

Planning Committee Agenda

Wednesday, 7 January 2015 at 6.00 pm

Town Hall, Queen's Square, Priory Meadow, Hastings, TN34 1QR.

If you are attending the Town Hall for this meeting, please enter the building via the Queens Road entrance opposite the cinema.

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

		Page No.
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Minutes of the meeting held on 3 December 2014 (attached)	1 - 16
4.	Notification of any additional urgent items	
5.	Planning Applications attracting a petition:	
	(a) Land rear of 38-40 Nelson Road	17 - 34
6.	Planning Appeals and Delegated Decisions	35 - 38
7.	Planning Applications:	
	(a) Kiosk, Upper Promenade, Opposite Eversfield Place, Foreshore, Eversfield Place	39 - 48
	(b) Land adjacent 30 Shepherd Street	49 - 58
	(c) 38-39 Marina	59 - 66
	(d) Caple Ne Ferne, 2 Albany Road (LB)	67 - 74
	(e) Caple Ne Ferne, 2 Albany Road (FA)	75 - 84
	(f) 101 Cambridge Road	85 - 92
	(g) 38 Normandy Road	93 - 98
8.	Additional Urgent Items (if any)	

Agenda Item 3

PLANNING COMMITTEE

3 DECEMBER 2014

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

50. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Roberts.

51. DECLARATIONS OF INTEREST

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

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Webb	48.2 – 48-49 Caves Road	Prejudicial – Lives in close proximity to the site.
Street	48.2 – 48-49 Caves Road	Personal – On behalf of the Labour Group as Cllr Webb is a member of the Labour Group.

52. MINUTES OF THE MEETING HELD ON 5 NOVEMBER 2015

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

53. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

54. PLANNING APPEALS AND DELEGATED DECISIONS

The Development Manager reported one appeal that had been received. He also reported on a number of delegated decisions. All matters had arisen between 27 October and 21 November 2014.

RESOLVED – that the report be noted.

55. PLANNING APPLICATIONS:

55.1 SITE OF FORMER HURST COURT, 316 THE RIDGE

Proposal:

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

PLANNING COMMITTEE

3 DECEMBER 2014

Application No:	Ancillary Works HS/FA/14/00477
Existing Use:	Vacant previously development land
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, C11 and T3
Development Management Plan	
Proposed Submission Version:	LP1, DM1, DM3, DM4, HN4, HN7, HN9, SA4 and SH3
Public Consultation:	19 letters of objection and 3 letters of support received

The Development Manager reported on an application that sought permission for the erection of a restaurant/public house; associated residential accommodation, car park, access, landscaping and ancillary works at site of former Hurst Court, 316 The Ridge, Hastings.

The application was 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 had independently assessed this information and had agreed that the development of the site for residential purposes would be unviable. As the residential development of the site was considered unviable, the alternative use of the site as a public house/restaurant was considered acceptable in principle. Despite the site being allocated in the current Hasting Local Plan 2004 for new housing, the allocation is proposed to be carried forward in the emerging Hastings Local Plan: Development Plan.

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. The site includes many trees, some of which are preserved.

The main issues considered were the principal of the development; impact on the character and appearance of the area, impact on the neighbouring amenities and impact on local biodiversity and trees and parking and highway related matters.

The Development Manager felt the proposed development would retain a large amount of the site's tree coverage; provide an adequate amount of parking and use appropriate materials. The use was also considered compatible with the surrounding area. He believed the proposal would not result in harm to protected species and a large number of trees would be retained. As such he believed there would not be any harm to neighbouring residential amenities mostly because many of the properties

PLANNING COMMITTEE

3 DECEMBER 2014

were suitably distanced from the development and properties nearby would be suitably screened.

The Development Manager recommended the application be approved subject to revised wording of conditions 8, 14, 15 and 21, and a legal agreement securing a new footpath along the site's frontage and a financial contribution towards local highway improvements.

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

Members discussed this item at length.

Councillor Scott proposed a motion to approve the application subject to the revised conditions, as set out in the resolution below. This was seconded by Councillor Beaney.

RESOLVED – by (9 votes to 1) that:

- A) 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:
- 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

PLANNING COMMITTEE

3 DECEMBER 2014

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 the drawings hereby approved 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 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

PLANNING COMMITTEE

3 DECEMBER 2014

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 06:00 to 21:00 Monday to Friday, 09:00 to 13:00 on Saturdays and at no time on Sundays and Public Holidays;**
- 15. The premises shall not be open to the public except between the following hours:-**

07:00 - 00:30 Sunday - Thursday,

07:00 - 01:30 Friday and Saturday.

The play area shall not be used after 21:00 and the outdoor terrace and garden areas shall not be used after 22:00 except for a designated smoking area, details of which shall be submitted to and approved in writing by the local planning authority before it is created.

- 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;**

PLANNING COMMITTEE

3 DECEMBER 2014

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 the development hereby approved shall not be brought into use until those works have been completed;
 - (iii) The development shall not be brought into use 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

PLANNING COMMITTEE

3 DECEMBER 2014

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

PLANNING COMMITTEE

3 DECEMBER 2014

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); and
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
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

PLANNING COMMITTEE

3 DECEMBER 2014

Town and Country Planning Act 1990 (as amended).

55.2 48-49 CAVES ROAD

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
Existing Use:	Vacant - Former Scaffold Yard
Hastings Local Plan 2004	DG1, DG2, DG3, DG21, C3, C7, C9
Conservation Area:	
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	FA2, SC1, EN1, EN2, EN3, EN6, H1, H2, H3, T3
Development Management Plan	
Proposed Submission Version:	DM1, DM3, DM4, DM5, DM6, HN1, HN3, HN5, HN7, HN8
Public Consultation:	3 letters of objection received

The Development Manager reported on an application for the redevelopment of a former scaffold yard and an end of terrace house with the erection of 6 x 1 bedroom flats and 1 x 2 bedroomed flats together with access drive to serve 7 no. car parking spaces at 48-49 Caves Road, St. Leonards on Sea.

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 Local Wildlife Site (LWS). The site is opposite the rear of properties at the Marina. The surrounding area includes a mixture of traditional buildings and some sympathetic modern development.

The proposed building is to be built of facing brick and render with a slate tile pitch roof. The 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.

PLANNING COMMITTEE

3 DECEMBER 2014

This application follows the approval of application HS/FA/07/00947 for the redevelopment 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 previously granted for the erection of three replacement terraced houses at 50, 51 & 52 Caves Road.

The main issues considered were the character and appearance, living environment, housing type and affordable housing, land stability, ecology and biodiversity, highway safety and parking and drainage.

The Development Manager considered the proposal was in keeping with the historic character of the area and that it would contribute to the mix of accommodation in the area without adversely impacting on its surroundings. 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.

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

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

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

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;**
- 2. No development shall 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,

PLANNING COMMITTEE

3 DECEMBER 2014

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 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 vents.

The 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

PLANNING COMMITTEE

3 DECEMBER 2014

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;
- 1
4 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;
- 1
5 The development hereby permitted shall be carried out in accordance with the following approved plans:

227600.02, 227600.03 & 227600.04

PLANNING COMMITTEE

3 DECEMBER 2014

- 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**

PLANNING COMMITTEE

3 DECEMBER 2014

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;
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;
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.

55.3 BIN STORE ADJACENT CASTLEHAM BUSINESS CENTRE (WEST), STIRLING ROAD

Proposal:	Fitting a galvanised metal mesh roof over the existing bin store
Application No:	HS/FA/14/00826
Existing Use:	Bin Store
Hastings Local Plan 2004	DG1

PLANNING COMMITTEE

3 DECEMBER 2014

Conservation Area:	No
National Planning Policy Framework	Section 7
Hastings Planning Strategy	FA1, SC1
Development Management Plan	
Proposed Submission Version:	DM1, DM3
Public Consultation:	1 letter of objection received

The Development Manager reported on a full planning application for 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. Additional security is required following continued fly tipping at Bin Store adjacent Castleham Business Centre (West), Stirling Road, St. Leonards on Sea.

The bin store is adjacent 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.

The bin store is of a brick finish, with double metal gates. The proposal is to fix a galvanized roof frame around the top of the brick walls and the gates, raising the height by 300mm.

The main considerations were the impacts of the proposal on the amenity of nearby residential properties and impacts on the area in general. The Development Manager felt the design, scale and materials of the proposed mesh roof were considered to be in keeping with adjacent and nearby commercial buildings and with the character and appearance of the industrial estate. Furthermore, the mesh will prevent fly tipping and the rotating anti-climb units will prevent unauthorized access onto the roof of the adjacent building. The residential properties in Swynford Drive which back onto Castleham Industrial Estate, are considered to be of such a distance so as not to be affected by the proposed mesh roof.

Given the height of the bin store, particularly with the raised mesh roof, the Development Manager recommended the application be approved and recommended the proposal be approved subject to conditions.

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

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

RESOLVED – (unanimously) that:

- 1. The development hereby permitted shall be begun before the expiration**

PLANNING COMMITTEE

3 DECEMBER 2014

of three years from the date of this permission; and

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; 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.

56. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at 6.30pm)

Agenda Item 5a

AGENDA ITEM NO: **5(a)**

Report to: PLANNING COMMITTEE

Date: 07 January 2015

Report from: Development Manager

Application Address: Land Rear Of, 38-40 Nelson Road, Hastings
TN34 3RZ

Proposal: Erection of a pair of semi-detached
houses.

Application No: HS/FA/14/00660

Recommendation: Grant Full Planning Permission

Ward: CASTLE

File No: NE15038R

Applicant: Mr Elphick per CLM Planning Limited 14 Magpie
Close Bexhill on Sea East Sussex TN39 4EU

Interest: Owner

Existing Use: Vacant Land

Considerations

The above application appeared on the Agenda of the Planning Committee held on 08 October 2014. A copy of the Case Officers original report to committee is appended to this report. At that time the Planning Committee resolved to grant planning permission subject to a legal agreement to secure a contribution towards affordable housing. A legal agreement has not been signed and the decision notice has not been issued.

Following a recent Ministerial Statement 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. As the scheme is for 2 units there is no longer a requirement to provide an affordable housing contribution.

There have been no other changes to the scheme or relevant changes to planning policy since the previous resolution to grant planning permission.

I therefore recommend the application 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 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 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.

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.
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.
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.

Officer to Contact

Mr T Tanner, Telephone 01424 783336

Background Papers

Application No: HS/FA/14/00660 including all letters and documents

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Report to: PLANNING COMMITTEE

Date: 08 October 2014

Report from: Development Manager

Application Address: Land Rear Of, 38-40 Nelson Road, Hastings
TN34 3RZ

Proposal: Erection of a pair of semi-detached
houses.

Application No: HS/FA/14/00660

Recommendation: Grant Full Planning Permission

Ward: CASTLE
File No: NE15038R
Applicant: Mr Elphick per CLM Planning Limited 14 Magpie
Close Bexhill on Sea East Sussex TN39 4EU

Interest: Owner
Existing Use: Vacant Land

Policies

Hastings Local Plan 2004: DG1, DG2, DG3, DG11
Conservation Area: No
National Planning Policy Framework: No Conflict
Hastings Planning Strategy: FA2, SC1, EN1, EN3, EN7, EN8, H1, H2, H3,
T3

Hastings Local Plan, Development
Management Plan, Revised
Proposed Submission Version: DM1, DM3, DM4, HN5, HN7, HN8, HN9

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 6
Petitions Received: 1

Application Status: Not delegated - Petition received

Summary

The proposal is for the erection of a pair of two bedroom semi detached houses on land to the north east of Nelson Road. The site is currently vacant and the main issues are the impact of the proposal on the character and appearance of the area and the amenity of neighbouring residents. After considering all matters, I recommend the proposal for approval subject to conditions.

The Site and its Location

The site consists of a vacant parcel of land located at Nelson Road. The land is higher than the road and is divided from it by a brick retaining wall. The site adjoins a public right of way (Admiral Steps) to the north west and the rear of 38 - 40 Nelson Road to the north, both of which have been divided into two flats. To the east, the site adjoins a four storey block of flats at a lower level. The site is opposite a row of three storey terraced dwellings.

Nelson Road is of a 'hair pin' type configuration. The topography of the area rises from south to north. The area is residential and is defined mainly by three storey terraced buildings. The majority of neighbouring properties are built of facing brick but some include rendered and part rendered elevations. Although the area is not designated as a conservation area the vertical emphasis and uniform fenestration of the well-preserved Victorian terraces give it a distinctive historic character and appearance

The topography of the area means that the three storey dwellings opposite the application site have a two storey appearance (with basement level) and the dwellings to the rear appear taller.

