to the countryside.

This is the design approach that the applicant has taken by proposing a smaller scale

pub/restaurant development that sits at the front of the site. The design follows a historical coaching inn/tavern design. Such a design addresses the street adequately – the western elevation is not particularly strong – but the proposal which otherwise includes car parking allows for the significant retention of tree coverage within the site which helps the development to maintain the existing semi-rural character along this section of The Ridge.

The applicant proposes a palette of materials - red brick, slate tiles and render – that are consistent with the historic use of materials in Hastings.

Aside from the physical appearance of the building there have also been objections to the use and that this would be incompatible with the predominately residential nature of the area.

Whilst the immediate uses surrounding the site are residential the wider uses include playing fields and a church. In this context the addition of a detached family public house/restaurant would be wholly appropriate, adding to a mixed local character and providing more opportunities for leisure. Notwithstanding this a public house surrounded by residential properties is not an unusual scenario and is quite commonplace nationwide.

The development is otherwise well detached from existing residential properties and can be read on its own without causing harm to the otherwise predominant residential uses.

The proposed development is not considered to cause any harm to the character and appearance of the area.

The development is not considered to cause any harm to the AONB as the proposals retain a significant number of trees which will screen the development from the AONB.

### **Impact on the neighbouring residential amenities**

The proposed building is sufficiently distanced from neighbouring properties to cause no harm to neighbouring residents in terms of loss of light or overlooking.

The main concern is the use of the public house/restaurant and whether there would be any nuisance from people using the car park or from patrons of the business. Some residents have also raised concerns about noise from mechanical ventilation and nuisance cooking odours.

With regard to noise and disturbance from the car park, it is considered that most properties are situated well enough away from the site not to be affected. The properties closest to the site include 4 Hurst Way and 1 Hurst Court Gardens. Here, the natural screening between the properties, the opportunities for new boundary screening and a restriction on the operating hours of the premises will mean that the proposed development will not cause harmful disturbance to these local residents. The same can be said about the possible nuisance caused by patrons.

The applicant has provided a noise assessment with their application that considers noise from patrons, deliveries, mechanical systems and traffic. Potential harm from noisy mechanical ventilation is covered by the applicant's submitted noise report and, subject to suitable mitigation, there will be no harm. This has been checked by the Principal Environmental Health Officer who agrees with the conclusions of the report

With regard to odours, the application is lacking in sufficient detail to confirm that there will not be any nuisance to residents from odours. I am satisfied however that this matter can be controlled by condition with odour abatement measures being required before the

premises can be brought into use.

Concerns relating to light pollution can also be controlled by condition with details of appropriate lighting that limits light spillage being submitted before it is installed.

Given the above it is not considered that there will be any harm to neighbouring residential amenities.

### **Impact on local biodiversity and trees**

The application has been accompanied by an Extended Phase 1 Habitat Survey Report. The main comments of the report are:

Badgers:

- No badger setts exist on the site but it is acknowledged that there is a substantial collection of badger setts to the north.
- There was little evidence of badgers using much of the site but it could be used for occasional foraging and some activity may be masked by rabbits.

Bats:

- A number of bat boxes exist on the site's existing trees.
- None of these are proposed to be removed and no trees containing bat boxes are proposed to be felled.

Reptiles:

- Slow worms have been identified on the site to the north but none were found on this site.
- The site is considered sub-optimal for reptiles and possible habitat is restricted to north-west corner and the south east perimeter although this is still poor quality.

In addition to the above, the report explains that a certain degree of habitat will be lost but this is inevitable given the site's allocation for housing.

The main conclusions are that no protected species will be harmed by the development and although some habitat will be lost, a significant part of the site woodland will remain which will maintain opportunities for badger foraging, bird nesting and possible habitat for invertebrates.

The report also proposes a number of mitigation measures – i.e. badger protection during construction, reptile checking before any clearance works and low level lighting to ensure reduced harm to bats. These measures are considered acceptable.

The proposed development retains a large number of trees because the car parking has been designed to work amongst the existing tree coverage.

A number of trees are proposed to be removed, including a yew tree which contributes well to local landscape value but, subject to some suitable replanting, the development is not considered to result in a significant loss of trees that would harm local character or affect the landscape quality of the surrounding area and nearby AONB.

### **Parking and highway related matters**

The majority of the objections to the application are concerned with the impact the development would have on The Ridge and the safety of the junctions at Stonestile Lane and to a lesser extent Chowns Hill.

These concerns are understandable as The Ridge is well known as a busy road. The information submitted with the application has been assessed by the Local Highway Authority (LHA) and, subject to conditions and financial contribution to local highway improvements, they are satisfied that the development can be accommodated within the highway network without adversely affecting road safety.

The location of the development is not particularly sustainable. However, the LHA is satisfied that, with the footpath improvements along the frontage of the site and the contribution towards improvements along The Ridge, sustainable transport opportunities will improve such that they do not consider a refusal of the development on highway grounds can be supported.

### **Other Matters**

The site is not within a flood zone and is not considered to be at risk from flooding. Matters to do with drainage, including foul and surface water drainage, can be covered by condition.

