

PLANNING COMMITTEE

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agreement had not been signed and the decision notice was not issued.

Following a recent Ministerial Statement issued by the Minister of State for Housing & Planning, Policy H3 of the Hastings Planning Strategy 2011-2028 (the Strategy) no longer applies to schemes under 10 units. Therefore, because this scheme is for 2 units there is no longer a requirement to provide an affordable housing contribution.

Since there had been no other changes to the scheme or relevant changes to planning policy since the previous application, the Development Manager recommended the application be approved subject to conditions.

The Human Rights considerations have 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 – (unanimously) that planning permission be granted subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
2. No dwelling hereby approved shall be occupied until readily accessible external storage space for refuse bins has been provided to the satisfaction of the Local Planning Authority;
3. No development shall take place until samples of the materials 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;
4. 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;
5. 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

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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;

- 6. No development shall take place until full details of all boundary enclosures have been submitted to and approved in writing by the Local Planning Authority. All such boundary enclosures shall be erected before the building to which it relates is occupied;**
- 7. The side facing windows at first floor level shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.8 metres from finished floor level;**
- 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or as may be subsequently amended or re-enacted no extensions to the dwellings or outbuildings shall be formed/erected without the grant of an additional planning permission;**
- 9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed;**
- 10. The development shall be completed in accordance with the submitted arboricultural statements and reports (Tree Survey Arboricultural Impact Assessment & Tree Protection Plan Land r/o 38-40 Nelson Road Hastings East Sussex TN34 3RZ dated June 2014 and Supplementary Planting Plan Land r/o 38-40 Nelson Road Hastings East Sussex TN34 3RZ dated September 2014 prepared by the Mayhew Consultancy Ltd) unless otherwise agreed in writing by the Local Planning Authority;**
- 11. (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 hereby approved shall occur until those works have been completed.

No occupation of any of the dwellings 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;

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12. No development shall take place until the measures outlined in the submitted ecological statements and reports (Preliminary Ecological Appraisal Land r/o 38-40 Nelson Road Hastings East Sussex TN34 3RZ dated July 2014 prepared by The Mayhew Consultancy) 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;**

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;

13. The dwellings hereby approved shall not be occupied until provision has been made for high speed broadband infrastructure to serve the development;

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

Site plan, NR.1124.10 & NR.1124.11

15. The development shall not be occupied until cycle parking areas 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.

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 form of development in the interests of the character and amenity of the area;**
- 3. In the interests of the character and amenity of the Conservation Area;**
- 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 visual amenity;**

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6. To ensure a satisfactory form of development in the interests of the character and amenity of the area and to safeguard the amenity of adjoining and future residents;
7. To protect the amenities of adjoining residential properties;
8. To safeguard the amenity of adjoining and future residents;
9. To safeguard the amenity of adjoining and future residents;
10. In the interests of the visual amenity of the area and to ensure a satisfactory standard of development;
11. To ensure a satisfactory standard of development;
12. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9);
13. To ensure a satisfactory standard of development;
14. For the avoidance of doubt and in the interests of proper planning; and
15. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.

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;
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.

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62. PLANNING APPEALS AND DELEGATED DECISIONS

The Development Manager reported two appeals 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 24 November 2014 and 18 December 2014.

RESOLVED – that the report be noted.

63. PLANNING APPLICATIONS:

63.1 KIOSK, UPPER PROMENADE, OPPOSITE EVERSFIELD PLACE, FORESHORE, EVERSFIELD PLACE

Proposal:	Seafront retail kiosk
Application No:	HS/FA/14/00834
Existing Use:	Promenade
Hastings Local Plan 2004	T1, S4, DG1, DG14, DG18, C1, C3
Conservation Area:	Yes - Eversfield Place
National Planning Policy Framework	Sections 1, 2, 7 & 12
Hastings Planning Strategy	FA2, FA6, SC1, EN1, E4
Development Management Plan	
Proposed Submission Version:	DM1, DM3, DM6, HN1, SA3, SA4, CQ1
Other	Seafront Strategy
Public Consultation:	7 letters of objection received

The Development Manager reported on a full planning application, submitted by the Council, to construct a new seafront retail kiosk for use as takeaway/snack bar at Eversfield Place, Foreshore, St. Leonards on Sea.