Details of the Proposal and Other Background Information

Several applications have been made to develop the site for residential accommodation (please see Relevant Site History below) but most have been refused and some dismissed at appeal. With the majority of the previous applications the reasons for refusal have included amenity space for future occupants, overdevelopment, privacy, character and appearance and overbearing.

Most recently planning application: HS/FA/12/00649 was refused for an eco home to be built of transport containers. A subsequent application for a revised scheme (Reference: HS/FA/12/00832), also involving the use of transport containers, was also refused and later dismissed at appeal. In both cases the main issues were the impact of the proposal on the character and appearance of the area and the amenity of neighbouring residents and future occupants of the proposal.

The current scheme is for a pair of semi-detached dwellings which are to be built of facing brick with roof tiles and UPVC windows. Each dwelling is to be two bedroom with private amenity space to the side and rear.

The site is occupied by a Sycamore Tree and is within close proximity to an Oak Tree which lies to the north east of the site's boundary. Both trees are covered by Tree Preservation Order (TPO) No 212. The proposal involves the removal of the sycamore tree and its replacement with two trees either side of the proposed dwellings.

Relevant Site History

- HS/OA/74/00904 Erection of one dwelling and garage.
Refused 13 November 1974.
- HS/OA/75/00670 Erection of one dwelling.
Refused 19 November 1975.
- HS/OA/88/00174 Erection of 3 storey building to provide maisonettes and garages.
Refused 02 June 1988.
- HS/OA/88/00857 Erection of 3 terraced houses with integral garages
Granted 05 December 1988.

- HS/OA/98/00601 Erection of two town houses with integral garages.
Refused 04 December 1998.
- HS/OA/99/00301 3 new 3 bedroom town houses (terrace) with off road parking space & integral garages.
Refused 09 July 1999. Subsequent appeal dismissed.
- HS/TP/99/00493 Fell one multi-stem sycamore tree (T2).
- HS/TP/12/00412 Fell 1 x sycamore.
Refused 21 June 2012. Subsequent appeal dismissed.
- HS/TP/12/00599 Prune lower branches and crop top of 1 x sycamore.
Granted 13 December 2012.
- HS/FA/12/00649 Erection of selfbuild eco home.
Refused 18 October 2012.
- HS/FA/12/00832 Erection of selfbuild eco home.
Refused 17 December 2012. Subsequent appeal dismissed.

Details of Consultations

The **Waste and Streetscene Services Team** have advised that bin storage space at the front of each property will need to be provided (Condition 2).

The **Borough Arboriculturalist** is of the opinion that the proposed replacement trees compensate for the loss of the existing sycamore tree.

Comments have been received from **Southern Water** who have provided general advice and recommended the use of an informative regarding the need for a sewer (Informative 3 & 4).

The **Transport Development Control Team** have raised no objection on the basis that 6 additional permit holder spaces are to be provided in the area and the site's location in relation to shops/service and public transport links

A total of **6 letters of objection** and **1 petition of objection** have been received. The main issues raised include: character and appearance, loss of open space, impact on protected trees, quality of living environment (garden length), privacy, loss of parking spaces, drainage (water run-off/natural drainage), ecology, precedent and privacy.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

Character and Appearance

The proposed dwellings are to front onto Nelson Road with small front gardens and the dwellings are to be two storeys in height. It is considered that the proposals relationship to Nelson Road is similar to other properties in the area. The topography of the area also means that the two storey height of the proposal reflects that found on the opposite side of Nelson Road.

The proposal includes a brick wall with metal railings across the site's frontage and the dwellings are to be built of facing brick with pitch roofs and feature bay windows with front facing gables. It is considered that these features draw on those found in the surrounding area and create a vertical emphasis. It is therefore considered that the scheme is in keeping with the broad characteristics found in the locality and that it will preserve the historic character and appearance of the area.

Protected Trees

The protected sycamore tree at the site and the protected oak tree to the east make an important contribution to the streetscene and character of the area. A recent application to fell the sycamore tree (HS/TP/12/00412) was dismissed at appeal. At the time of considering the appeal the Inspector was of the opinion that the tree made an important contribution to the character and appearance of the area. The sycamore tree is to be removed as a result of the proposal but is to be replaced by 2 x Turkish hazel trees either side of the proposed dwellings.

The existing oak tree is to be retained and the supporting arboricultural report confirms that development will be outside the root protection area of the oak tree. Having regard to the comments received from the Borough Arboriculturalist and that the scheme is otherwise considered to be in keeping with the character of the area, it is considered that the replacement trees will ensure that the character and appearance of the streetscene is preserved.

The provision of additional soft landscaping and sympathetic boundary treatments (including the boundary with Admiral Steps) will also help to enhance the appearance of the area and this can be dealt with by way of conditions.

Living Environment

Having regard to the positioning of the proposed dwellings, site levels and the topography of the area, it is considered that the proposal will not result in unacceptable overbearing impacts, sense of enclosure or loss of light.

As the design makes use of the topography of the area, the first floors of the proposed dwellings will be lower than the rear windows of neighbouring properties to the north. Side facing windows are proposed but are to serve bathrooms and will therefore be obscure glazed. This can be dealt with by way of a condition. The proposal will have a conventional relationship with the properties opposite and will not result in adverse impacts on privacy.

The topography of the area ensures that views of the proposed dwellings from the existing 38-40 Nelson Road will be limited. The situation can be further improved by providing a screen along the site's rear boundary, the details of which can be controlled through the recommended boundary enclosure condition. This condition will also ensure that any boundary enclosures do not result in unacceptable overbearing impacts on neighbouring residents

The proposed rear gardens are to be 5.5m in length. Whilst this falls short of the 10m length required by Policy DG11 of the Hastings Local Plan 2004 (HLP) and Policy DM3 of the Hastings Development Management Plan Revised Proposed Submission Version 2014 (DM Plan), the unit to the south east has a garden of at 10.5m in width and the unit to the north west has a garden of 9.5m in width. Having regard to the overall size of the gardens and their positioning to the rear of the proposed dwellings it is considered that they are suitable for family use and therefore acceptable.

The distances from the rear of the proposed dwellings to the rear boundary will only measure 5.5m but only the bedroom at first floor level will face to the rear. The recommended boundary enclosure condition will ensure that any boundary treatments do not have an oppressive impact on future occupants of the proposal. The living space at ground floor level is located at the front of the property with doors to the side ensuring that future occupants will experience good levels of outlook and light.

It is recommended that permitted development rights for extensions, outbuildings and windows are removed in order to protect the amenity of neighbouring residents.

Loss of Open Space

In accordance with national and local planning policies there is a requirement to protect open space. In this case the site is not designated as open space in either the HLP or the Hastings Planning Strategy 2011-2028 (the Strategy), the land is privately owned and is not accessible for recreational purposes. However, as mentioned above, the sycamore tree makes an important contribution to the streetscene. It is therefore considered that the site does make a contribution to visual amenity. Through the use of conditions to secure the replacement trees, suitable soft landscaping and boundary enclosures, I am of the opinion that the site will continue to make a contribution to visual amenity and the character of the area and that the proposal is therefore acceptable.

Housing Type and Affordable Housing

Both the HLP and the Strategy advise that there are large numbers of small units across the Borough. The proposed dwellings are 2 bedroom and the garden areas are considered to be suitable for families. The proposal will therefore help to address imbalances in the housing stock as required by Policy H2 of the Strategy.

In accordance with Policy H3 of the Hastings Planning Strategy the applicant has agreed to pay a contribution towards affordable housing which will need to be secured by a legal agreement.

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 to ensure that surface water is adequately controlled.

Highway Safety and Parking

The proposal does not include any off road parking and therefore there is no requirement for a dropped kerb. The existing on street parking along this section of Nelson Road will therefore remain unaffected by the proposal.

Having regard to the comments of the Transport Development Control Team (TDCT), and that the proposal makes provision for cycle storage, it is considered that the scheme will not result in unacceptable levels of inconvenience or highway safety issues. It is recommended that a condition is imposed requiring cycle parking to be provided.

Ecology and Biodiversity

An ecological report has been submitted with the application which concludes that no additional survey work is required but does make a number of recommendations for precautions/enhancements which can be made. Subject to a condition to secure the recommendations made it is considered that the proposal will not result in adverse impacts on ecology or biodiversity.

Other Matters

With regard to precedent, it should be noted that each planning application is dealt with on its merits. Whilst the development of a former garden area may be acceptable in one location it may not be in another.

A bin storage condition can be imposed to ensure that a suitable bin store is provided for each dwelling.

Conclusion

It is considered that the proposal will preserve the character of the area and, through the use of conditions, will not result in adverse impacts on its surroundings. I therefore recommended the application for approval subject to conditions and a legal agreement to cover affordable housing and the formation of additional permit parking bays.

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

That the Development Manager be authorised to issue planning permission on the completion of a Unilateral Undertaking to secure the provision of a financial contribution towards affordable housing. In the event of the agreement not being completed by 8 April 2015 that the Development Manager be authorised to refuse permission on the grounds that adequate provision has not been made for the provision of affordable housing.

(B) Subject to (A) above grant permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. 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 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.
 - (iii) 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.
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;
 - (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.
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.
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.
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

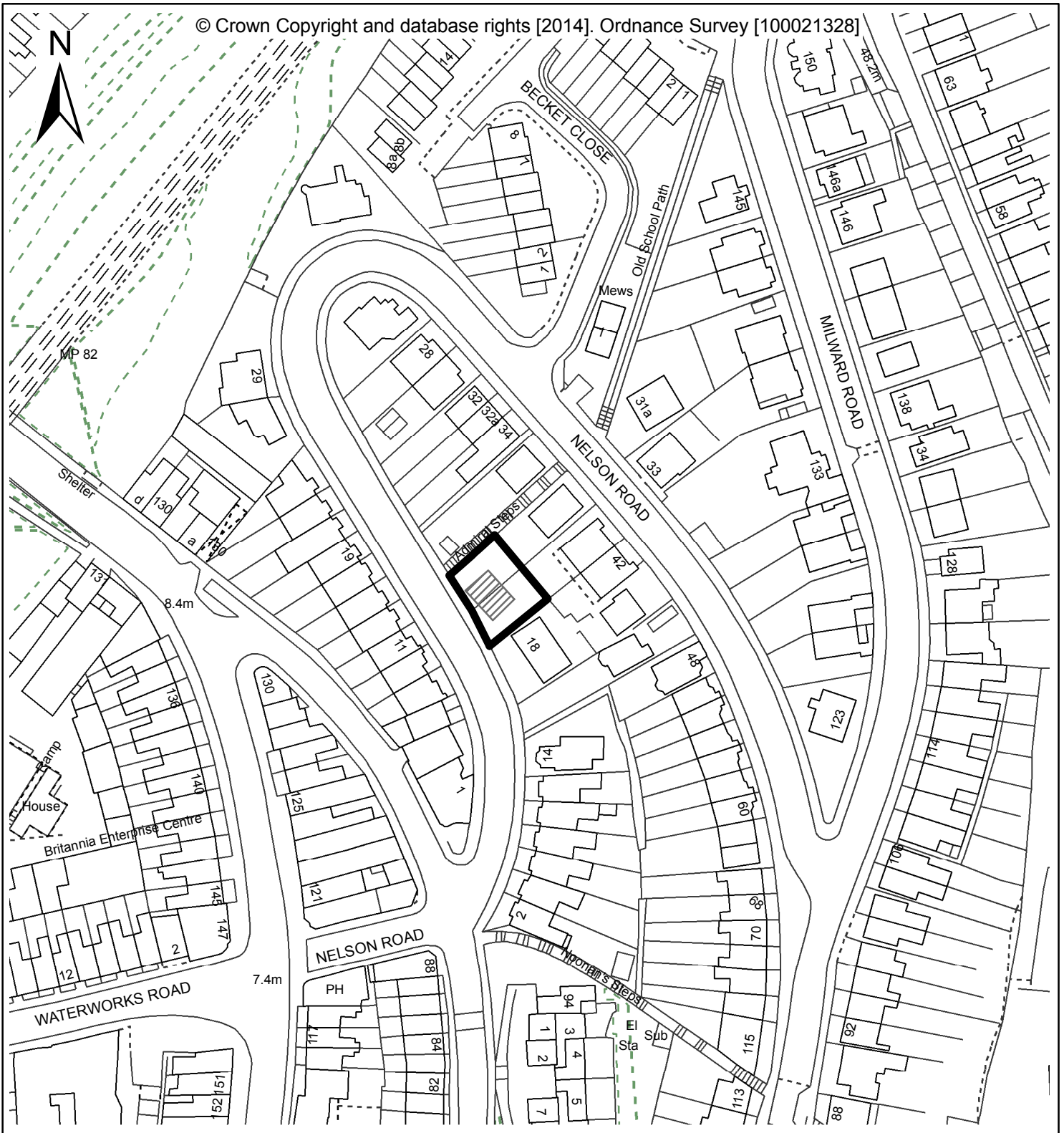
1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, 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.