An archaeological study submitted with the application concludes that the potential for anything of archaeological interest is limited. The County Archaeologist agrees with the findings and does not require any further information.

Reports submitted with the application conclude that the site has no ground condition or contamination issues.

A report submitted with the application lists a number of energy reduction and renewable energy measures. Final details of these to ensure compliance with policy SC3 of the HLP, can be required by condition.

Some of the objections to the application have raised whether there is a need for the establishment and the impact it would have on the nearby businesses, like the Robert de Mortain public house/restaurant. Need and competition with other businesses are market factors and not a planning consideration.

### **Conclusion**

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.

I therefore recommend that planning permission be granted subject to conditions and a legal agreement securing a footpath along the site's frontage and a financial contribution towards local highway improvements.

### **Recommendation**

**A) That the Development Manager be authorised to issue planning permission upon completion of a legal agreement under Section 106 of the Town and Country Planning Act for a financial contribution towards local highway improvements and the provision of a public footpath along The Ridge frontage of the site. In the event of the agreement not being completed by 4 June 2015 that the Development Manager be authorised to refuse permission on the grounds that adequate provision has not been made to mitigate the impact of the development on highway**

**and pedestrian safety.**

**B) Upon completion of (A) that planning permission be issued subject to the following conditions:**

### **Recommendation**

**Grant Full Planning Permission subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
3342/P100D, P103A, P104I, P105F, P106D, P107D, P108, P110, P111 and P112; 7615; 298-74/M/01A; and J48.39/02
3. No development shall take place until details of the layout of the reconstructed access and the specification for the construction of the access have been submitted to and approved in writing by the Local Planning Authority. Construction of the access shall be completed in accordance with the approved details prior to approved prior to the development being brought into use.
4. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. Prior to the commencement of development a Traffic Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of the construction access and how this will be managed, the size of the vehicles, routing of vehicles and hours of operation. The development shall be carried out in accordance with the approved Scheme.
6. During any form of earthworks and/or excavations that are carried out as part of the development, suitable wheel washing equipment should be provided within the site, to the approval of the Local Planning Authority, to prevent contamination and damage to the adjacent roads.
7. The development shall not be brought into use until a turning space for vehicles has been provided and constructed in accordance with the approved drawings. The turning space shall thereafter be retained for that use and shall not be used for any other purpose.
8. The development shall not be brought into use until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the



parking of motor vehicles.

9. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The parking shall be provided before the development is brought into use and shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
10. The development shall be carried out in accordance with the noise reduction measures recommended in *Planning Noise Assessment (Report 14/0066/R01)* by Cole Jarman.
11. Before the development hereby approved is commenced a construction method statement shall be submitted detailing how the construction shall be managed to prevent nuisance to neighbouring residential amenities by dust, noise and light.
12. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-  
  
08.00 - 18.00 Monday to Friday  
08.00 - 13.00 on Saturdays  
No working on Sundays or Public Holidays.
13. Before it is installed details of all new external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
14. Deliveries and private waste collection to and from the premises shall not take place outside of the hours of 08:00 to 20:00 Monday to Saturday, and at no time on Sundays and Public Holidays.
15. The premises shall not be used except between the following hours:-  
  
08:00 - 23:00 Monday - Friday,  
08:00 - 23:00 Saturdays,  
08:00 - 22:30 Sundays or Bank Holidays.  
  
The play area shall not be used after 21:00 and the outdoor terrace and garden areas shall not be used after 22:00.
16. Before the development hereby approved is brought into use details of odour abatement measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
17. 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.

18. 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.
19. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.
20. 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.
21.
  - (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.
22. No development shall take place until the measures outlined in the submitted ecological statements and reports (Extended Phase 1 Habitat Survey Report), dated 30 May 2014 by BSG Ecology have been fully implemented, unless:
  - (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring,

further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;

(ii) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

23. Before the development hereby approved is commenced details of appropriate climate change mitigation and adaptation measures as required by policy SC3 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

### **Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
4. In the interests of highway safety.
5. In the interests of highway safety and for the benefit and convenience of the public at large.
6. In the interests of highway safety and for the benefit and convenience of the public at large.
7. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
8. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
9. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
10. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)
11. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)
12. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).
13. In the interests of the amenity of the neighbouring residential occupiers and to protect features of ecological importance (i.e. bats).

14. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).
15. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).
16. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)
17. In the interests of the visual amenity and to protect the landscape and scenic beauty of the AONB.
18. In the interests of the visual amenity and to protect the landscape and scenic beauty of the AONB.
19. In the interests of the visual amenity.
20. In the interests of the visual amenity.
21. To prevent increased risk of flooding.
22. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
23. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.

