

Planning Committee Agenda

Wednesday, 4 February 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

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

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

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

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

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

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
2. No dwelling hereby approved shall be occupied until readily accessible external storage space for refuse bins has been provided to the satisfaction of the Local Planning Authority;
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been made available for inspection at the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;
4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme;
5. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of 5

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years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

- 6. No development shall take place until full details of all boundary enclosures have been submitted to and approved in writing by the Local Planning Authority. All such boundary enclosures shall be erected before the building to which it relates is occupied;**
- 7. The side facing windows at first floor level shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.8 metres from finished floor level;**
- 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or as may be subsequently amended or re-enacted no extensions to the dwellings or outbuildings shall be formed/erected without the grant of an additional planning permission;**
- 9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed;**
- 10. The development shall be completed in accordance with the submitted arboricultural statements and reports (Tree Survey Arboricultural Impact Assessment & Tree Protection Plan Land r/o 38-40 Nelson Road Hastings East Sussex TN34 3RZ dated June 2014 and Supplementary Planting Plan Land r/o 38-40 Nelson Road Hastings East Sussex TN34 3RZ dated September 2014 prepared by the Mayhew Consultancy Ltd) unless otherwise agreed in writing by the Local Planning Authority;**
- 11. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority;**
(ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings hereby approved shall occur until those works have been completed.

No occupation of any of the dwellings hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development;

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

- (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;**

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

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

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

Site plan, NR.1124.10 & NR.1124.11

15. The development shall not be occupied until cycle parking areas has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reasons:

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 3. In the interests of the character and amenity of the Conservation Area;**
- 4. To ensure a satisfactory form of development in the interests of the visual amenity;**
- 5. To ensure a satisfactory form of development in the interests of the visual amenity;**

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

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;
3. Consideration should be given to the provision of a domestic sprinkler system;
4. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk;
5. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.

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62. PLANNING APPEALS AND DELEGATED DECISIONS

The Development Manager reported two appeals that had been received and one appeal that had been dismissed. He also reported on a number of delegated decisions. All matters had arisen between 24 November 2014 and 18 December 2014.

RESOLVED – that the report be noted.

63. PLANNING APPLICATIONS:

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

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

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

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

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

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area of the proposed kiosk.

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

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

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

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

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

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

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

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

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

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the promenade/roof of Bottle Alley,

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

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

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

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

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

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

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

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

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

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

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

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

Reasons:

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

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

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3. In the interests of the amenity of the neighbouring residential occupiers and the visual amenities of the conservation area;
4. To enable the local planning authority to control the display of signs and advertisements in the interests of the character and amenity of the Eversfield Place Conservation Area;
5. In the interests of the amenity of the neighbouring residential occupiers; and
6. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;
3. The cycle route has been installed by a legal Order, an amendment will therefore be required for any alterations to it;
4. Future tenants should be advised to contact the Council's Food, Health and Safety Team on telephone number (01424) 451078 or by email on foodsafety@hastings.gov.uk; and
5. In addition to the requirements of condition 4 above, separate advertisement consent may be required for the display of signs or advertisements on the building.

63.2 LAND ADJACENT 30 SHEPHERD STREET

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

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

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

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

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

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

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

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

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

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

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

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

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- 2. No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:**
- (i) Schedule of the materials and finishes for walls**
 - (ii) Joinery details at 1:10 scale with 1:2 or 1:1 sections to include windows and doors**
 - (iii) solar panel details**
rainwater goods and external pipe work
- Works shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed;**
- 3. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority;**
- (ii) Development shall be carried out in accordance with the details approved under (i) and the dwellings hereby approved shall not be occupied until those works have been completed;**
- (iii) The dwellings hereby approved shall not be occupied until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.**
- 4. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-**
- 08.00 - 18.00 Monday to Friday**
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.
- 5. No unit hereby approved shall be occupied until readily accessible external storage space for refuse bins awaiting collection has been provided to the satisfaction of the Local Planning Authority;**
- 6. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles;**
- 7. The archway entrance proposed to Shepherd Street shall be used for pedestrian and cycle access only and not by motorised vehicles unless otherwise agreed in writing by the local planning authority; and**

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

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

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;
2. To ensure that the finished extension matches the appearance of the existing dwelling (Hastings Local Plan 2004 - Policy DG1);
3. To ensure a satisfactory standard of development;
4. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4);
5. To ensure a satisfactory form of development in the interests of the character and amenity of the area;
6. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development;
7. In the interests of vehicular and pedestrian safety; and
8. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;
3. Consideration should be given to the provision of a domestic sprinkler system;
4. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk; and
5. In the event that any sewers are found within the site the applicant is

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

63.3 38-39 MARINA

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

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

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

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

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

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the rear of the property in Undercliff.

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

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

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

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

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

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

13.1260.001 & 13.1260.002D

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;
2. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework; and

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

63.4 CAPLE NE FERNE, 2 ALBANY ROAD (LB)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Note to the Applicant

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

63.5 CAPLE NE FERNE, 2 ALBANY ROAD (FA)

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

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

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

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

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

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

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

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

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

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

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

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

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

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Proposed Submission Version 2014, which state:

NPPF Paragraph 132:

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

POLICY C3 - Development Involving Listed Buildings:

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

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

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

POLICY EN1: Built and Historic Environment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Note to the Applicant

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

63.6 101 CAMBRIDGE ROAD

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

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

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

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

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

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

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

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

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

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

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

63.7 38 NORMANDY ROAD

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

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

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

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

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

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

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

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

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

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

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

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

Existing; proposed

Reasons:

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990; and**
- 2. For the avoidance of doubt and in the interests of proper planning.**

Notes to the Applicant

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning; and**
- 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.**

64. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at 7.21 pm)

Agenda Item 5a

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

Report to: PLANNING COMMITTEE

Date: 04 February 2015

Report from: Development Manager

Application Address: **Proposed Queensway Gateway Road (land between Queensway and Sedlescombe Road North), St Leonards-on-sea**

Proposal: **Construction of a new road linking Sedlescombe Road North (A21) with Queensway (B2092)**

Application No: **HS/FA/14/00832**

Recommendation: **Grant Full Planning Permission**

Ward: ASHDOWN

File No:

Applicant: Sea Change Sussex Innovation Centre
Highfield Drive St Leonards on Sea TN38 9UH

Interest: Sea Change Sussex

Existing Use: Undeveloped

Policies

Hastings Local Plan 2004 (HLP): E2, NC6, NC7, NC8, NC9, NC10, NC11, L1, L2, DG1, DG2, DG4, DG26, DG27 and C6

Conservation Area: No

National Planning Policy Framework (NPPF): Sections 1, 4, 11 and 12

Hastings Planning Strategy (HPS): DS2, FA1, FA6, SC1, SC2, SC7, EN1, EN2, EN3, EN4, EN6, EN7, E2, T1, T2 and T3

Hastings Local Plan, Development Management Plan, Revised Proposed Submission Version (DMP): LP1, DM1, DM3, DM4, DM5, DM6, HN4, HN7, HN8 and HN9

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 371

Petitions Received: 1

Application Status: Not delegated - Petition received

Summary

The application site relates to land between Sedlescombe Road North (A21) and Queensway (B2092). The applicant proposes to build a new road linking Sedlescombe Road North with Queensway – the Queensway Gateway Road (QGR).

The main issues to consider are the principle of the development, the transportation impacts and the environmental impacts, which covers matters such as noise and vibration, air quality, ecology and nature conservation, landscape and visual amenity, ground conditions, water quality and drainage, and heritage.

The principle of the development is supported in the development plan and its supporting documents. It provides for access to existing and emerging employment development sites which will benefit the economic and regeneration of the Borough and the surrounding area and it will benefit the strategic road network in line with other future road network improvements. The road is considered to have a range of environmental impacts but the submitted documentation shows that with mitigation these concerns can be overcome to make the road acceptable.

I recommend that planning permission be granted subject to conditions to secure an appropriately mitigated development.

The Site and its Location

The application site relates to land between Sedlescombe Road North (A21) and Queensway (B2092). The site includes a car show room, existing road infrastructure, existing accesses to businesses, part of the planted bank along the northern boundary of Sainsbury's car park and undeveloped land. The undeveloped land consists of a mixture of open meadow/grassland, woodland and scrubland. The applicant has also identified Junction Road and Maplehurst Road as part of the application in relation to possible road closures.

The wider area has a very mixed character consisting of an industrial estate (West Ridge/Ashdown), several retail uses (Sainsbury's, Pets at Home, Dunelm Mill, McDonald's and the various car showrooms), residential development and undeveloped land.

The site crosses a local wildlife site (LWS), preserved woodland, an archaeological notification area and is close to an area of ancient woodland. The site also includes part of the designated Ridge West/Ashdown Industrial Estate allocated in the Hastings Local Plan (HLP) and allocations LRA7 and LRA8 which are employment development allocations in the emerging Development Management Plan (DMP).

Details of the Proposal and Other Background Information

The applicant proposes to build a new road linking Sedlescombe Road North with Queensway – the Queensway Gateway Road (QGR). The QGR proposal includes 3 roundabouts – one at either end of the road where it would join the existing network and one in the middle which would allow for access to the allocated and emerging allocated land for employment development.

The proposal utilises the existing Whitworth Road alignment with a new section of road being proposed from the end of Whitworth Road to Queensway. No right turn left in and left out only junctions are proposed for the accesses to the existing businesses on Whitworth Road and a new left in and left out only junction is shown into the northern part of Sainsbury's car park.

The proposal includes shared footways and cycleways between the middle roundabout and Sedlescombe Road North, uncontrolled crossings and upgrades and diversions to existing Public Rights of Way.

The proposed QGR has materialised in an attempt to realise the development potential of allocated and emerging allocated employment land (as shown in the HLP and DMP policies LRA7 and LRA8). Funding and support for the road is available from the South East Local Enterprise Partnership (SELEP).

The proposed QGR also intends to perform a strategic role in linking the A21 with the Hastings and Bexhill 'growth corridor' - comprising Queensway and its various employment allocations, the Bexhill to Hastings Link Road (BHLR), and the North Bexhill development area. It is intended that this development will help Hastings and Rother to realise their housing and employment requirements, increase connectivity in the area and avoid congestion along The Ridge.

With regard to its strategic benefit there has been reference to the 'Baldslow Link' – a proposal for a direct link between Queensway and the A21 further north of this site.

Whilst this proposal will be assessed on its own merits, it is considered that the QGR can provide for many of the benefits anticipated by the 'Baldslow Link', and is considered of strategic importance. The road can therefore be seen in a similar vein to the 'Baldslow Link' and is generally supported by documents such as the Hastings Planning Strategy (HPS) (policies FA1, T1 and T2) and ESCC's Local Transport Plan 2011-2026 (LTP).

The proposed development is considered to fall within the scope of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 following a screening and scoping opinion requested in 2013. An Environmental Impact Assessment (EIA) has been carried out and this has been summarised in an environmental statement (ES) submitted with the planning application.