Officer to Contact

Mr T Tanner, Telephone 01424 783336

Background Papers

Application No: HS/FA/14/00660 including all letters and documents



**Land Rear Of, 38-40 Nelson Road
Hastings
TN34 3RZ**

Erection of a pair of semi-detached houses.



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

Date: Dec 2014

Scale: 1:1,250

Application No. HS/FA/14/00660

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

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Agenda Item 6

Agenda Item: 6

Report to: Planning Committee

Date: 7 January 2015

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 24 November and 18 December 2014

Recommendations: That the report be noted

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

114 Marina, St Leonards-on-sea	Formation of new dormer and replacement of front entrance doors. (Application HS/LB/14/00463 also applies)	Refusal	Delegated	Planning
Land adjacent 115, Ghyllside Avenue, Hastings	Erection of Detached Chalet Bungalow	Refusal	Delegated	Planning

The following appeals have been dismissed:

13 Harold Road, Hastings,	Conversion of workshop into dwelling house with private garden.	Refusal	Delegated	Planning
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Type of Delegated Decision	Number of Decisions
Granted	57
Refused	7
Withdrawn by Applicant	1
Raise No Objection	1

Background Papers:

Various correspondence with Planning Inspectorate

Report written by:

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

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Agenda Item 7a

AGENDA ITEM NO: 7(a)

Report to: PLANNING COMMITTEE

Date: 07 January 2015

Report from: Development Manager

Application Address: Kiosk, Upper Promenade Opposite
Eversfield Place, Foreshore, Eversfield
Place, St Leonards-on-sea

Proposal: Seafront retail kiosk
Application No: HS/FA/14/00834

Recommendation: Grant Full Planning Permission

Ward: CENTRAL ST LEONARDS
File No: FO505000T
Applicant: Hastings Borough Council per Adams Johns
Kennard Ltd Old Court House North Trade
Road Battle, East Sussex. TN33 OEX

Interest: Owner
Existing Use: Promenade

Policies

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
Hastings Local Plan, Development
Management Plan, Revised
Proposed Submission Version: DM1, DM3, DM6, HN1, SA3, SA4, CQ1
Other: Seafront Strategy

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - Conservation Area
Letters of Objection: 7
Petitions Received: 0

Application Status: Not delegated - Council Application with more than 2
letters of objection received

Summary

This is a full planning application, submitted by the Council, seeking permission to construct a new kiosk on the Seafront promenade. The use of the kiosk will be as a take away/snack bar.

The main issues are the impacts of the proposal on the amenity of nearby residents, the impact on nearby Grade II Listed Buildings and the impact on the character and appearance of the Seafront and Conservation Area.

On balance, 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 application site is on one of the three matching viewing bays located on the upper promenade between the Pier and Warrior Square and it is within the Eversfield Place Conservation Area.

The two tier promenade, including the nearby shelters, was designed by the Borough Engineer Sidney Little and was constructed between 1925 and 1939. The upper promenade, where the kiosk is to be sited, is directly over Bottle Alley. The viewing bay, where the kiosk is to be sited, is close to the two of five seafront shelters, which are Grade II Listed Buildings, and is adjacent to the Weather Station kiosk.

The cycle route, which runs from one end of the seafront to the other, is located between the Weather Station and the upper promenade/viewing bay railings to the south.

Details of the Proposal and Other Background Information

The proposal is to construct a cylindrical kiosk 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 personnel door, which will be in the eastern elevation, will be 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 kiosk is to 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 has a sloping roof at a height of 3600mm maximum and 2800mm minimum and is 3800mm in diameter, not including the canopy.

A section of the adjacent cycle route, measuring approximately 17 metres, is to be suspended in the area of the proposed kiosk.

Previous Site History

There is no relevant site history.

Details of Consultations

At the time of writing this report, there have been 7 objections to the proposal. These follow neighbour consultation, display of a Site Notice and advertisement in the Hastings and St Leonards Observer. The neighbour consultation period closes on 19 December 2014.

The objections raised relate to the kiosk design, harm to the openness of the area,

pedestrian and cyclist safety, the loss of a section of the cycle route, security, litter, air pollution and the loss of views.

The loss of a view is not a planning consideration.

One letter and sixteen forms were received from occupants of nearby residential properties however, these could not be logged as objections, as none of them had the planning application number quoted. Furthermore, the forms were objecting to 'booths' on the upper promenade and were not specific to the proposed kiosk. The letter and forms were passed to the applicant to respond to and to advise that they were not taken into account, but if they wished to object they needed to write in again, with the additional details.

The applicant carried out pre application consultation where they found of 47 respondents, 53% were supportive of the principle of seafront kiosks, 36% were against the principle and 11% were mixed or not clear/stated.

The **ESCC Transport Development Control Team** do not wish to provide formal comments as the promenade does not form part of the adopted public highway. However, they suggested in their response that cyclists will not walk, but will continue to cycle through the deleted section of cycle route. In response to this it is intended to create a section shared by both cyclists and pedestrians, with appropriate signage, similar to that outside Azur, in this area.

The **Food, Health and Safety Team** have no objection to the proposal but advise that any tenant should contact them to discuss the food operation and the requirement of food law.

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 and guidance are relevant to this application:

Hastings Local Plan 2004

Policy T1 – New Tourist Attractions

Policy S4 – Retail and Leisure Proposals Outside Existing Centres

Policy DG1 - Development Form

Policy DG14 - Shopfronts

Policy DG18 – Hot Food Take-Aways

Policy C1 – Development within Conservation Areas

Policy C3 – Development involving Listed Buildings

Development Management Plan Revised Proposed Submission Version (emerging)

Policies DM1 - Design Principles

DM3 - General Amenity

DM6 – Pollution and Hazards

HN1 – Development Affecting the Significance and Setting of Designated Heritage Assets

SA3 – Shops and Services outside the Shopping Areas

SA4 – Drinking Establishments and Hot Food Take-Aways
CQ1 – Cultural Quarters

Hastings Planning Strategy
Policy FA2 - Strategy Policy for Central Area
Policy FA6 - Policy FA2 - Strategy Policy for The Seafront
Policy SC1 – Overall Strategy for Managing Change in a Sustainable Way
Policy EN1 – Built and Historic Environment
Policy E4 – Tourism and Visitors

Seafront Strategy (emerging)
Chapter 6.c Buildings and Structures
Chapter 7.c Central St Leonards
Chapter 7.d Bottle Alley
Chapter 8.b Central Zone – Breeds Place roundabout to Warrior Square

National Planning Policy Framework.
Chapter 1. Building a strong, competitive economy
Chapter 2. Ensuring the vitality of town centres
Chapter 7. Requiring good design
Chapter 12. Conserving and enhancing the historic environment

Character and Appearance of the Area

The proposed kiosk will be a prominent feature, clearly visible on the upper promenade and will be the only building on the south side of the upper promenade. The upper promenade has far reaching, uninterrupted views and is prominent in the eastward view from Warrior Square and westward from the Pier towards Marine Court. However, it is considered the kiosk is of such a design that it will not result in substantial harm to the Conservation Area or the nearby Grade II Listed Buildings. The design, with its cylindrical shape to reflect the semi-circular viewing bay, sits neatly into the bay, leaving adequate space for access to the south facing bench and for any additional tables and chairs for users of the facilities.

The white render finish and the canopy overhang, to some extent, reflect the nearby Grade II Listed shelters and the adjacent Weather Station kiosk and it is felt that it will not result in substantial harm to the character or appearance of these historic assets.

Residential and Visitor Amenity

The kiosk is positioned a considerable distance, in excess of 30 metres, from residential properties and is set back from the main seafront road. It is therefore not considered to be overly prominent or overbearing when viewed from nearby residential properties.

The facilities the kiosk is to provide will enhance the experience for the users of the upper promenade, including cyclists and pedestrians, providing somewhere to eat and/or drink and a south facing, covered seating area. Public conveniences are located, approximately 250 metres further west along the promenade opposite Warrior Square.

Due to the space within the kiosk, the cooking of food will be limited. However, it is likely to involve the preparation of food and any cooking of hot food will have the potential to impact on neighbouring residents and on the design of the kiosk. It is therefore recommended a condition is imposed for details of any flues, vents, associated equipment relating to the

cooking of food and the design for any external parts.

To avoid the possibility of late night disturbance, it is also recommended a condition be imposed restricting the hours of trading. It is suggested that in Winter the premises will be open no later than 17:00 and that in Summer no later than 21:00.

Any refuse created by the proposal is to be taken away daily by its proprietors. The application includes only the kiosk and no surrounding land and the storage of refuse would therefore be internal. As landlords Hastings Borough Council would have control over any external waste bins.

Benefit to the Local Tourist Economy

The emerging Hastings Development Management Plan designates the area as the White Rock and the America Ground Cultural Quarter. Within these areas Policy CQ1 aims to promote leisure related development and to creating a mix of different uses that appeal to visitors. Policy E4 of the Hastings Planning Strategy also offers support for new tourist related facilities with specific emphasis on schemes that are well related to the seafront. Furthermore, Policy FA6 generally aims to encourage the development of year round tourist attractions. Additionally, the emerging Seafront Strategy supports new kiosks on the seafront, particularly along the Eversfield Place section and particularly at promenade level.

Transport and Parking

Policy DG18 of the Hastings Local Plan 2004 and Policy SA4 of the Development Management Plan Revised Proposed Submission Version aim to ensure that new hot food take-aways are within an area of existing commercial activity, that suitable off street car parking is provided and that they do not result in danger or inconvenience on the public highway. It is acknowledged that the proposal is not located within an existing commercial centre and that off street parking is not available in the area. However, the site is on a main bus route and is within walking distance of other shops, services and on street parking areas. Furthermore, the proposal is in a position where it will appeal to users of the promenade, the beach and cycle route rather than visitors who have made a trip specifically to the premises.

Safety

The adjacent section of the cycle route is to be suspended in its present form and changed to shared use with appropriate signage. This has worked satisfactorily for a number of years outside Azur, where there have been no accidents. The promenade east of Robertson Street operates successfully as a shared surface. The kiosk is to benefit from perforated shutters to provide security when the kiosk is closed. As landowner the Council will be able to control the location of chairs and tables on the promenade to ensure that they do not pose a risk to cyclists or pedestrians, particularly those with a visual impairment.

Conclusion

In addition to the listed shelters the unlisted Bottle Alley and Upper Promenade are also a significant heritage asset, and the proposed kiosk will be a new feature on the otherwise open and unobstructed upper promenade. Paragraph 134 in the NPPF states:

"Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

It is considered that the proposal will help benefit the local tourist economy and that it will not result in substantial harm to the Conservation Area or the nearby Grade II Listed Buildings and there will be no significant adverse impact on neighbouring properties, the character of the area or on highway safety. I therefore recommend the proposal for approval subject to conditions.