#### **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. With regard to condition 5 above, given the restrictions of the access and/or the approach road the hours of delivery/collection should avoid peak traffic flow times.
4. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).
5. The developer is advised to read the consultation response received from the Environmental Health Officer in the Food, Health & Safety Team dated 09 June 2014 for advice on the legal requirements in relation to environmental health.
6. This permission is the subject of an obligation under Section 106 of the

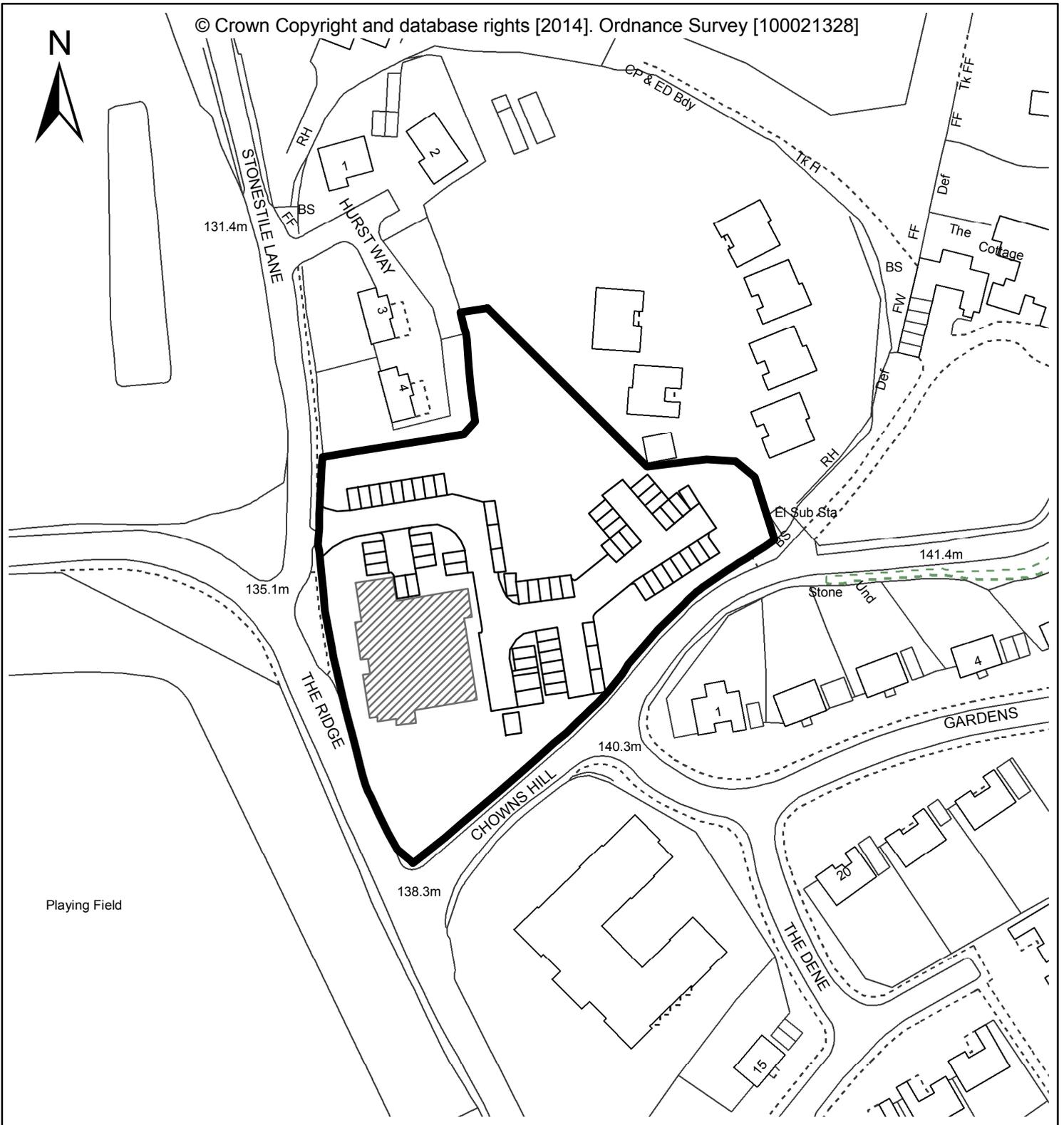
**Officer to Contact**

Mr S Batchelor, Telephone 01424 783254

**Background Papers**

Application No: HS/FA/14/00477 including all letters and documents

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**Site of former Hurst Court**  
**316 The Ridge**  
**Hastings**  
**TN34 2RA**

Erection of a Restaurant / Public House, Associated Residential Accommodation, Car Park, Access, Landscaping and Ancillary Works



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: Nov 2014

Scale: 1:1,250

Application No. HS/FA/14/00477

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# Agenda Item 6b

AGENDA ITEM NO: **6 (b)**

**Report to:** PLANNING COMMITTEE

**Date:** 03 December 2014

**Report from:** Development Manager

**Application Address:** **48 - 49 Caves Road, St Leonards-on-sea, TN38 0BY**

**Proposal:** **Proposed demolition of minimal structures, erection of six no. 1 bedroomed flats and 1 two bedroomed flat together with access drive to serve 7 no. car parking spaces.**

**Application No:** **HS/FA/14/00527**

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

**Ward:** CENTRAL ST LEONARDS

**File No:** CA95049

**Applicant:** Mrs VALLIAMMAI per CKA ARCHITECTURAL CONS. LTD 36 CHURCH STREET OLD TOWN EASTBOURNE, EAST SUSSEX. BN21 1HS