Previous Site History

The existing developed parts of the application site – such as the industrial estate and surrounding retail uses – have had various planning permissions in the past although none are considered to relate to major infrastructure like this.

The undeveloped land has not received many proposals since major permissions (references HS/OA/87/00670, HS/DS/88/00362 and HS/DS/88/00504) were granted in the late 1980s for industrial development on land allocated for development at the time and intended to be carried forward under policy LRA8 of the emerging DMP.

Planning applications were submitted in the early 1990s (reference HS/FA/93/00023 and HS/FA/93/00340), mostly to extend the life of the permissions granted in the 1980s, but due to concerns about how development at this site may impact upon the construction of A259 Bexhill and Hastings Western Bypass these were refused. It is important to note that the applications submitted in the early 1990s were otherwise considered acceptable and in retrospect, given that the bypass proposals were cancelled, those applications could have been approved.

As mentioned above the proposals are otherwise associated with the BHLR which has been approved by East Sussex County Council and is currently under construction.

Details of Consultations

The **Local Highway Authority (East Sussex County Council)** has raised no objection subject to conditions. The recommended conditions include:

- A requirement to enter into a s278 legal agreement to ensure that works to the existing public highway are supervised and controlled by the LHA.
- A requirement to enter into a s38 legal agreement to ensure the road is constructed to an adoptable standard as it will form part of the strategic public highway.
- A Construction Traffic Management Plan prior to the commencement of works.
- The stopping up of Junction Road at both ends to prohibit use by motor vehicles.
- Modifications to the northern end of Maplehurst Road to ensure it is no longer a through road – except for Emergency Services.

The **Senior Rights of Way Officer (East Sussex County Council)** has raised no objection subject to a condition securing diversion orders for the affected footpaths and that the new footpaths are created to adoptable highway standards with a view to those footpaths being adopted under a s38 legal agreement by the LHA.

The **Director of Transport & Environment at East Sussex County Council** has raised no objection.

Rother District Council has supported the proposed development on the basis it will improve transport linkages, providing Rother, and particularly Bexhill, with a higher level of access to jobs and services as well as generally improving connectivity in the region.

The **County Archaeologist** has raised no objection subject to conditions relating to archaeological investigations.

The **Forestry Commission** has raised no objection.

The **High Weald AONB Unit** has raised no objection.

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

Sussex Police has raised no objection.

The **Head of Environmental Services** commissioned a consultancy to review the environmental information that had been submitted in relation to noise, air quality and ground conditions. As a result of this work no objection is raised but a number of conditions are suggested in order to ensure that there is no harm in relation to these matters.

Natural England has raised no objection to the development in relation to the nearby Marline Valley Wood Site of Special Scientific Interest (SSSI). They provide no comments on landscape amenity, protected species and locally designated wildlife site. They advise that advice on these matters is sought from other specialists.

East Sussex Fire & Rescue has raised no objection.

The **Environment Agency** has raised no objection subject to a condition requiring surface water drainage details to be submitted that are in accordance with the submitted Flood Risk Assessment (FRA). They also ask for an informative notifying the applicant of the need to

contact the Lead Local Flood Authority (LLFA) should there be any flow control structures or culverting of an ordinary watercourse

Southern Water has raised no objection. Their correspondence includes various requirements and pieces of information as follows:

- The position of drainage and water supply infrastructure needs to be determined before the layout of the proposed development can be finalised. It is considered that this detail can be dealt with as part of the drainage scheme recommended by condition.
- The drainage infrastructure should be protected during construction works.
- No excavation, mounding or tree planting should be carried out within 5 and 6 metres of the public water trunk and distributing mains respectively without consent from Southern Water.
- No excavation, mounding or tree planting should be carried out within 3.5 and 3 metres of the public surface water and foul sewers respectively without consent from Southern Water.
- Following changes to legislation on 01 October 2011 other sewers not previously known to exist, which could now be deemed to be public, may cross the site. The applicant should contact Southern Water should such a sewer be found during construction.
- Advice is given about the use of Sustainable Drainage Systems (SuDS). These can be incorporated into the drainage details recommended by condition.
- Consent will be required from the Local Highway Authority for discharge into the highway drain.
- Comments from Building Control, the Lead Local Flood Authority or other technical staff will be required for the adequacy of soakaways or discharge into ordinary watercourses. Such comments can be sought as part of any details submitted in accordance with the recommended drainage condition.

The **Environment & Natural Resources Manager** has raised a number of concerns with the ecology information submitted although he does not object to the mitigation measures proposed specifically in relation to this application. The concerns raised include:

- The submitted information only references policies in the HLP. There is no reference to relevant policies in the adopted HPS or the emerging DMP.
- There is no explanation of how compensatory measures will be managed into the future and how those will be funded. These are usually secured through s106 but there is no explanation about how it will be secured in this instance.
- The cumulative impacts of the development should be assessed and a strategic view of the long term viability of the northern part of the LWS developed as this area could be rendered unviable as a biodiversity area.
- The application should consider biodiversity offsetting where there is a loss in biodiversity habitat.
- Since his initial comments the Environment & Natural Resources Manager has recommended a number of conditions / planning obligation requirements that could be used in this instance.

The **Borough Arboriculturalist** has raised no objections. He recommends that consideration be given to the ancient woodland in accordance with Natural England standing advice but notes that the submitted landscape master plan is sufficiently robust in order to mitigate the loss of existing trees.