The site is located within the Eversfield Place Conservation Area and is on one of the three matching viewing bays located on the upper promenade between the Pier and Warrior Square, directly over Bottle Alley and adjacent to the Weather Station kiosk. Nearby there are two of the five seafront shelters, which are Grade II Listed Buildings.

There is a cycle route that runs from one end of the seafront to the other which is located between the Weather Station and the upper promenade/viewing bay railings to the south. A section of this cycle route measuring 17 metres is to be suspended in the

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area of the proposed kiosk.

The proposed kiosk will be of cylindrical design on one of the three viewing bays. The kiosk will have a white painted rendered finish to the walls and a grey Terne coated stainless steel roof, giving a lead patina appearance (weathered lead). The kiosk will be on a cast concrete slab, separated from the existing surface by a membrane. A duct will be made through the promenade to Bottle Alley to connect to services. The kiosk will have sloping roof at a height of 3600mm maximum and 2800mm minimum and is 3800mm in diameter, not including the canopy. The personnel door will be in the eastern elevation, painted blue and of timber with a stainless steel porthole window. The serving counter to the northern elevation will have polished, perforated, corrugated aluminium shutters with stainless steel runners. A hardwood bench seat will form part of the structure and will be in the southern elevation facing the sea.

The main issues considered were the benefit to the local tourist economy; impacts of the proposal on the amenity of nearby residents and visitors; transport and parking; safety; impacts on the nearby Grade II Listed Buildings and character and appearance of the Seafront and Conservation Area.

The Development Manager considered the proposal would help benefit the local tourist economy. He believed that it would not result in substantial harm to the Conservation Area or nearby Grade II Listed Buildings and there would be no significant adverse impact on neighbouring properties; the character of the area or on highway safety. He therefore recommended that planning permission be granted subject to conditions.

A report containing some late electronic comments had been received since the publication of the agenda. This was circulated to the Committee prior to the meeting.

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

With the agreement of the Chair, Councillor Beaney circulated some proposed reasons for refusal of the application, for the committee to consider.

Councillor Beaney proposed a motion to refuse the application, this was seconded by Councillor Beaver. The motion was lost by 4 votes for and 6 votes against. Councillor Dowling proposed a motion to approve the application as set out in the resolution below. This was seconded by Councillor Wincott.

RESOLVED – by (6 votes to 4) that planning permission be granted subject to the following conditions:-

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission;**
2. **No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:**
 - i) **Interface details to show how the kiosk is intended to be fixed onto**

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the promenade/roof of Bottle Alley,

ii) **Methodology statement for the formation of the service duct, which shall also include a full specification for making good,**

iii) **Sample of the external render colour,**

iv) **Sample of the paint colour to be used for the personnel door.**

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

3. The use hereby approved shall not commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

i) **Details of the methods of cooking proposed,**

ii) **Technical and design details of any extraction equipment required including plans indicating the course of any ducting or external vents at a scale of no less than 1:50 or similar and manufactures details (including maximum working sound level). These details shall include the design of any external parts.**

The planning permission shall be implemented and maintained in accordance with the details approved and shall not be occupied until those works have been completed;

4. Before display, details of any signs or advertisements on the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter no signs or advertisements other than those approved shall be displayed;

5. The premises shall only be open for customers until 17:00 during the winter and no later than 21:00 summertime;

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

HBC2655-10, HBC2655-11, HBC2655-12, HBC2655-13, HBC2655-14, HBC2655-15.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;

2. In the interests of the amenity of the neighbouring residential occupiers and of the character and amenity of the Eversfield Place Conservation Area;

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3. In the interests of the amenity of the neighbouring residential occupiers and the visual amenities of the conservation area;
4. To enable the local planning authority to control the display of signs and advertisements in the interests of the character and amenity of the Eversfield Place Conservation Area;
5. In the interests of the amenity of the neighbouring residential occupiers; and
6. 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. The cycle route has been installed by a legal Order, an amendment will therefore be required for any alterations to it;
4. Future tenants should be advised to contact the Council's Food, Health and Safety Team on telephone number (01424) 451078 or by email on foodsafety@hastings.gov.uk; and
5. In addition to the requirements of condition 4 above, separate advertisement consent may be required for the display of signs or advertisements on the building.