**Interest:** Owner

**Existing Use:** Vacant - Former Scaffold Yard

**Policies**

Hastings Local Plan 2004: DG1, DG2, DG3, DG21, C3, C7, C9

Conservation Area: Yes - Grosvenor Gardens

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: FA2, SC1, EN1, EN2, EN3, EN6, H1, H2, H3, T3

Hastings Local Plan, Development Management Plan, Revised Proposed Submission Version: DM1, DM3, DM4, DM5, DM6, HN1, HN3, HN5, HN7, HN8

**Public Consultation**

Adj. Properties: Yes

Advertisement: Yes - Conservation Area

Letters of Objection: 3

Petitions Received: 0

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

## Summary

The proposal is for the re-development of a former scaffold yard and an end of terrace house with a development of 6 x 1 bedroom and 1 x 2 bedroom flats. The main issues include highway safety, bin storage, the amenity of neighbouring residents and the character of the surrounding conservation area. After considering all matters I am of the opinion that the proposal is acceptable subject to conditions.

## The Site and its Location

The site consists of a scaffold yard and a single terraced house located on the northern side of Caves Road and within the Grosvenor Crescent Conservation Area. The single house forms part of a row of four terraced houses (No's 49-52 Caves Road) which are built of facing brick with slate pitch roofs and timber windows.

The front of the site adjoins 47 Caves Road to the west and the rear of the site adjoins 46 Caves Road. To the rear the site adjoins Caves Road Cliffs which is designated as a Site of Nature Conservation Importance (SNCI) and a Local Wildlife Site (LWS). The site is opposite the rear of properties at Marina.

The surrounding area includes a mixture of traditional buildings with some sympathetic modern development. The area was previously defined by a mixture of residential and commercial activities but is now predominantly residential. Several new developments have taken place in recent years.

## Details of the Proposal and Other Background Information

In 2007 planning permission (HS/FA/07/00947) was granted for the re-development of the yard and the terraced house at 48-49 Caves Road together with the adjoining three terraced houses at 50, 51 & 52 Caves Road. The scheme was for 7 x flats and 3 x terraced houses. The planning permission has since expired and the applicant is now proposing a similar scheme but has split the site and applied for planning permission for the houses and flats separately. Planning permission: HS/FA/14/00539 was granted earlier this month for the erection of three replacement terraced houses at 50, 51 & 52 Caves Road.

The current proposal involves the replacement of the existing yard and a single terraced house with a three storey building comprising 6 x 1 bedroom flats and 1 x 2 bedroom flat. The building is to be built of facing brick and render with a slate tile pitch roof. A car park is proposed to the rear accessed from an archway leading from Caves Road. A bin store is proposed to be located within the car park area and a replacement retaining wall is to be provided along the rear boundary of the car park with the cliff.

## Previous Site History

- HS/OA/80/00782 Demolition of existing workshops and store and erection of single storey office building.  
Granted 17 December 1980.
- HS/DS/81/00134 Demolition of existing workshop and store and erection of single-storey office building.  
Granted 18 March 1981.
- HS/FA/07/00178 Demolition of 49 Caves Road and erection of 7 x 1 Bedroom and 1 x 2 bedroom flats together with access driveway to serve 7 x car parking spaces.

- Refused 21 May 2007.  
HS/CA/07/00179 Demolition of 49 Caves Road. Application HS/FA/07/00178 applies for the erection of 7 x 1 bedroom and 1 x 2 bedroom flat together with access driveway to serve 7 x car parking spaces.  
Refused 21 May 2007.  
HS/FA/07/00947 Proposed demolition of 49-52 Caves Road. Erection of 6 x 1 & 1 x 2 bed flat; 3 x 3 storey town houses together with access drive to serve 7 x car parking spaces.  
Granted 26 February 2008.

## Details of Consultations

The **Waste and Streetscene Services** team have advised that waste collection vehicles cannot access the proposed bin store at the rear. They have recommended relocating the bin store so that it is closer to the public highway.

Comments have been received from **Southern Water** who have provided general advice and recommended the use of an informative (Informatives: 4 & 5).

The **Transport Development Control Team** consider the development to be acceptable subject to conditions (Conditions: 9-14)

The **Environment and Natural Resources Manager** has advised that the main issue is the impact of land stabilisation works to the cliff above. He has suggested that the use of the concrete screeding option proposed is likely to have adverse impacts on the ecology of the area and that other options should be explored (Conditions 2 & 3).

A total of **3 letters of objection** have been received. The main issues raised include: general amenity (location of bin store), density, highway safety, character and appearance and land stability.

## 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 policies that apply are DG1, DG2, DG3, DG21, C3, C7, C9 in the adopted Hastings Local Plan 2004, policies, FA2, SC1, EN1, EN2, EN3, EN6, H1, H2, H3, T3 in the adopted Strategy and policies DM1, DM3, DM4, DM5, DM6, HN1, HN3, HN5, HN7 and HN8 in the Revised Proposed Submission Version of the Development Management Plan.