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 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 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.
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.
6. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

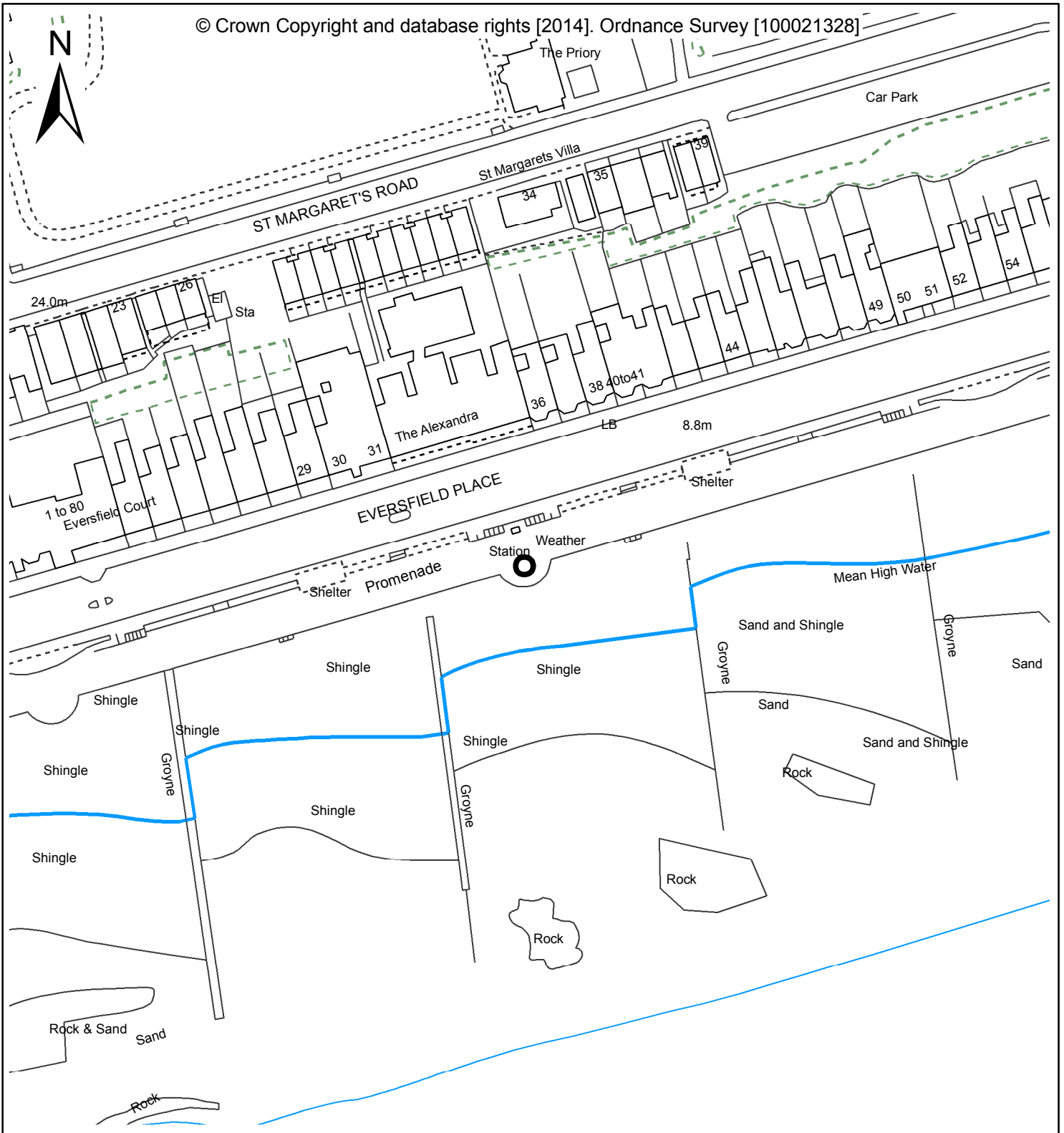
1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, 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.
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.

Officer to Contact

Mrs C Boydell, Telephone 01424 783298

Background Papers

Application No: HS/FA/14/00834 including all letters and documents



**Kiosk, Upper Promenade
Opposite Eversfield Place
Foreshore, Eversfield Place
St Leonards-on-sea**

Seafront retail kiosk



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

Date: Dec 2014

Scale: 1:1,250

Application No. HS/FA/14/00834

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Agenda Item 7b

AGENDA ITEM NO: 7(b)

Report to: PLANNING COMMITTEE

Date: 07 January 2015

Report from: Development Manager

Application Address: Land Adjacent, 30 Shepherd Street, St Leonards-on-sea

Proposal: Erection of five dwellings (one house & four flats)

Application No: HS/FA/14/00916

Recommendation: Grant Full Planning Permission

Ward: CENTRAL ST LEONARDS

File No: NO35049

Applicant: Mr Watts per Baker Architectural Services 29 Stirling Road Castleham Business Centre East St. Leonards-on-Sea, East Sussex. TN38 9NP

Interest: Owner

Existing Use: Mixed Use - Art Galley/Retail

Policies

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

Hastings Planning Strategy: FA2, SC1, EN1, EN3, H1, H2, H3, E1, T3

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: DM1, DM3, DM4, DM6, HN1, HN2, HN3, HN5

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - Conservation Area

Letters of Objection: 4

Petitions Received: 0

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

Summary

The proposal is for the erection of 5 dwellings within a yard area formally associated with a builders merchants (Brookers). The proposal follows the refusal of three schemes at the site and subsequent appeals both of which were dismissed following a hearing. The main issues are character and appearance, amenity of neighbouring and future residents and highway

safety. After considering all matters I recommend the application for approval subject to conditions.

The Site and its Location

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).

The front elevation of the two storey building includes large levels of glazing at ground floor level and two recessed entrances. The upper floors are rendered with sliding sash windows and a clay tile pitch roof. The single storey building to the rear has a flat roof and facing brick front elevation. The former cinema auditorium building is formed mainly of brick with a clay tile pitched roof.

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 majority of buildings in the area retain their traditional features and contribute to the important historic character and appearance of the surrounding conservation area.

Details of the Proposal and Other Background Information

The current application follows refusal of three planning applications at the site.

The first scheme (HS/FA/13/00489) was for the change of use of the first floor of the properties at Norman Road to 3 flats, the change of use of a storage building to a live work unit and the erection of 4 x 2 bedroom houses and 1 x maisonette to Shepherd Street. The scheme also included other works to the storage building and the demolition of walls etc to form a walkway.

Application number: HS/FA/13/00805 also included the change of use of the first floor to 3 flats and other alterations to form a walkway etc. In the yard area this scheme proposed the formation of 4 x 1 bedroom flats and 1 x 4 bedroom house to Shepherd Street.

All three schemes were refused on similar grounds including:

- overdevelopment
- poor quality living environment
- unacceptable impact on the surrounding area
- highway impacts

Additionally, due to policy changes, planning application: HS/FA/13/00805 was refused as it did not make provision for affordable housing.

Following the above refusals the three flats proposed at first floor level have been implemented as permitted development in accordance with the GPDO Part 3 Class F (As Amended). A third application was also made (reference: HS/FA/14/00203) for three

dwellings fronting Shepherd Street. The scheme was considered to have an unacceptable impact on the character and appearance of the area and planning permission was refused.

The applicant lodged appeals against the decisions for applications: HS/FA/13/00489 & HS/FA/13/00805 and both were dismissed by the Planning Inspectorate. A third appeal has recently been made against the refusal of application number: HS/FA/14/00203.

The Council has also recently granted planning permission for the development of 3 dwellings at the site under reference: HS/FA/14/00911.

Previous Site History

HS/FA/13/00489 Creation of courtyard and walkway through No 51 Norman Road, by demolition of modern extension. Conversion of offices, gallery workshop and studio over 49-53 to three apartments, five cottages proposed to Shepherd Street and minor elevational changes. Retention of retail use at 43-49 & 53 Norman Road conversion of outbuilding to art studio (live work unit) including.
Refused 04/09/13 Subsequent appeal dismissed: 01/10/14

HS/CA/13/00514 Demolition of modern rear extension to 49 and 51 Norman Road, access for walkway through and small rear wall to Shepherd Street 43-53 Norman Road, St Leonards on Sea.
Granted 12/09/13

HS/FA/13/00805 Formation of walkway through to no 51 Norman Road by demolition of modern extension (separate application approved). Conversion of offices over 49-53 to three apartments, Erection of four flats and one house on Shepherd street. Retention of storage and retail use for art gallery/shop at 43-49 and fine art to 53 Norman Road.
Refused 09/12/2013 Subsequent appeal dismissed: 01/10/14

HS/FA/14/00203 Erection of three dwellings and associated parking.
Refused 01/08/14

HS/FA/14/00911. Erection of 3 dwellings.
Granted 19/12/14

Details of Consultations

Comments have been received from **Southern Water** who have recommended the use of an informative regarding the need for an application for a sewer connection (informative 4) and provided further advice (informative 5).

Following public consultation 4 letters of objection have been received. The main issues raised include: parking, refuse storage, character, appearance, overlooking, noise, amenity, living environment (current and future occupants), health & safety (fire exit provision) and layout.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

Character and Appearance

The appeal decision for application: HS/FA/13/00805 is relevant to this case. Whilst the appeal was dismissed the Planning Inspector was of the opinion that the proposal would have preserved the character and appearance to the area subject to suitable fenestration details. The current proposal is a similar size scale and general design to the scheme that was dismissed. Following negotiations the fenestration of the scheme has been amended and is now considered to be more sympathetic to the character and appearance of the streetscene. Two large dormers are proposed facing southwards but views from Shepherd Street and the wider conservation area would be limited. Subject to conditions requiring joinery and material details, it is considered that the proposal would preserve the character and appearance of the area.

Living Environment

The proposal is for 1 x 3 bedroom house and 4 x 1 bedroom flats. In accordance with local policy there is a requirement to provide the house with a suitable garden of at least 10m in length but there is no requirement to provide amenity space for flats.

The scheme submitted under reference: HS/FA/13/00805 included a four bedroom house with a roof terrace above the living room. The Planning Inspector concluded that the proposal was unacceptable due to the size of the terrace and because there was no opportunity to form a defensible space in front of the windows of the living room. The current proposal is for a 3 bedroom house and includes a conventional garden. Whilst the garden area will be the same size as the roof terrace previously proposed (5.5m x 6.5m) it is to serve a three bedroom house and is at ground floor level where it can be made secure and screened by an enclosure. Having regard to this and given the size of other amenity space in the area the garden area proposed is considered to be acceptable.

The room sizes proposed comply with the standards for self contained flats. The standards set by Policy DM 3 of the Hastings Development Management Plan Revised Proposed Submission Version 2014 (DM Plan) are not afforded full weight as the DM Plan has not been adopted. On balance the levels of internal space are considered to be acceptable.

Noise and general disturbance during the construction phase can be controlled through the use of an hours of building works condition and one requiring details of temporary structures etc. Having regard to the Planning Inspector's report and given the size, scale, positioning and nature of the proposal, it is considered that it will not result in other adverse impacts on the amenity of neighbouring residents.

Highways and Parking

The current scheme does not make any provision for off road parking, however, when determining both the previous appeals the Planning Inspector concluded:

"Appeal A [HS/FA/13/00489] does not include any car parking spaces, nor is there any off-site parking provided. However, it was acknowledged at the hearing that the site is within a controlled resident's parking zone where occupants of the appeal scheme - if constructed - would be eligible to apply for parking permits. The scheme is based on a ratio of 150% permits to the number of available kerb-side spaces. It was agreed at the hearing that the

scheme has not yet been fully taken up and hence there is scope for permits to be issued. The same applies to Appeal B [HS/FA/13/00805]...In which case, it would be unreasonable to dismiss the appeals on the basis of there being insufficient on-site parking spaces."

Having regard to the above I am of the opinion that the lack of parking is considered acceptable on this occasion. As with the recently approved application. I recommend the use of a cycle parking condition in order to encourage the use of sustainable modes of transport and reduce dependence on the private car.

The proposed archway to Shepherd Street is to be used by pedestrians only which will ensure that highway safety issues (of vehicles turning in and out of the site) will no longer be an issue. It is recommended that a condition is imposed in order to ensure that vehicles do not make use of this entrance.

Housing Type and Affordable Housing

Following recent changes to National Planning Guidance it is considered that Policy H3 (Provision of Affordable Housing) of the Hastings Planning Strategy 2011-2028 (the Strategy) no longer applies to schemes of under 10 units. The scheme is therefore considered acceptable without an affordable housing contribution.

The National Planning Policy Framework (NPPF) aims to boost significantly the supply of housing (paragraph 47) and for local planning authorities to plan for a mix of housing types to meet the needs of different groups (paragraph 50). Policy H2 of the Strategy also aims to meet the needs of different groups and to address imbalances in the housing stock. The Strategy identifies that the Borough has a low level of family size homes when compared with other parts of the south east. Whilst four of the proposed units would not be suitable for families they would appeal to single people and couples. As the scheme also includes a family size unit of accommodation the scheme as a whole would appeal to multiple groups of people. Furthermore as the scheme is otherwise considered to be acceptable, it must be considered in the context of the presumption in favour of sustainable housing development set by the NPPF (paragraphs 14 and 49). On balance the proposal is considered to be acceptable.

Safety and Security

The proposed walkway will have gates at either end ensuring that it is not open to the general public. It is also possible to delineate between public and private space by introducing different surface materials and this could be controlled by way of a condition. It is felt that the proposal would not result in adverse impacts on safety and security.

Loss of Employment Land

The buildings at the site/yard area were in use for retail premises or purposes ancillary to retail rather than B1 - B8 type uses. The requirements of Policy E4 of the HLP and E1 of the Strategy therefore do not apply in this case.

Drainage

Having regard to the comments raised by Southern Water it is considered that a suitable drainage system can be secured through the use of a condition.

Bin Storage

Bin storage areas have been provided for each of the units. It is recommended that a condition is imposed requiring these areas to be provided before the units are occupied.

Other Matters

With regard to fire exit provision, this is an issue that will need to be addressed through the building control process and is not a planning matter.

The proposed archway entrance from Shepherd Street will provide access to the cycle storage areas.

Conclusion

Having regard to the recent appeal decisions at the site, it is considered that the proposal will result in additional residential development without resulting in adverse impacts on its surroundings. I therefore recommend the proposal for approval.

This proposal complies 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 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
 - (iv) rainwater goods and external pipe workWorks 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.

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.

8. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

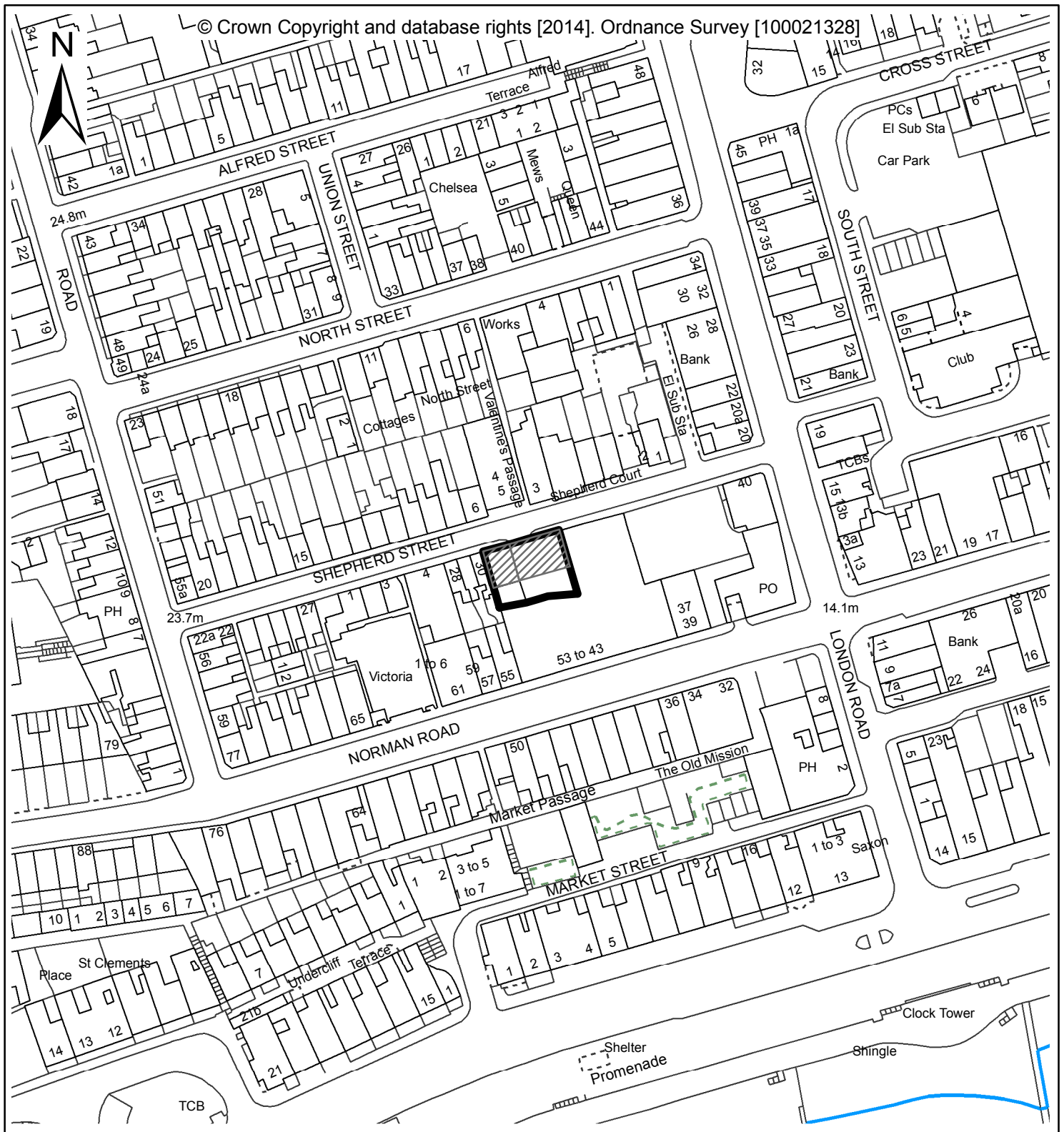
1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, 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.
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.

Officer to Contact

Mr T Tanner, Telephone 01424 783336

Background Papers

Application No: HS/FA/14/00916 including all letters and documents



**Land Adjacent 30 Shepherd Street
St Leonards-on-sea**

Erection of five dwellings (one house & four flats)



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

Date: Dec 2014

Scale: 1:1,250

Application No. HS/FA/14/00916

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Agenda Item 7c

AGENDA ITEM NO: 7(c)

Report to: PLANNING COMMITTEE

Date: 07 January 2015

Report from: Development Manager

Application Address: 38-39 Marina, St Leonards-on-sea
Proposal: Change of use from Mansion Flat (first floor) to 2no. self contained flats
Application No: HS/FA/14/00464

Recommendation: Grant Full Planning Permission

Ward: CENTRAL ST LEONARDS
File No: MA40037V
Applicant: Captain Hornblower Ltd per R D P Chartered Architects 14 Cross Street St Leonards on Sea East Sussex TN37 6DP

Interest: Owner
Existing Use: Vacant Flat

Policies

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
Hastings Local Plan, Development Management Plan, Revised
Proposed Submission Version: DM1, DM3, HC1, HN1

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - Affects a Listed Building
Letters of Objection: 3
Petitions Received: 0

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

Summary

This is a full application for the conversion of a first floor flat to form two self contained flats. 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. An application for Listed Building Consent to carry out the alterations is to follow.

The main issue in considering this application is the impact on the Listed Building.

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 application site is at 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 Burtons' St Leonards Conservation Area. Many of the properties above the Colonnade shops have been converted into self contained flats.

The large living room is open plan, with a kitchenette area and it has a floor area of approximately 100 square metres. The flat has three bedrooms and two bathrooms, with one of the bedrooms and a bathroom being on a mezzanine level.

The property has retained many of its original features, including timber sliding sash windows and much of the decorative plasterwork and cornicing. The two bedrooms to the rear have a wall of stained glass windows to the north elevation.

Details of the Proposal and Other Background Information

The proposal is to create a two bedroom flat and a one bedroom flat. New partition walls will be constructed in the hallway to create separate entrances to what will become Flat 38 and Flat 39. The lounge will be partitioned to create the two living rooms and a new kitchenette will 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 will be constructed in Flat 39, providing en-suite facilities for both its bedrooms. There is existing refuse storage to the rear of the property in Undercliff.

The proposal originally submitted included additional partitions and a poor layout for the newly formed flats. It was considered the harm to the Listed Building was not acceptable. Following extensive negotiations, this amended scheme has been submitted.

Relevant Site History

HS/LB/13/00238	38-39 Marina: Internal alterations including a new kitchen layout Full Planning Permission Granted 01 July 2013
HS/LB/12/00458	38-39 Marina: Internal alterations (retrospective) Listed Building Consent Refused 26 November 2012
HS/FA/11/00928	37-38 Marina: Change of use from retail commercial to residential Full Planning Permission Granted 23 January 2012
HS/FA/09/0064 & HS/LB/09/00645	37-41 Marina: Restoration of external building envelope Listed Building Consent and Full Planning Permission

Granted on 11 February 2010

- HS/LB/06/00192 39-40 Marina:
Conversion and internal alterations to form self contained apartment
Listed Building Consent Granted on 23 May 2006
- HS/LB/04/00531 39-40 Marina:
Formation of first floor apartment
Listed Building Consent Refused on 13 October 2004
- HS/FA/04/00529 39-40 Marina:
Conversion of first floor to residential use
Full Planning Permission Granted on 01 October 2004

Details of Consultations

There have been 3 objections following neighbour consultation, display of Site Notice and advertisement in the Hastings and St Leonards Observer.

Of the planning matters the objections relate to parking, traffic, impact on historic assets and the loss of a large family home.

The **Housing Renewal Team** have no objection to the conversion.

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 following policies and guidance are relevant to this application:

Hastings Local Plan 2004
Policy H4 – Housing Conversions
Policy DG1-Development Form
Policy C1 – Development within Conservation Areas
Policy C3 – Development involving Listed Buildings

Development Management Plan Revised Proposed Submission Version (emerging)
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy HC1 – Conversion of Existing Dwellings
Policy HN1 – Development Affecting the Significance and Setting of Designated Heritage Assets

Hastings Planning Strategy
Policy FA2 - Strategy Policy for Central Area
Policy FA4 –Strategy for Central St Leonards
Policy SC1 –Overall Strategy for Managing Change in a Sustainable Way
Policy EN1 –Built and Historic Environment
Policy H2 – Housing Mix

Listed Building and Conservation Area

There are no external alterations and therefore the proposal has no impact on the Conservation Area. The partitioning required to divide the unit has been kept to a minimum and strategically placed in order to protect original features such as corning and skirting.

Proposed Use and Standard of Accommodation

The existing Mansion Flat has an excessively large living room with a kitchenette area. The proposal to divide the unit into two will still result in sufficient floor space for both the living rooms and all bedrooms. Although the outlook is restricted for the bedrooms with the stained glass windows, some of the glazing is clear and due to the size of the windows, it is considered that the outlook will be at an acceptable level.

The Mansion Flat has been vacant for some time and this will be an opportunity to bring the flat back into use.

Highways and Parking

This is for an increase of one unit and no increase in the number of bedrooms. Off street and on street parking is available nearby. The site is close to local transport links and is easily accessible to local shops and services.

Conclusion

Following extensive negotiations with the agent, it is not considered that the proposal now under consideration will harm the significance of the Grade II Listed Building. It will bring a vacant property back into use and will provide acceptable accommodation for future occupants. It is therefore recommended that planning permission for the change of use be granted subject to conditions. It will be necessary to submit a separate application for listed building consent for the alterations.

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

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

Recommendation

Grant Full Planning Permission subject to the following conditions:

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

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.
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.

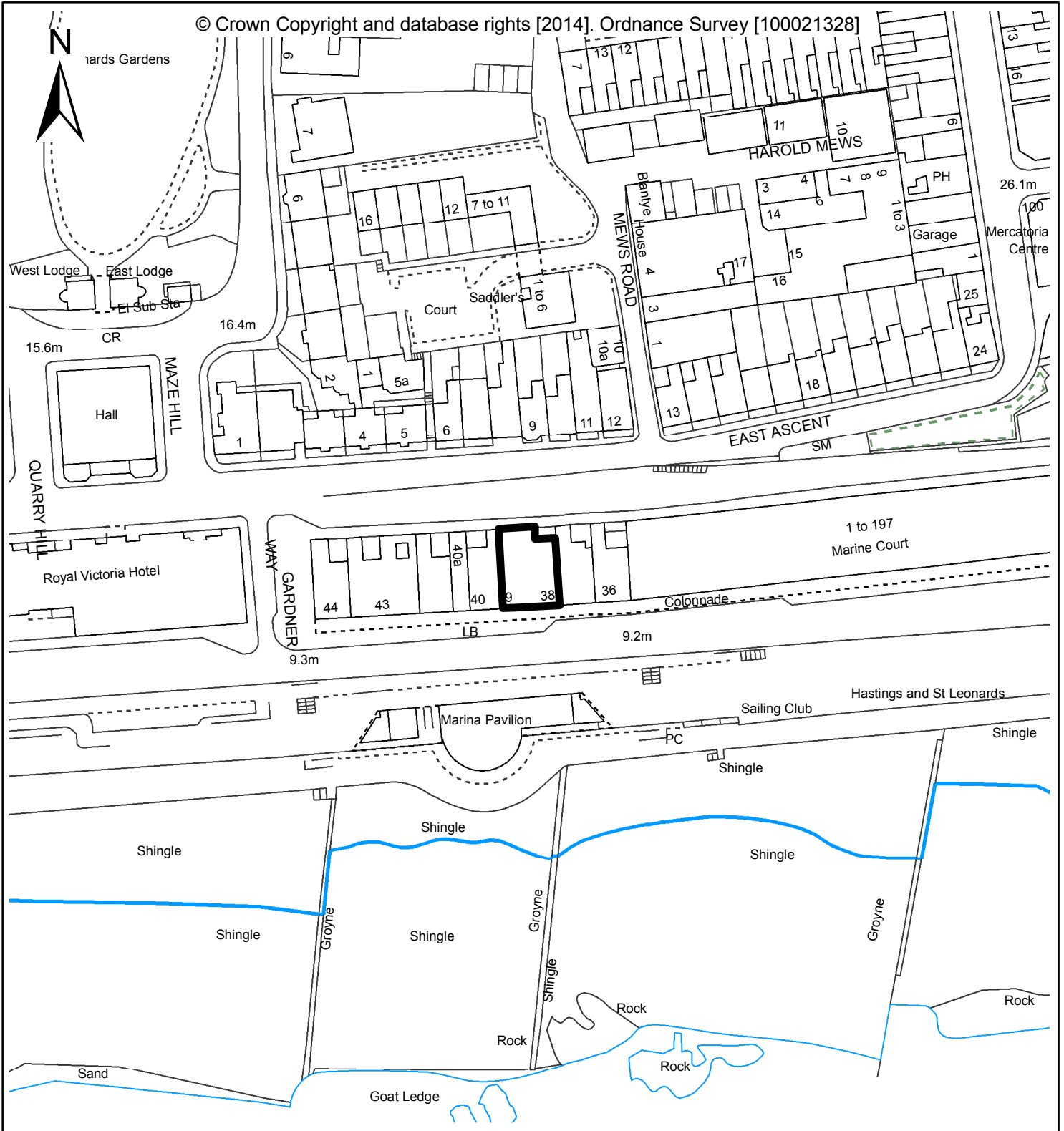
Officer to Contact

Mrs C Boydell, Telephone 01424 783298

Background Papers

Application No: HS/FA/14/00464 including all letters and documents

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**38-39 Marina
St Leonards-on-sea**

Change of use from Mansion Flat to 2no. self contained flats



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

Date: Dec 2014

Scale: 1:1,250

Application No. HS/FA/14/00464

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Agenda Item 7d

AGENDA ITEM NO: 7(d)

Report to: PLANNING COMMITTEE

Date: 07 January 2015

Report from: Development Manager

Application Address: Caple Ne Ferne, 2 Albany Road, St Leonards-on-sea, TN38 0LN

Proposal: Internal alterations to form self contained flats.