The **Highways Agency** has not raised an objection. They raise concerns about the possible impact upon the A21/A28 junction but are developing plans to alter this junction and will be in further discussions with the applicant and the LHA about this. Although they

suggest that the Transport Assessment submitted with the application should be amended to make reference to contributions that may be required as the allocated employment sites that the proposed new road will serve are developed, this is not appropriate and such contributions, if required, can be sought from individual developments as and when they are developed.

In accordance with both statutory and Council procedures, the planning application was advertised in the local press, notices were erected around the site and letters were sent to properties in the surrounding area. As a result of this consultation, and at the time of writing this report, the following responses were received:

- A petition (21 signatories) against the development.
- 371 individual objections of which over 220 are in a standard format.

The correspondence sent in standard format includes an objection on the following grounds:

- That the development will harm the Hollington Valley Local Wildlife Site (previously known as a Site of Nature Conservation Importance) and there is no local need to outweigh the harm. The proposal will increase traffic congestion and the allocated sites do not need to be developed as other employment sites are yet to be developed.
- The development is contrary to the NPPF as significant harm is being caused which cannot be mitigated or compensated for.

Other concerns include:

- Traffic congestion will increase.
- The road will service new employment development land but no evidence has been provided that further land needs to be developed.
- The road will harm the designated Local Wildlife Site and the need for the road is not considered to outweigh the harm.
- Increased noise and pollution.
- Loss of informal amenity/recreation space.
- Employment uses will harm character and appearance.
- Inadequate pre-application discussions.
- Closure of Junction Road and restrictions to Maplehurst Road and impact on road network.
- Lack of on-street parking.
- No consideration of alternative routing.
- Disturbance and nuisance during construction.
- The road proposal should be considered in conjunction with proposals to develop allocated land so that appropriate ecological mitigation for the wider area can be considered.
- Inadequate consultation with local bodies and residents.
- Inadequate ecology information.
- Contamination of local watercourses.
- Poor highway and pedestrian safety.
- Details of footpath diversions.
- Unsustainable transport solution.

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 policies/guidance that apply are listed above. The main issues to consider are the principle of the development, the transportation impacts and the environmental impacts, which covers matters such as:

- noise and vibration;
- air quality;
- ecology and nature conservation;
- landscape and visual amenity;
- ground conditions;
- water quality and drainage; and
- heritage.

Principle of development

It is considered that there is support in principle for this development. This support is twofold in that there is support for infrastructure improvements for better connectivity in the area and to better link the BHLR and A21. And there is support for further employment development in the town.

In terms of employment, the HPS makes it clear that up to 70,000m² of new employment floorspace is required to be developed in Hastings and St. Leonards between 2008 and 2028 (policy DS2) in order to help provide for the 6,470 jobs that will be required. This is evidenced by the Employment Strategy and Land Review (ESLR) which is a document that is part of the evidence base used to support the policies and the strategic vision for Hastings and St Leonards.

Although those objecting to the application state that other land is available for employment development, the evidence supporting the HPS is clear and all of the allocated sites will need to be developed in order to provide for the required amount of floorspace. The road proposed as part of this application would allow for access to an existing allocated site in the Hastings Local Plan and proposed to be taken forward in the DMP under policy LRA8, and an emerging allocated employment site (shown in policy LRA7 of the DMP), helping the Council to realise Objective 1 of the HPS to "achieve and sustain a thriving economy".

The DMP, although not adopted, recently underwent its examination in public and as such is very close to adoption. In accordance with paragraph 216 of the NPPF, I consider that great weight can now be afforded to the proposed allocations and any proposals which would support their delivery.

As discussed above the road has an added benefit in that it provides for a strategic benefit in linking Queensway with the A21. Such a connection has been sought for many years and in the past a link known as the 'Baldslow Link' was proposed – this was a new road proposed further north of this proposal connecting Queensway directly with the A21. It is considered that any references to the 'Baldslow Link' would strongly relate to this proposal, which provides similar benefits, and adds to the support in principle.

Objective 6a of the HPS states that the Council will provide for an efficient and effective transport system by "working at a local, county and national level to secure improvements in strategic transport infrastructure such as the Bexhill – Hastings Link Road and improvement to the A21 and A259 Roads." This development is considered strategic transport

infrastructure and is therefore supported by the HPS.

Policy FA1 of the HPS offers support. At paragraph (f) it states that the Council will “support the delivery of the proposed Bexhill – Hastings Link Road and A21 Baldslow Link improvements, and work to secure their timely provision”.

Policies T1 and T2 of the HPS offer further support, particularly policy T1 which identifies transport infrastructure projects of great importance and states:

“The Council will seek the earliest possible implementation of the following road and rail schemes that will reduce peripherality, and support the regeneration of Hastings:

*Bexhill – Hastings Link Road
Wider improvements to the A21 and A259 corridor”*

Considering the above it is considered that there is both relevant and positive support for the QGR and it is therefore considered acceptable in principle.

Transport impacts

The application is accompanied by a Transport Assessment and pre-application discussions have taken place with the LHA and the Highways Agency. Neither the LHA nor the Highways Agency has an objection to the proposals.

Although the road is primarily intended to be an access to the allocated and emerging allocated sites, the LHA consider the proposed QGR of strategic importance to the road network. East Sussex County Council's Local Transport Plan 2011 - 2026 (LTP), identifies Hastings and Bexhill as a priority growth area and offers support to any proposal which connects the Bexhill to Hastings Link Road with the A21, strengthening the economic growth corridor and enhancing strategic connections with London, Kent, Eastbourne, Brighton and Gatwick.

Whilst the QGR itself will not generate any traffic, it has been designed to take into account the redistribution of traffic from the Link Road and The Ridge heading towards the A21, and has been designed to accommodate the traffic generated by the employment development it is intended to serve. The design includes measures to ensure steady traffic flow including turning restrictions at the accesses onto the road. The LHA are satisfied with this design approach.