## Character and Appearance

The proposed residential use is considered to be in keeping with the predominantly residential uses which define the area. The proposal follows the pattern of development found in the area which includes mainly two - three storey terraced properties which face directly onto the road with yard areas to the rear. The proposal is to be the same height as the adjoining properties to the west and is therefore considered to be in keeping with the size and scale of development in the area. The scheme draws on the broad characteristics of the area as it includes features such as sash windows, window roof canopies, facing brick,

slate and render. Subject to joinery and material conditions it is considered that the proposal will enhance the appearance of the streetscene and preserve the historic character of the surrounding conservation area.

### **Living Environment**

The adjoining properties to the west of the site face towards the rear parking/yard areas of properties at Marina. The proposal will infill the space between the existing terraced properties and will be the same height as adjoining properties to the west. The proposal will therefore not result in additional overbearing or overlooking to the properties on the opposite side of Caves Road.

Having regard to the positioning of the proposed dwellings and the car park in relation to neighbouring properties it is considered that the scheme will not result in unacceptable levels of light or outlook to current or future occupants.

The proposal includes a bin store located in the yard area to the rear. The location is not considered acceptable as it is adjacent to the kitchen window of the adjoining property. In order to address this matter the bin store could be relocated to the opposite side of the yard (e.g. the location of parking space number 5) where it would be away from the windows of neighbouring/future residents. This location would also be 17.5m from the public highway which is within the 25m maximum distance set out in the Government's Manual For Streets policy document. It is therefore recommended that a condition is imposed which requires bin storage details to be submitted for approval.

### **Housing Type and Affordable Housing**

In accordance with the National Planning Policy Framework (NPPF) (paragraph 50) and Policy H2 of the Hastings Planning Strategy (the Strategy) there is a requirement to provide a genuine mix of housing types to support the needs of different groups. The Caves Road area includes a variety of houses and flats at the present time and therefore appeals to different groups. Recent developments in Caves Road have involved mainly family size accommodation and it is therefore considered that the scheme will help to ensure that a genuine variety of housing types continues to exist in the local area. Furthermore, the NPPF aims to boost significantly the supply of housing (paragraph 47) and sets a presumption in favour of sustainable development paragraph 14. On balance the unit types proposed are therefore considered to be acceptable.

In accordance with Policy H3 of the Hastings Planning Strategy there is a requirement to make a contribution towards affordable housing. The applicant has submitted viability information which demonstrates that the scheme will result in a net loss. The viability information has been sent to the District Valuer Service (DVS) for verification and confirmation has now been received that the scheme is unviable with an affordable housing contribution. On this basis the proposal is considered to be acceptable with no affordable housing contribution.

### **Land Stability**

The application has been submitted with a land stability report which concludes that the type of stability concerns associated with this type of rock face are not unusual and that they can be addressed through conventional stabilisation techniques. Various options have been suggested within the report and it is considered that the matter can be adequately controlled through the use of a condition requiring details of the stabilisation works to be submitted for approval.

## **Ecology and Biodiversity**

The application has been submitted with an ecology report which is an update to that submitted in 2007. The report concludes that the situation remains largely unchanged but does recommend the need to restrict groundwork and engineering operations to between May and October in any given year and the installation of a reptile protection fence. These measures can be controlled by way of a condition.

The original report advised that a variety of flora exist within the SNCI and LWS to the north and east. As stated by the case officer in 2007 the proposal does not encroach into this area and therefore the surrounding flora will remain unaffected. However, the land stability report does recommend a number of stabilisation methods for the cliff above. Having regard to the comments of the Environment and Natural Resources Manager it is considered that the matter can be addressed by way of a condition requesting details of the stabilisation works for approval. This will ensure that the works do not result in adverse impacts on the ecology of the area.

## **Highway Safety and Parking**

Having regard to the comments of the Transport Development Control Team (TDCT) the access proposed is considered to be acceptable. The proposal makes adequate provision for car parking and will therefore not result in inconvenience for current/future occupants. The parking areas can be secured through the use of a condition.

The TDCT have also recommended the use of a condition to secure the submission of a travel plan in order to limit disruption to the road. In addition to this condition it is also recommended that conditions are imposed requiring details of temporary works/structures (hoardings etc) and restricting the hours of building works in order to provide additional protection to neighbouring residents during the construction phase.

## **Drainage**

Having regard to the comments received from Southern Water it is considered that a condition requesting drainage details to be submitted for approval will be adequate for ensuring a satisfactory standard of development.

## **Conclusion**

It is considered that the proposal is in keeping with the historic character of the area and that it will contribute to the mix of accommodation in the area without adversely impacting on its surroundings. I therefore recommended 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. No development shall take place until full details of the land stabilisation techniques have been submitted to and approved in writing by the Local Planning Authority. The details shall be prepared by a suitably qualified person and include evidence to support the methods chosen and regarding the impacts on the ecology of the area. The development shall be completed in accordance with the approved details.
3. No development shall take place until the measures outlined in the submitted ecological statements and reports (Ecological report on land at 48 & 49 Caves Road St. Leonards-on-Sea, East Sussex by Patrick Roper, 23 March 2007 and An update on the 2007 ecological report on 48 & 49 Caves Road, St. Leonards-on-Sea by Patrick Roper, 19 March 2014) have been fully implemented, unless:
  - (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;
  - (ii) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.
4. No development shall take place until samples of the materials including a sample panel of render to be used in the construction of the external surfaces of the dwellings hereby permitted have been made available for inspection at the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
  - (a) joinery details at no less than 1:10 scale of all windows and doors;
  - (b) window canopy details at no less than 1:20 scale;
  - (c) rainwater goods, flues and ventsThe 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.
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 flats hereby approved shall occur until those works have been completed.