63.2 LAND ADJACENT 30 SHEPHERD STREET

Proposal:	Erection of five dwellings (one house & four flats)
Application No:	HS/FA/14/00916
Existing Use:	Mixed Use - Art Galley/Retail
Hastings Local Plan 2004	E4, DG1, DG2, DG3, DG11, C1, C2, C8, C10
Conservation Area:	Yes - St. Leonards East
National Planning Policy Framework	No Conflict

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Hastings Planning Strategy	FA2, SC1, EN1, EN3, H1, H2, H3, E1, T3
Development Management Plan	
Proposed Submission Version:	DM1, DM3, DM4, DM6, HN1, HN2, HN3, HN5
Public Consultation:	4 letters of objection received

The Development Manager reported on a full planning application for the erection of 5 dwellings (one house and four flats) within a yard area formally associated with a builders merchants (Brookers) at Land Adjacent to 30 Shepherd Street, St. Leonards on Sea.

The proposal follows the refusal of three schemes at the site and subsequent appeals both of which were dismissed following a hearing.

The site is located within the St. Leonards East Conservation Area and consists of a two storey building fronting Norman Road and a former cinema auditorium and yard area to the rear which front Shepherd Street. The main building is in use as an art gallery and was formerly used as a builders merchants (Brookers).

On Norman Road the site adjoins a two storey terrace building to the east and a three storey residential building to the west. The majority of other buildings in the area are 2-3 storey terraced buildings in use for commercial purposes at ground floor level and either residential or office space above. The yard area to the rear at Shepherd Street adjoins a row of two storey Victorian terraced dwellings to the west. The auditorium building adjoins a car park to the east.

The main considerations were the impacts of the proposal on character and appearance; living environment; amenity of neighbouring and future residents; highway safety and parking; housing type and affordable housing; safety and security; loss of employment land, drainage and bin storage.

Having regard to the recent appeal decision, the Development Manager felt the proposal would result in additional residential development without resulting in adverse impacts on its surroundings. The Development Manager recommended the application be approved subject to conditions.

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

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

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

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;**

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- 2. No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:**
 - (i) Schedule of the materials and finishes for walls**
 - (ii) Joinery details at 1:10 scale with 1:2 or 1:1 sections to include windows and doors**
 - (iii) solar panel details**
rainwater goods and external pipe work

Works shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed;
- 3.**
 - (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 the dwellings hereby approved shall not be occupied until those works have been completed;**
 - (iii) The dwellings hereby approved shall not be occupied 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.**
- 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 unit hereby approved shall be occupied until readily accessible external storage space for refuse bins awaiting collection has been provided to the satisfaction of the Local Planning Authority;**
- 6. 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 Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles;**
- 7. The archway entrance proposed to Shepherd Street shall be used for pedestrian and cycle access only and not by motorised vehicles unless otherwise agreed in writing by the local planning authority; and**

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

BA1416.501B; 502A; 503B, 504, 505, 506,

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 extension matches the appearance of the existing dwelling (Hastings Local Plan 2004 - Policy DG1);
3. To ensure a satisfactory standard of development;
4. To safeguard the amenity of adjoining 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;
6. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development;
7. In the interests of vehicular and pedestrian safety; and
8. 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. 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, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk; and
5. In the event that any sewers are found within the site the applicant is

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advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.