The proposal includes partial shared footways and cycleways to encourage sustainable modes of travel. Suitably placed uncontrolled crossings and upgrades to existing Public Rights of Way have been proposed and the LHA consider that these measures will provide a realistic alternative to the private car for shorter trips. The Public Rights of Way Officer at ESCC is also satisfied that the upgrades to the footpaths are acceptable and recommends that appropriate diversion orders are secured via condition.

From a technical perspective all of the junctions proposed are designed to a satisfactory standard and the LHA consider that appropriate lighting can be installed. Lighting is also an issue in relation to protected species (especially bats) and full details of this will be required by condition.

As stated above the QGR is not a traffic generator but will result in the redistribution of traffic along the network. It is also acknowledged that the main purpose of the QGR is to open up land for further development. The impact of both of these matters on the wider network has

been taken into account by the applicant in their Transport Assessment and considered by the LHA.

The submitted Transport Assessment concludes that the junctions on the local highway network will be at or above operational capacity in both 2016 and 2028 but it is important to note that this issue will exist with or without the QGR.

It could be considered that as the road does not improve junctions it is not necessary, however, a strong case has been put forward in terms of the linkages and connectivity that the QGR will provide and what this means in terms of economic growth and regeneration. The Transport Assessment and the LHA also explain that the road cannot be considered in isolation and a package of other improvement measures are proposed or being investigated, which will offer improvements to the highway network in the longer term.

These improvements include:

- Closure of Junction Road (proposed as part of this application).
- Modifications to Maplehurst Road (proposed as part of this application).
- Improvements to the A21/A28 junction (Highways Agency are in discussions with Sea Change Sussex and the LHA about this).
- Complementary measures associated with the BHLR (including various improvements along The Ridge).
- Appropriate signage.

Although these changes to the road network have not yet occurred it is reasonable to consider that they will be realised in the longer term – given the comments of the LHA and the Highways Agency – and therefore the application should be considered in this context.

The LHA are satisfied that the QGR with the additional measures above will be benefit to the road network.

Many of the objections to the application have been concerned with the closure of Junction Road and the modifications to traffic flow to Maplehurst Road. The LHA explain both of these proposals fully in their consultation response and agree that they are necessary and will improve traffic flow in the area. They explain that although travel distance may be longer for some the travel time will not be significantly affected as the proposals will result in improvements to traffic flows. The improvements to traffic flow will improve highway safety, especially at the Junction Road junction with The Ridge, which has a high crash rate.

They continue to explain that matters such as the movement of emergency service vehicles will not be hampered – in fact the emergency services (Sussex Police, the South East Coast Ambulance Service and East Sussex Fire & Rescue) support the closure of Junction Road and will still be able to use Maplehurst Road as per the LHA suggestion.

In summary the QGR is considered to be suitable as an access to the allocated and emerging allocations for employment development. The road is positioned close to the existing network so will allow access to public transport, it will include cycleways to offer an alternative to car trips, and it will maintain Public Rights of Way to ensure the area is not cut-off for pedestrians forcing people to make vehicular trips. As mentioned above the QGR will not generate traffic so issues relating to the impact of development of the future allocations on the highway network will be dealt with as and when applications for those developments come forward.

The QGR will also offer increased connectivity which will benefit the economic development

and regeneration of Hastings and Bexhill as well as providing longer term benefits to the highway network along with other proposed highway improvements.

Considering the above the proposed development is considered to comply with relevant highway related policy and particularly policies T1, T2 and T3 of the HPS.

Environmental impacts

An EIA has been undertaken in accordance with the relevant legislation. The scope of the EIA was agreed with the Local Planning Authority prior to the submission of the application. The application has been accompanied by an ES which summaries the overall effects of the development including the cumulative impact in association with the development of the allocated and emerging allocation sites. The findings are as follows:

- Major economic benefits. These benefits will be felt both during construction and post construction given that the development allows access to land to be developed for employment purposes and as such will create jobs.
- No significant transport and access effects during construction in terms of severance, fear and intimidation, and pedestrian and cyclist delay.
- Minor transport and access effects during construction in terms of driver delay and cyclist and pedestrian amenity although this effect will be temporary.
- No significant transport and access effects in terms driver delay, pedestrian and cyclist delay, and pedestrian and cyclist amenity once the road is operational.
- Minor transport and access effects in terms of severance once the road is operational due to the closure/change to existing roads.
- No significant transport and access effects in terms of fear and intimidation once the road is operational as the mitigation measures proposed, such as appropriate lighting and visibility, resolve concerns
- Moderate noise effects may be experienced during construction.
- No significant noise and vibration effects once the road is operational with appropriate mitigation measures in place, such as noise reducing surface materials and natural screening.
- No significant air quality effects during construction which will be helped by appropriate construction mitigation measures to reduce dust and particle escape.
- Moderate air quality effects on neighbouring residents once the road is operational and the additional sites have been developed.
- No significant effects in terms of biodiversity on the SSSI or ancient woodland.
- Moderate significant effects on biodiversity in terms of habitat loss and fragmentation during construction.
- Moderate significant effects on biodiversity in terms of dormice, bats and breeding birds during construction.
- Minor significant effects on biodiversity in terms of reptiles and badgers during construction.
- Overall effects on biodiversity during construction can be reduced from residual impacts to negligible impacts. For example this will include applying for the relevant licences, translocation of reptiles, ensuring construction site is safe to avoid protected species becoming trapped.
- Moderate and minor significant effect on biodiversity are expected once the road is operational, however, through various mitigation and compensation measures – such as habitat creation, a large oversized culvert and suitable monitoring – the proposed development is expected to have a minor beneficial effect in the longer term.
- No significant effects on designated landscapes such as the High Weald AONB and SSSI.