- (iii) No occupation of any of the 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.
7. No development shall commence until details of the size and location of any temporary structures required during the construction process, a vehicle wheel washing facility together with areas for storage of materials, and temporary site hoardings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved details, and the wheel washing facility shall remain in place and in operation for the duration of the groundworks.
  8. Notwithstanding the information shown on drawing number: 227600-02 bin storage details including the size, location and means of enclosure of the bin store shall be submitted for approval by the Local Planning Authority prior to works commencing on site. The development shall be completed in accordance with the approved details and the bin store shall be used for no other purposes other than the storing of refuse bins awaiting collection unless otherwise agreed in writing by the Local Planning Authority.
  9. Prior to occupation of any part of the development hereby approved the proposed access shall be provided in accordance with drawing number 227600.02] and laid out and constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
  10. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
  11. Prior to demolition works commencing on site a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority. This shall include the size of vehicles, routing of vehicles and hours of operation.
  12. Notwithstanding the information shown on drawing number: 227600-02 the development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
  13. Notwithstanding the information shown on drawing number: 227600-02 the development shall not be occupied until cycle parking has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
  14. The access hereby permitted shall not be used until a turning space for

vehicles has been provided and constructed in accordance with the submitted plan and the turning space shall thereafter be maintained in a suitable condition for that use and shall not be used for any other purpose.

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

227600.02, 227600.03 & 227600.04

16. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

### **Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To protect future residents and users of the development in the interests of Health and Safety.
3. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
4. In the interests of the character and amenity of the Grosvenor Gardens Conservation Area.
5. In the interests of the character and amenity of the Grosvenor Gardens Conservation Area.
6. To ensure a satisfactory standard of development.
7. In the interests of the visual and residential amenities of the locality.
8. To ensure a satisfactory standard of development.
9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
10. In the interests of highway safety.
11. In the interests of highway safety and for the benefit and convenience of the public at large.
12. In the interests of highway safety.
13. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.



14. In the interests of highway safety.
15. For the avoidance of doubt and in the interests of proper planning.
16. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).

### **Notes to the Applicant**

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. Consideration should be given to the provision of a domestic sprinkler system.
4. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).
5. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
6. With regard to condition 11 of this planning permission the applicant's attention is drawn to the consultation response from the Transport Development Control Team dated 14 August 2014.
7. With regard to condition 2 of this planning permission, it is only necessary to submit details of the works necessary to stabilise the cliff in relation to the development hereby approved. If following further investigation no additional works are required to the upper levels of the cliff then the evidence should accompany an application to discharge the condition.

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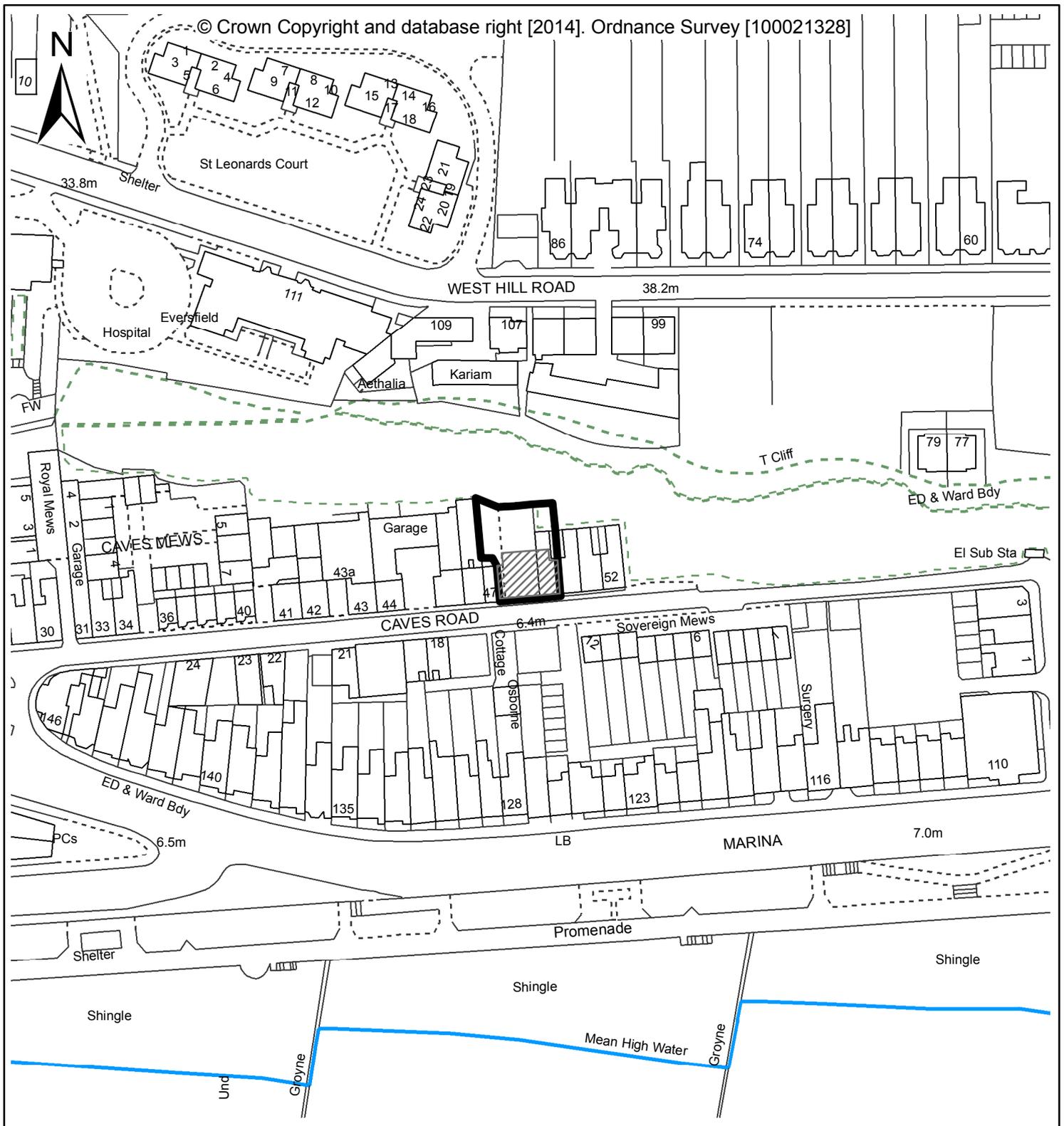
### **Officer to Contact**