63.3 38-39 MARINA

Proposal:	Change of use from Mansion Flat (first floor) to 2no. self contained flats
Application No:	HS/FA/14/00464
Existing Use:	Vacant Flat
Hastings Local Plan 2004	H4, DG1, C1, C3
Conservation Area:	Yes - Burtons' St. Leonards
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	SC1, EN1, H2
Development Management Plan	
Proposed Submission Version:	DM1, DM3, HC1, HN1
Public Consultation:	3 letters of objection received

The Development Manager reported on a full planning application for the conversion of a first floor flat to form two self-contained flats at 38-39 Marina, St. Leonards on Sea.

The flat, which is known as the Mansion Flat, is in a Grade II Listed Building and is located above the Colonnade shops, adjacent to Marine Court. The site is on the first floor level to the front and at ground floor level to the rear. The front of the building faces the sea and the Azur Restaurant. Access to the Mansion Flat is from Undercliff to the rear of the building. The building is a Grade II Listed Building and it is within the Burton's St Leonards Conservation Area. Many of the nearby properties have been converted into self-contained flats.

This application was amended following extensive negotiations because the original proposals that included additional partitions and poor layout were considered to harm the Listed Building.

This revised application sought to create a two bedroom flat and a one bedroom flat. Proposals included new partition walls constructed in the hallway to create separate entrances to what will become Flat 38 and Flat 39. The lounge is to be partitioned to create the two living rooms and a new kitchenette is to be constructed in the new living room for Flat 38. A further partition will create a corridor through from the entrance hall to the new living room for Flat 38. An additional bathroom is proposed in Flat 39, providing en-suite facilities for both its bedrooms. There is existing refuse storage to

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the rear of the property in Undercliff.

The main considerations were the impacts of the proposal on the Listed Building and Conservation Area; proposed use and standard of accommodation and highways and parking. Following extensive negotiations with the agent and receipt of a revised application, the Development Manager considered the proposal would not harm the significance of the Grade II Listed Building. He believed the vacant property would be brought back into use and would provide acceptable accommodation for future occupants. As such, he recommended planning permission for the change of use be granted subject to conditions.

Listed building Consent will be required under a separate application to carry out the alterations.

The Human Rights considerations had 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 Rogers.

RESOLVED – (unanimously) that planning permission be granted subject to the following conditions:

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

13.1260.001 & 13.1260.002D

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; and

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3. **As the property is a Grade II Listed Building, Listed Building Consent is also required for the alterations. Separate planning permission and listed building consent will also be required for any external alterations to the property.**

63.4 CAPLE NE FERNE, 2 ALBANY ROAD (LB)

Proposal:	Internal alterations to form self-contained flats.
Application No:	HS/LB/14/00644
Existing Use:	Previously a residential institution (C2) - flats currently under construction
Hastings Local Plan 2004	N/A
Conservation Area:	Yes - Markwick Terrace
National Planning Policy Framework	Section 12
Hastings Planning Strategy	N/A
Development Management Plan	
Proposed Submission Version:	N/A
Public Consultation:	No letters of objection received. Referred by Ward Councillor

The Development Manager reported on a Listed Building application for internal alterations to form 8 self-contained flats at Caple Ne Ferne, 2 Albany Road, St. Leonards on Sea.

The corresponding planning application has been submitted (HS/FA/14/00645). Minute 63.5.

The site consists of a large detached building and parking area set within a large garden area. The building ranges from mainly two to three storeys, but includes a central four storey section with a balcony at third floor level. The original portion of the building (southern section) was built in the late 1800s and the northern section is a three storey addition. The site occupies a corner plot screened by mature trees and hedges. Adjoining the site are residential properties, Nos 38-40 Pevensey Road to the north and north east, 8 Albany Road and four dwellings at Caple gardens to the north east. The wider area is predominantly residential, dominated by semi-detached dwellings some of which have been divided into flats. The area forms part of the Markwick Terrace Conservation Area.