- Localised impact on landscape and visual amenity which will be reduced with mitigation during construction and once operational impacts will be further reduced with additional planting and diverted Public Rights of Way.
- No significant effects in terms of contamination during construction with mitigation.
- No significant effects in terms of contamination once the road is operational with mitigation.
- No significant effects in terms of controlled waters and ecology because of stabilisation works with mitigation.
- No significant effects in terms of instability during construction or operation with mitigation.
- No significant effects in terms of drainage and water quality during construction or operation with mitigation including appropriate filtration in drains.
- No significant effects in terms of archaeology with mitigation including further surveying and trench investigations.

Following consultation with statutory and non-statutory consultees I concur with the findings of the EIA. With appropriate mitigation being agreed and secured via conditions the proposed development will be acceptable and many of the issues remain uncontentious.

There are significant objections with regard to biodiversity from members of the public and local campaign groups. The Council's own ecology specialist (the Environment & Natural Resources Manager) has raised concerns. It should, however, be noted that the concerns from the Environment & Natural Resources Manager mostly relate to the cumulative impact and the lack of any information in relation to the further development of the allocated and emerging allocated sites. The Environment & Natural Resources Manager has no objection to the QGR or the mitigation measures proposed as part of this proposal specifically. Natural England also have no objection to the proposed development.

The development will have some impacts upon ecology but appropriate mitigation can be put in place to ensure that the effects of the road are not negative in the long term. These mitigation measures include:

- Appropriate lighting to protect bats and other nocturnal activity.
- A culvert to provide safe passage for wildlife
- Construction management plan to ensure good construction practice that won't harm protected species.
- Habitat creation to compensate for loss – e.g. loss of 1.15ha of dormice habitat but 1.18ha being created.
- Translocation of protected species.
- Provision of bats and bird boxes.

Despite the mitigation measures proposed the applicant had not sufficiently addressed the cumulative impact of further development as per the requirements of the EIA scoping opinion. They were asked to better address the cumulative impacts and recently submitted a statement effectively stating that further development is likely to cause harm – particularly in terms of fragmentation of the LWS – but it is entirely reasonable and conceivable that such matters can be mitigated for but such matters can be adequately explained as and when further applications come forward in the future.

Having considered the objections raised, the comments made by consultees and the evidence provided by the applicant, I consider that the road can be considered separately from the development of the allocated and emerging allocation sites. The mitigation measures proposed for the road are considered generally acceptable and can be further detailed and secured via condition. With this in mind the proposed development is also considered acceptable from a biodiversity perspective.

Notwithstanding the acceptability of the proposal in terms of biodiversity the proposed development will allow for further employment land to be developed and as such this public benefit to the economic development and regeneration of both Hastings and Bexhill is considered sufficient to outweigh any of the objections raised in respect of developing on a LWS.

Evidence of Community Involvement

The applicant involved the local community in the following ways:

- A drop-in event for Maplehurst Road residents.
- A meeting for councillors.
- A Planning Forum was held in September 2014.
- Information was published on the applicant's website.
- The local paper was briefed about the proposals.

Conclusion

The proposed development is considered acceptable in principle given the support for such a scheme in the HPS and other documents.

The QGR will adequately be able to cope with the development it intends to serve and will provide a strategic improvement to the local highway Network as part of a wider collective of road improvements.

The submitted ES explains that the development will have mostly no significant impacts and where potential harm has been identified this will be adequately mitigated with details of the mitigation and its implementation being secured via condition.

These proposals comply with the development plan, including policies DS2, FA1, SC1, EN2, EN3, EN4, EN6, E2, T1, T2 and T3 of the HPS, 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:

C600-015 S3, C600-016 S2, C600-025 S1, C100-025 S2, C100-026 S3, and C100-040 S6
3. Before each phase of development, in accordance with the phasing approved as part of condition 24 below, is commenced a Construction Environmental Management Plan (not including biodiversity) in accordance

with the approach outlined in the chapters of the submitted Environmental Statement shall be submitted to, and approved in writing by, the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for:

- the parking of vehicles of site operatives and visitors;
 - i) loading and unloading of plant and materials;
 - ii) construction traffic management;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) measures to control noise disturbance;
 - viii) measures to investigate and remediate any land contamination;
 - ix) measures to maintain land stability during construction;
 - x) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - xi) working hours.

4. The road must be built to an adoptable standard.
5. The road hereby approved shall not be brought into use until the stopping up of Junction Road to prohibit its use by motor vehicles has been completed.
6. The road hereby approved shall not be brought into use until modifications to the northern end of Maplehurst Road to control traffic behaviour have been completed.
7. Before the road hereby approved is brought into use a strategy for the monitoring of air quality once the road is operational, including an agreed timescale, shall be submitted to and approved in writing by the Local Planning Authority. The monitoring shall be carried out as approved.
8. A report describing the results of the monitoring strategy required by condition 7 above shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out any mitigation measures that may be required, to be agreed with the local planning authority, and then implemented.
9. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
10. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9 above to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.
11. The road hereby approved shall not be brought into use until the diversion of

the affected footpaths has been achieved under s257 of the Town and Country Planning Act 1990.