Mr T Tanner, Telephone 01424 783336

### **Background Papers**

Application No: HS/FA/14/00527 including all letters and documents

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**48 - 49 Caves Road  
St Leonards-on-sea  
TN38 0BY**

Proposed demolition of minimal structures, erection of six no. 1 bedroomed flats and 1 two bedroomed flat together with access drive to serve 7 no. car parking spaces.



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: Nov 2014

Scale: 1:1,250

Application No. HS/FA/14/00527

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# Agenda Item 6c

AGENDA ITEM NO: 6(c)

**Report to:** PLANNING COMMITTEE

**Date:** 03 December 2014

**Report from:** Development Manager

**Application Address:** Bin Store Adjacent Castleham Business Centre (West), Stirling Road, St Leonards-on-sea, TN38 9NP

**Proposal:** Fitting a galvanised metal mesh roof over the existing bin store

**Application No:** HS/FA/14/00826

**Recommendation:** Grant Full Planning Permission

**Ward:** HOLLINGTON

**File No:** ST54001V

**Applicant:** Hastings Borough Council Aquila House  
Hastings East Sussex TN34 3UY

**Interest:** Owner

**Existing Use:** Bin Store

## Policies

Hastings Local Plan 2004: DG1

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

## Public Consultation

Adj. Properties: Yes

Advertisement: No

Letters of Objection: 1

Petitions Received: 0

**Application Status:** Not delegated - Council application with 1 objection

## Summary

This is a full planning application seeking permission to install a mesh roof on an existing bin store. The bin store is adjacent to Castleham Business Centre (west) and the premises are owned by Hastings Borough Council. The additional security is required following continued fly tipping.

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 bin store is adjacent to the south east corner of Castleham Business Centre (west), which is located on the Castleham Industrial Estate and is on the corner of Stirling Road and Maunsell Road. The bin store faces a footway to the north, Stirling Road to the east, an access road to the south and a parking area to the west.

To the east, beyond Stirling Road, is a car park and a row of terraced houses in Swynford Drive, which back onto the Industrial Estate.

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

The bin store is of a brick finish, with double metal gates. The proposal is to fix a galvanised roof frame around the top of the brick walls and the gates, raising the height by 300mm. Galvanised mesh will be attached to the top and sides of the framework and two sections of 2 metre anti-climb rotating units will be fixed to the north west corner, adjacent to corner of the Business Centre building.

## **Previous Site History**

HS/FA/12/00878 New and replacement windows and doors to facilitate refurbishment of micro factory units  
Granted 10 December 2012

## **Details of Consultations**

There has been one objection from a nearby business following neighbour consultation.

Objections raised relate to the mesh roof providing a new accessible area for children and that the bin store provides a single area for fly tipping. It is suggested that the problem will be transferred to another area of the Industrial Estate. The matter of transferring fly tipping is not a planning consideration.

## **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".

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

The following Policies apply:

Hastings Local Plan 2004: Policy DG1 - Development Form,  
Development Management Plan Revised Proposed Submission Version: Policies DM1 - Design Principles and DM3 - General Amenity,  
Hastings Planning Strategy: Policies FA1 - Strategy Policy for Western Area and SC1 – Overall Strategy for Managing Change in a Sustainable Way.  
Section 7 - Requiring Good Design of the National Planning Policy Framework is also relevant.