In 2013 planning permission and listed building consent were obtained for the change of use of the north house to 8 self-contained flats (HS/LB/13/00343 & HS/FA/13/00344). Recently works commenced on the approved scheme and

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applications were made for alterations to the approved layout (HS/FA/14/00335 & HS/LB/14/00383). Following a site visit by the Case Officer and the Council's conservation consultant they considered the proposed works were unacceptable and the applications were withdrawn. They also identified that a number of the works proposed had already been completed and that others had taken place without the grant of listed building consent or planning permission. The Planning Enforcement Team are investigating the unlawful breaches.

This application sought consent to regularize a number of the breaches and proposed a number of new alterations to the building.

The main considerations of this application were the impacts of the proposal on the historic character and appearance of the Grade II listed building. The Development Manager recommended the application be refused because of the unacceptable harm on the historic character and appearance of the listed building. Furthermore, the scheme would erode the property's significance as a heritage asset and was therefore contrary to the requirements of the NPPF.

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

A late statement had been received from the applicant since the publication of the agenda. This was circulated prior to the start of the meeting.

Councillor Roberts proposed a motion to refuse listed building consent as set out in the resolution below. This was seconded by Councillor Beaney.

RESOLVED – by (8 votes to 1, with 1 abstention) that Listed Building Consent be refused for the following reason:

- 1. The proposal will result in alterations to the layout of the building and the loss or obstruction of important architectural and historic features. The proposal would therefore cause substantial harm to the historic and architectural character of this Grade II Listed Building. The public benefit of the proposal is considered to be minimal and does not outweigh the level of harm caused by the proposal. As such the works are contrary to the Planning (Listed Buildings & Conservation Area) Act 1990 and to the requirements of the National Planning Policy Framework Section 12, particularly paragraph 132, which states:**

'132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected

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wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*

Note to the Applicant

- 1. 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.**

63.5 CAPLE NE FERNE, 2 ALBANY ROAD (FA)

Proposal:	Variation of condition 10 of Planning Permission HS/FA/13/00344 (conversion to form 8 self-contained flats) - including internal alterations
Application No:	HS/FA/14/00645
Existing Use:	Previously a residential institution (C2) - flats currently under construction
Hastings Local Plan 2004	H4, DG1, DG2, DG3, C1, C3, C7, C8
Conservation Area:	Yes - Markwick Terrace
National Planning Policy Framework	Various Sections
Hastings Planning Strategy	FA2, SC1, EN1, EN3, H1, H2, T3
Development Management Plan	
Proposed Submission Version:	DM1, DM3, DM4, DM6, HC1, HN1, HN2
Public Consultation:	No letters of objection received Referred by Ward Councillor

The Development Manager reported on an application for variation of condition 10 of planning permission HS/FA/13/00344 (conversion to form 8 self-contained flats) – including internal alterations including the addition of more bedrooms at Caple Ne Ferne, 2 Albany Road, St. Leonards on Sea.

The corresponding listed building application has been submitted (HS/LB/14/00644). Minute 63.4.

The site consists of a large detached building and parking area set within a large garden area. The building ranges from mainly two to three storeys, but includes a central four storey section with a balcony at third floor level. The original portion of the building (southern section) was built in the late 1800s and the northern section is a three storey addition. The site occupies a corner plot screened by mature trees and

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hedges. Adjoining the site are residential properties, Nos 38-40 Pevensey Road to the north and north east, 8 Albany Road and four dwellings at Caple gardens to the north east. The wider area is predominantly residential, dominated by semi-detached dwellings some of which have been divided into flats. The area forms part of the Markwick Terrace Conservation Area.

In 2013 planning permission and listed building consent were obtained for the change of use of the north house to 8 self-contained flats (HS/LB/13/00343 & HS/FA/13/00344). Recently works commenced on the approved scheme and applications were made for alterations to the approved layout (HS/FA/14/00335 & HS/LB/14/00383). Following a site visit by the Case Officer and the Council's conservation consultant they considered the proposed works were unacceptable and the applications were withdrawn. They also identified that a number of the works proposed had already been completed and that others had taken place without the grant of listed building consent or planning permission. The Planning Enforcement Team are investigating the unlawful breaches.