12. The newly created paths - as a result of the diversion of the existing Public Rights of Way - shall be constructed to an adoptable standard.
13. Before it is implemented a scheme of soft landscaping shall be submitted to and approved by the Local Planning Authority. It 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.
14. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the operation of the road, 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.
15. No development shall commence until details of how the development impacts upon existing drainage and sewerage infrastructure crossing the site has been submitted to and approved in writing by the Local Planning Authority. Details shall include measures for protection and diversion of the infrastructure where appropriate. The development shall be carried out in accordance with the approved details.
16. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.
17. The surface water drainage scheme above shall include:
 - xii) details of how the scheme shall be maintained and managed after completion;
 - details of specific measures to minimise the risk of deterioration in water quality of receiving watercourses and waterbodies downstream (for both the construction and operational phases of development);
 - details that are in accordance with the submitted Flood Risk Assessment (ref 11636 Rev D1 dated September 2014); and
 - details showing that the restricted discharge rates shall be in accordance

with chapter 6 "Development Proposals", pages 18 to 31 of the FRA.

18. Before each phase of development (including demolition, ground works, vegetation clearance) in accordance with the phasing approved as part of condition 24 below is commenced a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following;

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details and phasing agreed, unless otherwise agreed in writing by the local planning authority.

19. Before each phase of development (including demolition, ground works, vegetation clearance) in accordance with the phasing approved as part of condition 24 below is commenced a biodiversity monitoring strategy shall be submitted to, and approved in writing by, the local planning authority. The content of the Strategy shall include the following;

- Aims and objectives of monitoring to match the stated purpose.
- Identification of adequate baseline conditions prior to the start of development.
- Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- Methods for data gathering and analysis.
- Location of monitoring.
- Timing and duration of monitoring.
- Responsible persons and lines of communication.
- Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

20. Before each phase of development (including demolition, ground works, vegetation clearance) in accordance with the phasing approved as part of condition 24 below is commenced an ecological design strategy (EDS) addressing, mitigation, compensation, enhancement, restoration, shall be to and approved in writing by the local planning authority.

The Ecological Design Strategy shall include the following;

- Review of site potential and constraints.
- Detailed design(s) and/or working method(s) to achieve stated objectives.
- Extent and location/area of proposed works on appropriate scale maps and plans.
- Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- Persons responsible for implementing the works.
- Details of initial aftercare and long-term maintenance and management.
- Details for monitoring and remedial measures.
- Details for disposal of any wastes arising from works.

The Ecological Design Strategy shall be implemented in accordance with the approved details and phasing and all features shall be retained in that manner thereafter.

21. Before each phase of development, in accordance with the phasing approved as part of condition 24 below, is commenced full details of the hard landscape works shall be 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.
22. 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.
23. No development of each phase of development, in accordance with the phasing approved as part of condition 24 below, shall commence until an adequate ground stability investigation has been undertaken and suitable stability measures have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
24. Before each phase of development is commenced details of the precise

extent of that phase shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved phasing.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of:
 - maintaining highway safety in accordance with policy DG1 of the Hastings Local Plan 2004, policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy and policy DM3 of the emerging Hastings Local Plan: Development Management Plan;
 - maintaining a tidy appearance during construction in accordance with policy DG1 of the Hastings Local Plan 2004, policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy and policy DM1 of the emerging Hastings Local Plan: Development Management Plan;
 - protecting neighbouring residential amenities in accordance with policy DG1 of Hastings Local Plan 2004, policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy and policy DM3 of the emerging Hastings Local Plan: Development Management Plan;
 - minimising the amount of construction and demolition waste being disposed of in landfill sites in accordance with the East Sussex County Council Supplementary Planning Document on Construction and Demolition Waste; and
 - protecting the natural environment in accordance with policy EN1 of the Hastings Local Plan: The Hastings Planning Strategy.
4. In the interests of highway safety as the road will be part of the strategic public highway in accordance with policy T3 of the Hastings Local Plan: The Hastings Planning Strategy.
5. In the interests of highway safety and to ensure the free flow of traffic in the local highway network in accordance with policy T3 of the Hastings Local Plan: The Hastings Planning Strategy.
6. In the interests of highway safety and to ensure the free flow of traffic in the local highway network in accordance with policy T3 of the Hastings Local Plan: The Hastings Planning Strategy.
7. In the interests of the amenity of the neighbouring residential occupiers in accordance with policy DG1 of the Hastings Local Plan 2004 and policy DM6 of the Hastings Local Plan: Development Management Plan and to protect biodiversity of recognised importance in accordance with policy EN1 of the Hastings Local Plan: The Hastings Planning Strategy.
8. In the interests of the amenity of the neighbouring residential occupiers in accordance with policy DG1 of the Hastings Local Plan 2004 and policy DM6 of the Hastings Local Plan: Development Management Plan and to protect

biodiversity of recognised importance in accordance with policy EN1 of the Hastings Local Plan: The Hastings Planning Strategy.

9. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
10. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
11. To ensure that Public Rights of Way are maintained.
12. In the interests of pedestrian safety.
13. In the interests of the visual amenity.
14. In the interests of the visual amenity.
15. To prevent increased risk of flooding and to ensure there is no damage to sewerage infrastructure.
16. To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity in accordance with the principles of the NPPF.
17. To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity in accordance with the principles of the NPPF.
18. To protect features of recognised nature conservation importance.
19. To protect features of recognised nature conservation importance.
20. To protect features of recognised nature conservation importance.
21. In the interests of the visual amenity and to ensure mitigation measures suggested in the submitted Environmental Statement are realised.
22. In the interests of the visual amenity and to ensure mitigation measures suggested in the submitted Environmental Statement are realised.
23. To ensure adequate mitigation for land instability in accordance with policy DG21 of the Hastings Local Plan 2004 and policy DM5 of the emerging Hastings Local Plan: Development Management Plan.
24. In the interests of allowing the development to continue in a flexible but controlled manner.