## **Amenity of Nearby Residential Properties**

The residential properties in Swynford Drive, which back onto Castleham Industrial Estate, are approximately 26 metres away and it is considered they are of such a distance so as not to be affected by the proposed mesh roof.

## **Impact on the Area in General**

The design, scale and materials of the proposed mesh roof are considered to be in keeping with adjacent and nearby commercial buildings and with the character and appearance of the industrial estate. The mesh will prevent unauthorised fly tipping and the rotating anti-climb units will prevent unauthorised access onto the roof of the adjacent building. The increase in height of the bin store is minimal and it is not considered to be visually overly prominent or overbearing.

**Other considerations:** Given the height of the bin store, particularly with the raised mesh roof, it is unlikely to encourage unauthorised access.

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

## **Recommendation**

### **Grant Full Planning Permission subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan, BG/15/2/6B.

### **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.

### **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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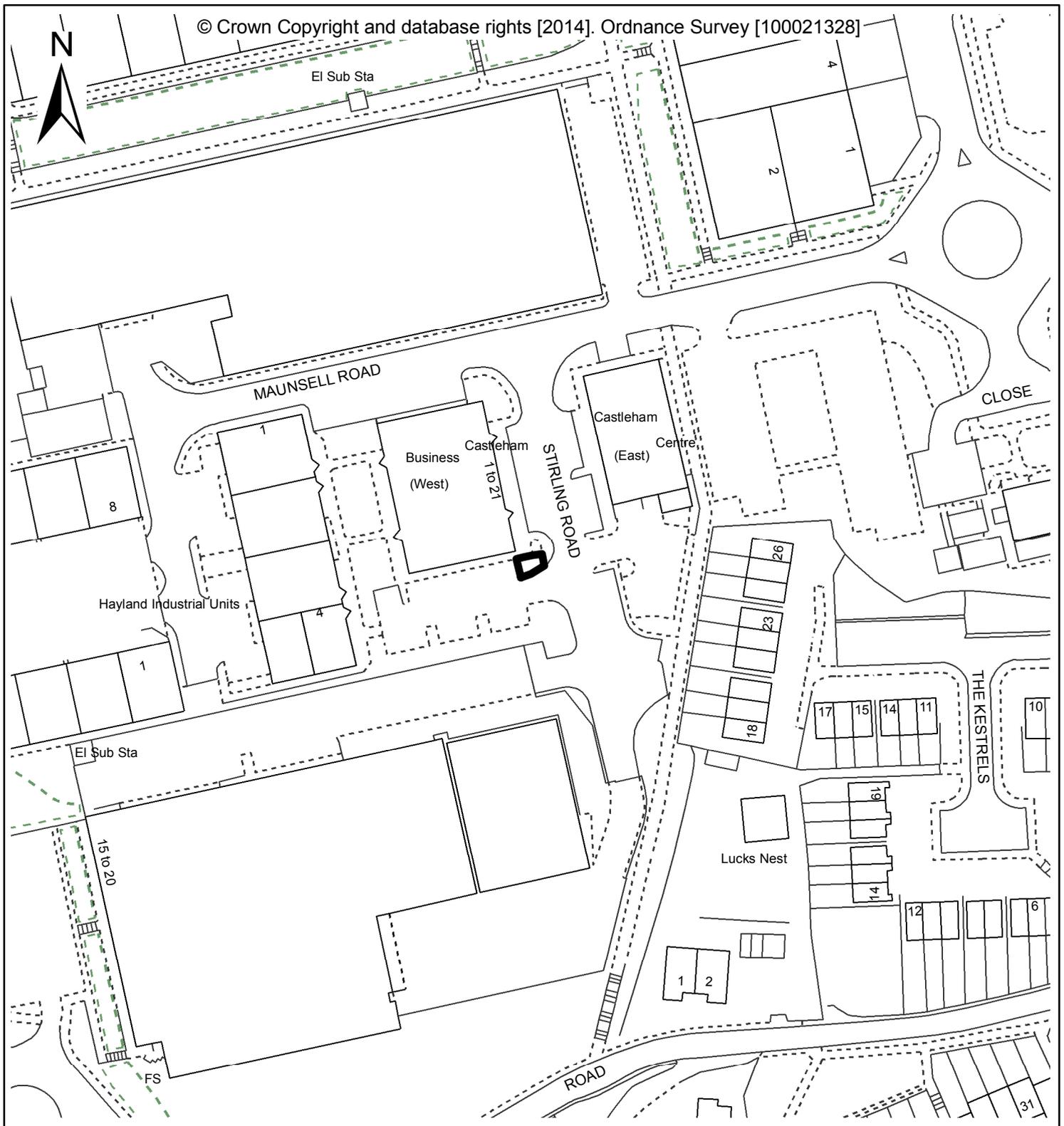
**Officer to Contact**

Mrs C Boydell, Telephone 01424 783298

**Background Papers**

Application No: HS/FA/14/00826 including all letters and documents





**Bin Store Adjacent Castleham Business Centre (West)**  
**Stirling Road**  
**St Leonards-on-sea**  
**TN38 9NP**

Fitting a galvanised metal mesh roof over the existing bin store



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: Nov 2014

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