This application sought consent to regularize a number of the breaches and proposed a number of new alterations to the building.

The main considerations of this application were the intensification of use, the quality of the living environment and the impact of the proposal on the historic character and appearance of the Grade II listed building. The Development Manager recommended the application be refused because of the unacceptable harm on the historic character and appearance of the listed building. Furthermore, the scheme would erode the property's significance as a heritage asset and was therefore contrary to the requirements of the NPPF.

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

A late statement had been received from the applicant since the publication of the agenda. This was circulated prior to the start of the meeting.

Councillor Dowling proposed a motion to refuse planning permission as set out in the resolution below. This was seconded by Councillor Roberts.

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

- 1. The proposal will result in alterations to the layout of the building and the loss or obstruction of important architectural and historic features. The proposal would therefore cause substantial harm to the historic and architectural character of this Grade II Listed Building. The public benefit of the proposal is considered to be minimal and does not outweigh the level of harm caused by the proposal. The proposal is contrary to guidance in the NPPF with particular reference to paragraph 132; and to Policy C3 parts (a), (b), (c) & (d) of the Hastings Local Plan 2004, Policy EN1 of the Hastings Planning Strategy 2011-2028, and Policy HN1 of the Hastings Development Management Plan - Revised**

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Proposed Submission Version 2014, which state:

NPPF Paragraph 132:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

POLICY C3 - Development Involving Listed Buildings:

Planning permission for development involving proposals to extend or alter a listed building will only be granted if all the following criteria are met:-

- (a) It is appropriate in design, scale, materials and colour to the form of the building;**
- (b) It will not detract from the special architectural or historic character and appearance of the building;**
- (c) It does not involve changing the use of a listed building to one which would adversely affect the special architectural or historic value, or its setting, unless the existing use can be proved to be no longer practicable;**
- (d) It does not involve externally or internally altering a listed building in a way which would adversely affect its special architectural or historic character;...**

Planning permission will be refused for applications affecting listed buildings if sufficient information is not provided to allow a full assessment of a proposal to be made.

POLICY EN1: Built and Historic Environment:

To promote understanding and appreciation of the historic environment the Council will, within three years from the adoption of the Development Management Plan, develop a historic environment strategy for the conservation of the historic environment, including those heritage assets identified as being most at risk through neglect, decay or other threats. This will reinforce the historic environment record for the borough, a key information source in assessing the impact of future development on the historic environment.

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Importance will be placed on new development making a positive contribution to the quality, character, local distinctiveness and sense of place of historic buildings and areas.

Particular care will be given to protecting the significance and setting of the following heritage assets:

- a) Listed buildings;**
- b) Conservation areas;**
- c) locally listed heritage assets**
- d) historic parks and gardens;**
- e) scheduled monument sites; and**
- f) areas of archaeological potential and known archaeological find sites**

There is a presumption in favour of the conservation of heritage assets and their settings. The more important the asset, the greater the weight that will be given to the need to conserve it. As heritage assets are irreplaceable, any harm or loss will require clear and convincing justification.

Development which sustains and enhances the significance of heritage assets and/or their setting will be encouraged. The Council will look for opportunities to enhance or better reveal the significance of the designated heritage assets, such as listed buildings and Conservation Areas, in the town. Investment in the appropriate repair and restoration of heritage assets, where works will enhance their significance, will be encouraged and supported by the Council.

There are many areas of the Borough where there is high archaeological potential, but where the extent of the likely finds is, as of yet, unknown. Great care needs to be taken to protect this archaeological resource through the planning process.

Detailed design policies to protect the town's heritage assets will be set out in the Development Management Plan.

Policy HN1 – Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas):

Applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed against the following criteria, to ensure that the proposed development sustains and enhances the significance of the heritage asset:

- a) The historic context, street patterns, plot layouts and boundary treatments, green space and landscaping, site levels, block sizes, siting, scale, height, massing, appearance, materials and finishes in relation to the heritage assets.**

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- b) **Good performance against nationally recognised best practice guidance on development in relation to heritage assets, including building in context, setting and views, architectural quality and local distinctiveness.**

Permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected (including conservation areas).