Application No: HS/LB/14/00644

Recommendation: REFUSE LISTED BUILDING CONSENT

Ward: MAZE HILL

File No: AL15002

Applicant: Nectanebo Estates Ltd per NTR DESIGN & BUILD LTD Waterside Derby Road Swanwick, Alfreton, Derbys. DE55 1AD

Interest: Owner

Existing Use: Previously a residential institution (C2) - flats currently under construction

Policies

Hastings Local Plan 2004: N/A

Conservation Area: Yes - Markwick Terrace

National Planning Policy Framework: Section 12

Hastings Planning Strategy: N/A

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: N/A

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - Affects a Listed Building

Letters of Objection: 0

Petitions Received: 0

Application Status: Not delegated - Referred by Ward Councillor

Summary

The proposal is for alterations to the interior of the building in order to facilitate the change of use of the premises to 8 self contained flats. There is a separate application for planning permission reported elsewhere on this agenda. The main issue is the impact of the proposal on the historic character and appearance of the Grade II listed building. After consideration of all matters I recommend the application for refusal.

The Site and its Location

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 parking area is located to the north western side of the site alongside an entrance from Albany Road. The site occupies a corner plot and is screened on its south western and eastern sides by a sandstone wall with a row of mature trees and hedges which offer a dense screen from the surrounding area.

The site adjoins residential properties at 38 and 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 being dominated by predominantly semi detached dwellings some of which have been divided into flats. The area forms part of the Markwick Terrace Conservation Area.

Details of the Proposal and Other Background Information

The building was last in use as a drug/alcohol rehabilitation treatment centre. In 2012 planning permission and listed building consent were granted for the change of use of the building to 2 x self contained houses (HS/FA/12/00443 & HS/LB/12/00680). The scheme basically involved the separation of the original building as one house (south house) and the 1930s addition as the other dwelling (north house).

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

Earlier this year 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 the proposed works were considered unacceptable and the applications were withdrawn. At the site visit it was observed 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 current application seeks to regularise a number of the breaches and proposes new alterations. The main alterations to the original approval proposed are as follows:

Ground Floor Level

- Sub division of 2 x studio flats (units 1 & 3) to form 1 x 1 bedroom and 1 x 2 bedroom flats
- Relocation of kitchens and bathrooms in units 1 & 3
- Formation of stud partition between units 1 & 3
- Obscure glazing to bathroom window of unit 1
- Suspended ceilings to all rooms of Unit 1
- Suspended ceilings to bedrooms 1 & 2 of Unit 2
- Suspended ceilings to Unit 3
- Doors removed from entrance corridor of unit 2
- Re-sizing roof light above kitchen/dining area of unit 2
- Retention of tiles in WC of unit 2
- Removal of roof light in unit 2
- Additional stud partition to living room of unit 2
- Reposition cupboard from hall to master bedroom of unit 3 and install dry riser boarded with

- fireline board
- Slight alteration to position of stud partition between unit 3 and communal area
- Gas boilers fitted to all units

First Floor Level

- Bathroom floor and walls of Unit 4 to be battened over with plasterboard and tile latts
- Reconfiguration of layout to form second bedroom and service void area behind bathroom in unit 5
- Removal of proposed door opening from corridor to kitchen on unit 5
- Formation of roof access from kitchen of unit 5
- Kitchen replaced with master bedroom for unit 6
- Unit 6 utility room replaced with bathroom
- Unit 6 bathroom replaced with kitchen
- Tiles from first floor toilets to be re-used to repair tiled walls in proposed kitchen of unit 6
- Bathroom floor and walls of Unit 6 to be battened over with plasterboard and tile latts
- Removal of cupboard from bedroom of unit 6 and install dry riser boarded with fireline board
- Clear glazing to bedroom of unit 6
- Bedroom floor and walls of Unit 6 to be battened over with plasterboard and tile latts

Second Floor

- Relocation of entrance to loft access from within unit 8 to communal area
- Removal of stud partition to form open plan kitchen and living area in unit 7
- Bedroom 2 of unit 8 replaced with kitchen
- Utility room replaced with en-suite for master bedroom of unit 8
- Kitchen replaced with master bedroom for unit 8
- Access door to roof void in master bedroom of unit 8 boarded over
- Bathroom floor and walls of Unit 8 to be battened over with plasterboard and tile latts
- Master bedroom floor and walls of Unit 8 to be battened over with plasterboard and tile latts
- Clear glazing to master bedroom of unit 8
- Removal of cupboard from master bedroom of unit 8 and install dry riser boarded with fireline board

External Works

- removal of steel framed windows from walkway to rear

An application for planning permission has also been submitted for the proposal (HAS/FA/14/00645) which appears later on the agenda of this Planning Committee.

Relevant Planning History

- HS/FA/12/00443 Proposed change of use to form two dwelling houses.
Granted 27 July 2012.
- HS/LB/12/00680 Proposed internal alterations to enable the change of use to form two residential units.
Granted 29 October 2012.
- HS/LB/13/00343 Proposed conversion to form 8 self contained flats. (Application HS/FA/13/00344 also applies).
Granted 11 September 2013.
- HS/FA/13/00344 Proposed conversion to form eight self contained flats. (Application HS/LB/13/00343 also applies).

Granted 11 September 2013.

HS/FA/14/00335 Proposed internal alterations to previously approved proposals to form 8 self contained flats (previous approval ref: HS/LB/13/00343).

Withdrawn 01 August 2014.

HS/LB/14/00383 Variation of condition 10 (Approved plans) of planning permission HS/FA/13/00344 - alterations to layout.

Withdrawn 01 August 2014.

Details of Consultations

None.

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".

As this application is for listed building consent it is only possible to assess the impacts of the proposal on the historic character and appearance of the building. Section 12 of the National Planning Policy Framework (NPPF) applies but the policies of the Hastings Local Plan, Planning Strategy and DM Plan do not.

The previous approval at the site was considered to be acceptable as it remained sympathetic to the buildings original layout. One of the ways in which this was achieved was by ensuring that the former toilet, shower and bathroom areas remained in use as "wet areas" such as kitchens, utility rooms and bathrooms. In addition to legibility this also ensures that the original tiled walls and floors could be retained as they lend themselves towards use as wet areas rather than bedrooms or other habitable rooms.

The current proposal seeks to move away from the sympathetic layout previously approved. The proposal now involves using some of the wet areas as bedrooms. In order to make the rooms suitable for use as bedrooms, the proposal involves covering the tiled walls and floors. These alterations are not considered acceptable as they will erode the legibility of the building and mean the covering of an important historic detail. The proposal therefore neither preserves nor helps to better reveal the significance of the historic building.

The only justification that has been given for covering over the tiles is that some are damaged. However it should be noted that some of this damage has occurred as a result of the works that are underway without planning permission or listed building consent.

The kitchen of unit 1 has been relocated to the area in front of the fixed shut door and therefore will involve running services across the room rather than along the wall as with the previous approval. Similarly in Unit 3 a kitchen is now to be formed in the living area which will result in services being introduced to another part of the building. The proposal will therefore involve a greater level of disturbance of the buildings historic fabric and further alter the original layout.

Other alterations are also proposed such as the removal of cupboards (hall of unit 3, kitchen of unit 4, etc) which, it is considered, will lead to further erosion to the historic character of the building. Whilst some justification has been provided regarding the need for a dry riser

taking the scheme as a whole it is considered that the works will result in harm to the historic character and appearance of the building.

The application also lacks the necessary details regarding a number of other works proposed. Whilst this information could have been requested and some of it secured by way of a condition, due to the fundamental issues raised above, further details have not been requested.

An acceptable scheme has been approved which resulted in the formation of 8 self contained flats. The current proposal would enlarge the flats but result in harm to the listed building. It is therefore considered that the public benefit of the scheme does not outweigh the harm to the heritage asset. The proposal is therefore contrary to the requirements of section 12 of the NPPF.

Other Matters

The Planning Enforcement Team are continuing to investigate the matter and are seeking the most appropriate way of resolving the breaches.

Conclusion

It is considered that the proposal would result in unacceptable harm on the historic character and appearance of the listed building. The scheme would erode the property's significance as a heritage asset and is therefore contrary to the requirements of the NPPF. I recommend the application for refusal.

These proposals do not 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

Refuse 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 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

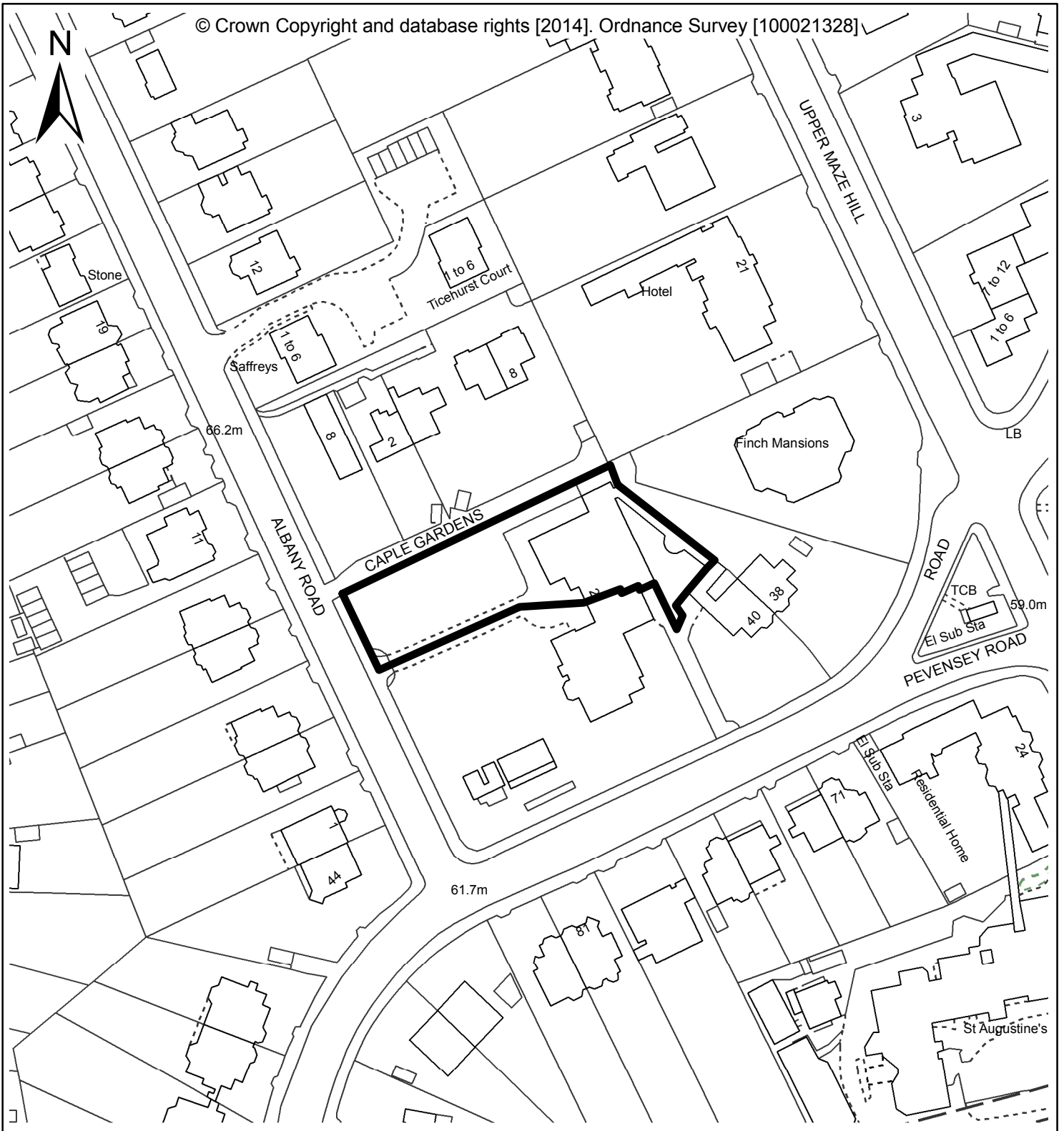
1. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Officer to Contact

Mr T Tanner, Telephone 01424 783336

Background Papers

Application No: HS/LB/14/00644 including all letters and documents



Caple Ne Ferne
2 Albany Road
St Leonards-on-sea
TN38 0LN

Internal alterations to form self contained flats.