The topography of Hastings means that the Council will give consideration to the impact of development on the setting of heritage assets, including the impact upon more distant views and from across the other sides of the valleys. The Council encourages proposals that sustain or enhance the setting of heritage assets.

Consideration will also be given to the impact of new development on the setting of the Hastings and St. Leonards seafront, almost all of which is covered by conservation area designation. This area currently enjoys relatively unimpeded long views, which are a key element of area character.

This policy is written for designated assets. However, non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments (given the results of a Historic Environment Record informed study), will be treated as having at least the same level of significance as other designated heritage assets.

Note to the Applicant

- 1. 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.**

63.6 101 CAMBRIDGE ROAD

Proposal:	Proposed Change of Use from Dwelling House (C3) to HMO (Sui Generis).
Application No:	HS/FA/14/00941
Existing Use:	Single private dwellinghouse
Hastings Local Plan 2004	H4, DG1, C1, C8
Conservation Area:	Yes - White Rock

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National Planning Policy Framework	No Conflict
Hastings Planning Strategy	SC1, H2, H4
Development Management Plan	
Proposed Submission Version:	HC1, DM1, DM3, HN1, HN2
Public Consultation:	2 letters of objection received

The Development Manager reported on a full planning application for the change of use from dwellinghouse (C3) to a house in multiple occupation (Sui Generis) at 101 Cambridge Road, Hastings.

The site is a large two storey property on the corner of Cambridge Road and adjoining Trinity Villas within the White Rock Conservation Area. The property which has been vacant for a number of years, has been completely renovated both internally and externally. The property currently has 7 bedrooms and there is a side garden and rear patio area. Permission was granted in 2013 to create 3no. self-contained flats.

The current proposal includes 8 bedrooms split over the ground and first floor level, with one kitchen on each floor and two bathrooms overall. The proposal does not include any external changes or extensions.

The main considerations of this application were the impacts of the proposal on the residential amenity and character of the area and provision for refuse storage and cycle parking. The application was recommended for approval.

The Development Manager advised that additional letters had been received since the report was written which were circulated to the Committee before the meeting.

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

The Chair adjourned the meeting at 7pm due to a disturbance in the gallery. Members of the Planning Committee left the Council Chamber and waited in the members room. The meeting was reconvened at 7.15pm.

Councillor Rogers proposed a motion to defer the application until the next meeting. This was seconded by Councillor Roberts.

RESOLVED – (unanimously) that planning permission be deferred until the next meeting on 4th February 2015.

63.7 38 NORMANDY ROAD

Proposal:	Construction of a white PVCu porch to the front elevation
Application No:	HS/FA/14/00933

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Existing Use:	Residential
Hastings Local Plan 2004	DG1
Conservation Area:	No
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	No Conflict
Development Management Plan	
Proposed Submission Version:	DM1
Public Consultation:	Applicant is related to a serving Councillor

The Development Manager reported on a full planning application for permission to erect a white PVCu porch to the front elevation of the semi-detached house at 38 Normandy Road, Hastings.

The property forms one of a pair of semi-detached houses set up on a bank above the road. The development in the surrounding area is of similar design.

The porch is larger than allowed under permitted development, so an application is required. The glazed upvc porch would be 3.5m wide, 1.8m deep with a maximum height of 2.8m. It will have a mono-pitched roof to the front.

The Development Manager believed that while the porch would project beyond the established building line, there were other porches on other properties in the vicinity. He considered that the proposal was acceptable and would not detract from the visual amenities of the area. Furthermore, the porch will have no impact on daylight, sunlight or privacy to neighbouring residents. The Development Manager recommended the application be approved subject to conditions.

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

Having declared his prejudicial interest, Councillor Scott was absent from the chamber during discussion and voting.

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

RESOLVED – (unanimously) that planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission; and**

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

Existing; proposed

Reasons:

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990; and**
- 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; 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.**

64. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at 7.21 pm)