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

Date: Dec 2014

Scale: 1:1,250

Application No. HS/FA/14/00644

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Agenda Item 7e

AGENDA ITEM NO: 7(e)

Report to: PLANNING COMMITTEE

Date: 07 January 2015

Report from: Development Manager

Application Address: Caple Ne Ferne, 2 Albany Road, St Leonards-on-sea, TN38 0LN

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

Recommendation: REFUSE PLANNING PERMISSION

Ward: MAZE HILL
File No: AL15002
Applicant: Nectanebo Estates Ltd per NTR DESIGN & BUILD LTD Waterside Derby Road Swanwick, Alfreton, Derbys. DE55 1AD

Interest: Owner
Existing Use: Previously a residential institution (C2) - flats currently under construction

Policies

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
Hastings Local Plan, Development Management Plan, Revised
Proposed Submission Version: DM1, DM3, DM4, DM6, HC1, HN1, HN2

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - Affects a Listed Building
Letters of Objection: 0
Petitions Received: 0

Application Status: Not delegated - Referred by Ward Councillor

Summary

The proposal is for amendments to a previous approval by varying the plan numbers condition of planning permission: HS/FA/13/00344. The original planning permission was for the formation of 8 x self contained flats and the current proposal seeks permission for

internal alterations including the addition of more bedrooms. The main issues are 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. There is a separate application for listed building consent reported elsewhere on this agenda. After consideration of all matters, I recommend the application for refusal.

The Site and its Location

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 parking area is located to the north western side of the site alongside an entrance from Albany Road. The site occupies a corner plot and is screened on its south western and eastern sides by a sandstone wall with a row of mature trees and hedges which offer a dense screen from the surrounding area.

The site adjoins residential properties at 38 and 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 being dominated by predominantly semi detached dwellings some of which have been divided into flats. The area forms part of the Markwick Terrace Conservation Area.

Details of the Proposal and Other Background Information

The building was last in use as a drug/alcohol rehabilitation treatment centre. In 2012 planning permission and listed building consent were granted for the change of use of the building to 2 x self contained houses (HS/FA/12/00443 & HS/LB/12/00680). The scheme basically involved the separation of the original building as one house (south house) and the 1930's addition as the other dwelling (north house).

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

Earlier this year 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, the proposed works were considered unacceptable and the applications were withdrawn. At the site visit it was observed 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 current proposal involves various internal alterations including the relocation of kitchens, bedrooms and bathrooms and the sub division of some flats to form additional bedrooms. As a result of the proposal the numbers of bedrooms will be altered as follows:

Ground Floor

Approved: 2 x studio flats and 1 x 2 bedroom flat

Proposed: 1 x 1 bedroom flat and 2 x 2 bedroom flats

First Floor

Approved: 1 x 1 bedroom maisonette (split with second floor) and 2 x 1 bedroom flats

Proposed: 1 x 1 bedroom maisonette (split with second floor) and 2 x 2 bedroom flats

Second Floor

Approved: 1 x 1 bedroom and 1 x 2 bedroom flats
Proposed: 2 x 2 bedroom flats

An application for listed building consent has also been submitted under reference: HS/LB/14/00644 which appeared earlier on the agenda for this Planning Committee.

Relevant Planning History

- HS/FA/12/00443 Proposed change of use to form two dwelling houses.
Granted 27 July 2012.
- HS/LB/12/00680 Proposed internal alterations to enable the change of use to form two residential units.
Granted 29 October 2012.
- HS/LB/13/00343 Proposed conversion to form 8 self contained flats. (Application HS/FA/13/00344 also applies).
Granted 11 September 2013.
- HS/FA/13/00344 Proposed conversion to form eight self contained flats. (Application HS/LB/13/00343 also applies).
Granted 11 September 2013.
- HS/FA/14/00335 Proposed internal alterations to previously approved proposals to form 8 self contained flats (previous approval ref: HS/LB/13/00343).
Withdrawn 01 August 2014.
- HS/LB/14/00383 Variation of condition 10 (Approved plans) of planning permission HS/FA/13/00344 - alterations to layout.
Withdrawn 01 August 2014.

Details of Consultations

No objections have been received as a result of the public consultation on this application.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

Character and Appearance

The previous approval at the site was considered to be acceptable as it remained sympathetic to the building's original layout. One of the ways in which this was achieved was by ensuring that the former toilet, shower and bathroom areas remained in use as "wet areas" such as kitchens, utility rooms and bathrooms. In addition to legibility this also ensured that the original tiled walls and floors could be retained as they lend themselves towards use as wet areas rather than bedrooms or other habitable rooms.

The current proposal seeks to move away from the sympathetic layout previously approved. The proposal now involves using some of the wet areas as bedrooms. In order to make the rooms suitable for use as bedrooms, the proposal involves covering the tiled walls and floors. These alterations are not considered acceptable as they will erode the legibility of the building and mean the covering of an important historic detail. The proposal therefore neither preserves nor helps to better reveal the significance of the historic building.

The only justification that has been given for covering over the tiles is that some are damaged. However it should be noted that some of this damage has occurred as a result of the works that are underway without planning permission or listed building consent.

The kitchen of unit 1 has been relocated to the area in front of the fixed shut door and therefore will involve running services across the room rather than along the wall as with the previous approval. Similarly in Unit 3 a kitchen is now to be formed in the living area which will result in services being introduced to another part of the building. The proposal will therefore involve a greater level of disturbance of the building's historic fabric and further alter the original layout.

Other alterations are also proposed such as the removal of cupboards (hall of unit 3, kitchen of unit 4, etc) which, it is considered, will lead to further erosion to the historic character of the building. Whilst some justification has been provided regarding the need for a dry riser, taking the scheme as a whole, it is considered that the works will result in harm to the historic character and appearance of the building. It is therefore considered that the proposal is contrary to the requirements of Policy C3 of the Hastings Local Plan 2004, Policy EN1 of the Hastings Planning Strategy 2011-2028, Policy HN1 of the Hastings Development Management Plan Revised Proposed Submission Version 2014 and Section 12 of the National Planning Policy Framework (NPPF).

The application also lacks the necessary details regarding a number of other works proposed such as pipework, vents etc. Whilst this information could have been requested and some of it secured by way of a condition, due to the fundamental issues raised above, further details have not been requested.

The proposal involves removing windows from an external walkway to the rear of the building. The walkway is a later addition and the alterations proposed are considered acceptable. With the exception of replacement glazing and details such as flues, vents, pipes etc no other external works are proposed. It is therefore considered that the proposal would not result in harm to the streetscene or surrounding conservation area.

Other considerations:

As planning permission has already been granted for the development of flats at the premises, the main issues besides character and appearance relate to the intensification of use and the quality of the living environment.

Whilst the overall number of units remains unchanged the number of bedrooms would increase. The room sizes proposed comply with the space standards for self contained flats and the level of parking required would remain 11 spaces if allocated which could be secured through conditions. I am therefore of the opinion that the proposal would create a suitable living environment and that it would not result in adverse impacts on the amenity of neighbouring residents.

With regard to housing type the proposal would result in additional 2 bedroom units which would be considered family size units. Whilst local planning documents advise that the Borough has low levels of family size accommodation and local policies aim to address imbalances in the housing stock, there is also a requirement to provide housing for a variety of groups in society. The previous scheme involved a mixture of studio and 1 and 2 bed flats and did not result in harm to the listed building, whereas the current proposal provides 2 bedroom units, it will result in harm to the listed building. Any benefits of the proposal are therefore not considered to outweigh the harm caused.

Following recent changes to National Planning Guidance it is considered that Policy H3 (Provision of Affordable Housing) of the Hastings Planning Strategy 2011-2028 (the Strategy) no longer applies to schemes of under 10 units.

Conclusion

It is considered that the proposal would result in unacceptable harm to the historic character and appearance of the listed building. The scheme would erode the property's significance as a heritage asset and is therefore contrary to the requirements of the NPPF and local planning policies. I recommend the application for refusal.

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

Refuse 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. 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 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.

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.
- 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

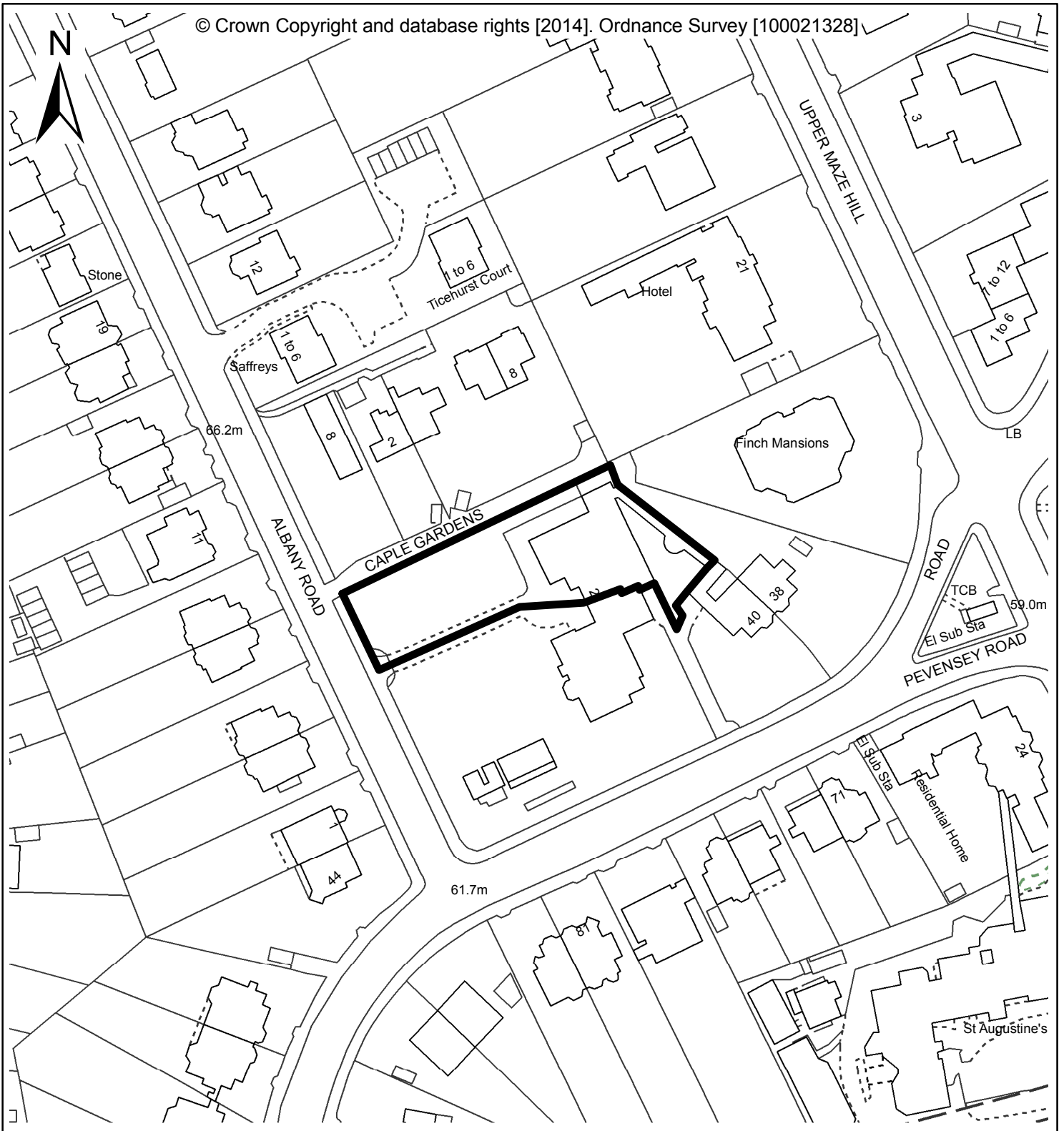
1. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Officer to Contact

Mr T Tanner, Telephone 01424 783336

Background Papers

Application No: HS/FA/14/00645 including all letters and documents



Caple Ne Ferne
2 Albany Road
St Leonards-on-sea
TN38 0LN

Variation of condition 10 of Planning Permission HS/FA/13/00344
 (conversion to form 8 self contained flats) - including internal alterations



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

Date: Dec 2014

Scale: 1:1,250

Application No. HS/FA/14/00645

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Agenda Item 7f

AGENDA ITEM NO: 7(f)

Report to: PLANNING COMMITTEE

Date:

Report from: Development Manager

Application Address: 101 Cambridge Road, Hastings, TN34 1EP
Proposal: Proposed Change of Use from Dwelling House (C3) to HMO (Sui Generis).
Application No: HS/FA/14/00941

Recommendation: Grant Full Planning Permission

Ward: CASTLE
File No: CA15101
Applicant: Mr Pepper per Elevations Design Ltd Junction House 1 Sedlescombe Road South St Leonards on Sea, East Sussex. TN38 0TA

Interest: Freeholder
Existing Use: Single private dwellinghouse

Policies

Hastings Local Plan 2004: H4, DG1, C1, C8
Conservation Area: Yes - White Rock
National Planning Policy Framework: No Conflict
Hastings Planning Strategy: SC1, H2, H4
Hastings Local Plan, Development Management Plan, Revised
Proposed Submission Version: HC1, DM1, DM3, HN1, HN2

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - Conservation Area
Letters of Objection: 2
Petitions Received: 0

Application Status: Not delegated - Referred by Ward Councillor

Summary

The application seeks planning permission for the change of use from dwellinghouse to a house in multiple occupation (HMO).

The Site and its Location

The application site comprises a large two storey property on the corner of Cambridge Road and adjoining Trinity Villas within the White Rock Conservation Area. The existing plan

shows a 7 bedroom property. A path leads along the side of the building from Cambridge Road through to White Rock Road. There is a green space area on the opposite side of the path. The property is larger than the adjoining terraced properties along Cambridge Road and has in effect two frontages. The property, which has been vacant for a long time, has been completely renovated both internally and externally. There is a side garden and a rear patio area.

Details of the Proposal and Other Background Information

Larger shared properties occupied by 7 or more unrelated people are unclassified by the Use Classes Order and are therefore considered to be "sui-generis".

The proposed plan shows 8 bedrooms split over the ground and first floor level. There is one kitchen on each floor and two bathrooms overall. The proposal does not include any external changes or extensions.

Previous Site History

HS/FA/14//00830	Proposed change of use from former B & B to supported living provision (Sui Generis)
Withdrawn	27/10/2014
HS/FA/13/00670	Change of use to create 3no. self-contained flats
Granted	14/10/2013

Details of Consultations

Following neighbour consultation, site notice and advertisement in the local paper at the time of writing this report one letter of objection has been received.

The Team Leader Housing Services confirms that the provision of bathroom, WC and kitchen amenities and dimensions of the proposed rooms comply with the Council's standards for HMOs. There may need to be some minor changes to the layout to meet building regulations in relation to means of escape in the case of fire.

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".

Change of use

The property, which has been vacant for many years has a total of seven bedrooms and limited amenity space. The 2013 permission for three flats has already established that this property is no longer suitable for family use by modern standards and that a more intensive use is acceptable. The proposed layout meets the housing standards and constitutes a more efficient use of the property.

Impact on residential amenity and character of the area

The Council recognises that well managed HMOs can play a useful role in the range of housing available in the town to meet local needs. However, the aim of policy is to avoid

undesirable concentrations of HMOs in the town.

The Hastings Planning Strategy states that "*National planning policy guidance provides the context for ensuring that future housing delivery leads to the creation of sustainable, inclusive and mixed communities and to avoid situations where existing neighbourhoods become dominated by a particular housing type, such as shared houses (HMOs). ...*

There are already high numbers of HMOs in the town and, whilst we recognise that shared housing is important in meeting the needs of certain residents, including those on low incomes and young people starting out on their careers, we also recognise the negative effects that high concentrations of this type of housing may have on local communities.

It is likely that the number of HMOs in the town as a whole will increase, driven by increasing student numbers as a result of the new University campus, changes to housing benefit and the increasing need for smaller affordable units of accommodation. If we are to continue to accommodate the need and demand for HMOs, we need to ensure that local communities are mixed and balanced in terms of both housing tenure and the people that live there.

The National HMO lobby has identified a 'tipping point' in respect of concentrations of HMOs. This tipping point is described as a threshold beyond which a deviation departs so far from the 'norm' that a community can 'tip' from balance to un-balance. The HMO tipping point, largely based on the impacts of associated demographic change, is considered to occur when HMOs exceed 10% of properties."

The number of HMOs within 100m radius of this property is 1 HMO and 158 properties (this equates to approximately 0.6%).

The number of HMOs is based on a list of HMOs provided by Housing on 11 November 2014, Council Tax on 17 November 2014 and LLPG HMO classifications on 17 December 2014.

Although the proposed use might be a more intensive use of the property, this in itself is not sufficient to justify a refusal. The property is fronting the busy Cambridge Road and I do not consider that the proposed use of this property at this location would have a materially adverse impact on the amenity of occupants of neighbouring or nearby properties. No external alterations or extensions are proposed.

It is also worth noting that the property has a current valid planning permission for the use as three flats comprising 2no. two-bedroom and 1no. one-bedroom units. This means that the property could be occupied by a similar number of people and the level of activity would be comparable.

Provision for refuse storage and cycle parking

An amended plan showing bin and cycle storage has been requested. There is sufficient space to provide this and a condition has been added that the property shall not be occupied until bin and cycle storage has been provided.

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

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

Recommendation

Grant Full Planning Permission subject to the following conditions:

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

14/601/1; 14/601/A, 02A
3. The use hereby approved shall not commence until readily accessible external storage space for refuse bins awaiting collection have been provided to the satisfaction of the Local Planning Authority.
4. The property shall not be occupied until such time as the cycle parking, as shown on the approved plans, has been provided. The area 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. For the avoidance of doubt and in the interests of proper planning.
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 ensure an adequate level of parking for cycles to serve the 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.

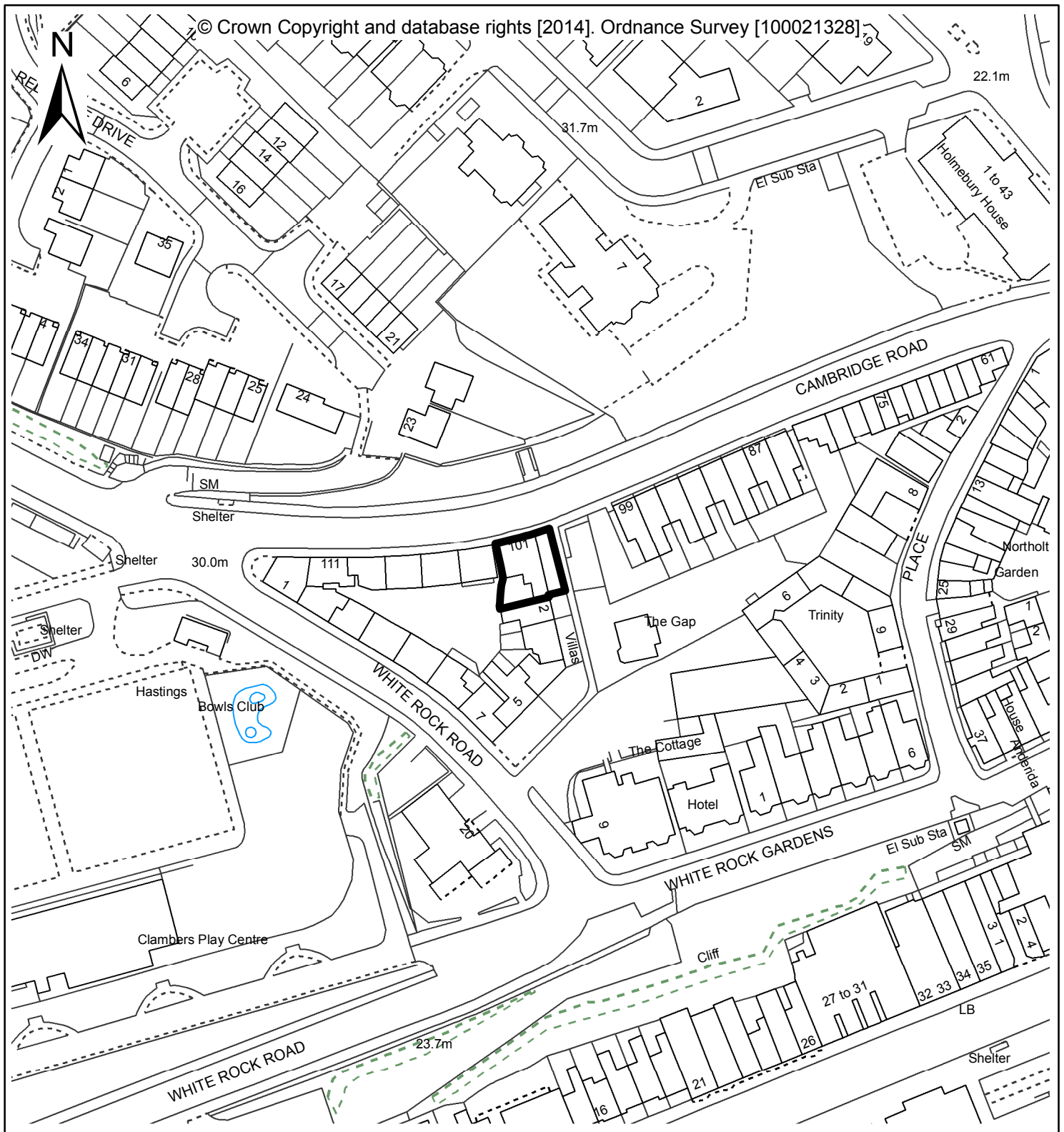
Officer to Contact

Mrs E Collins, Telephone 01424 783278

Background Papers

Application No: HS/FA/14/00941 including all letters and documents

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**101 Cambridge Road
Hastings
TN34 1EP**

Proposed Change of Use from Dwelling House (C3) to HMO (Sui Generis).



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

Date: Dec 2014

Scale: 1:1,250

Application No. HS/FA/14/00941

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Agenda Item 7g

AGENDA ITEM NO: 7 (g)

Report to: PLANNING COMMITTEE

Date: 07 January 2015

Report from: Development Manager

Application Address: 38 Normandy Road, Hastings, TN34 2ND
Proposal: Construction of a white PVCu porch to the front elevation
Application No: HS/FA/14/00933

Recommendation: Grant permission

Ward: SILVERHILL
File No: NO45038
Applicant: Mrs Scott per Hastings Windows Ltd 7 Haylands Industrial Units Maunsel Road St Leonards-on-Sea, East Sussex. TN38 9NN

Interest: Freeholder
Existing Use: Residential

Policies

Hastings Local Plan 2004: DG1
Conservation Area: No
National Planning Policy Framework: No Conflict
Hastings Planning Strategy: No Conflict
Hastings Local Plan, Development Management Plan, Revised
Proposed Submission Version: DM1

Public Consultation

Adj. Properties: Yes
Advertisement: No
Letters of Objection: 0
Petitions Received: 0

Application Status: Not delegated - Applicant is related to a serving Councillor

Summary

It is proposed to erect a porch to the front of this semi detached house. The porch is larger than that allowed under "permitted development" so an application is required.

The Site and its Location

The application site is one of a pair of semi-detached houses of mid to late 20th century design, set up on a bank above the road. The development in the surrounding area is of a similar design. The properties on this side of Normandy Road adhere to a well defined building line.

Details of the Proposal and Other Background Information

It is proposed to erect a glazed upvc porch with a mono-pitched roof to the front of the property. It would be 3.5m wide, 1.8m deep with a maximum height of 2.8m

Previous Site History

None relevant

Details of Consultations

No objections have been received

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".

While this porch would project beyond the established building line, a slightly smaller porch could be constructed without the need to submit a planning application. There are porches on other properties in the vicinity, and it is considered that the proposal is acceptable and will not detract from the visual amenities of the area. The porch will have no impact on daylight, sunlight or privacy to neighbouring residents.

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

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

Recommendation

Grant permission subject to the following conditions:

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

Existing; proposed

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.
-

Officer to Contact

. Applications Hotdesk, Telephone 01424 451090

Background Papers

Application No: HS/FA/14/00933 including all letters and documents

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38 Normandy Road
Hastings
TN34 2ND

Construction of a white PVCu porch to the front elevation



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

Date: Dec 2014

Scale: 1:1,250

Application No. HS/FA/14/00933

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