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. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the Lead Local Flood Authority which is East Sussex County Council.
4. Works to the existing highway will require a s278 legal agreement with East Sussex County Council.
5. The requirements of condition 4 and 12 above should be discussed with East Sussex County Council prior to the start of construction and completion of a s38 legal agreement.
6. The applicant is advised to contact Southern Water with regard to condition 15 above.

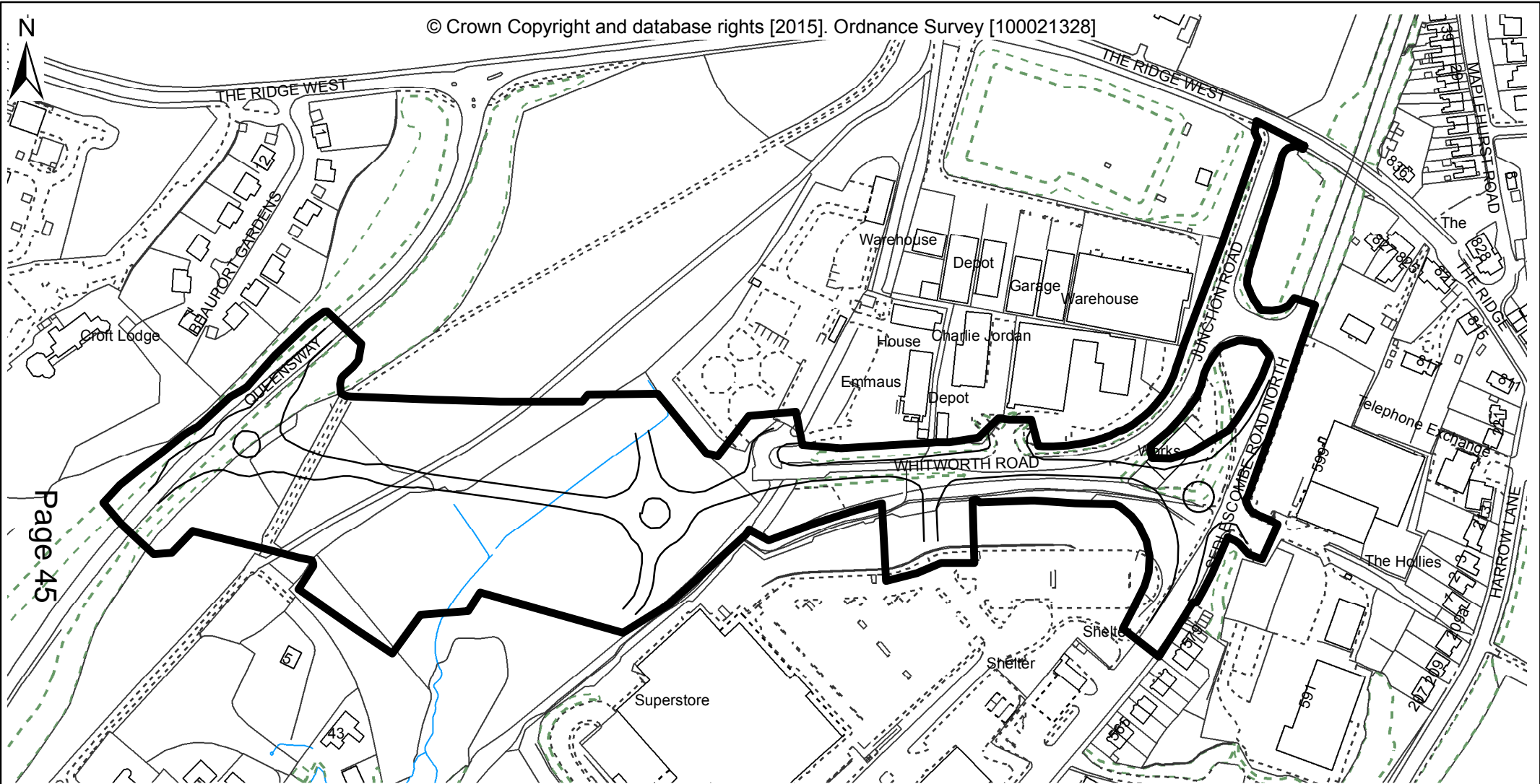
Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/FA/14/00832 including all letters and documents

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**Proposed Queensway Gateway Road
(land between Queensway and
Sedlescombe Road North)
St Leonards-on-sea**

Construction of a new road linking Sedlescombe Road North (A21)
with Queensway (B2092)

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

Date: Jan 2015

Scale: 1:3,000

Application No. HS/FA/14/00832

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Agenda Item 5b

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

Report to: PLANNING COMMITTEE

Date: 04 February 2015

Report from: Development Manager

Application Address: **101 Cambridge Road, Hastings, TN34 1EP**
Proposal: **Proposed Change of Use from Dwelling**

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: 6

Petitions Received: 3

Application Status: Not delegated - Referred by Ward Councillor &
Petitions received.

Summary

As Members will recall, this application was deferred at the last planning committee. The issues remain the same and the planning report has been updated. Since the last meeting three petitions of objection have been received.

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 6 letters of objection and three petitions have been received.

The concerns raised include:

The character of the area, the possible type of resident, vehicular and pedestrian safety, parking and traffic, refuse storage and collection, a possible change of use to supported living, the number of planning applications submitted affecting this property, a fence that has been erected around the property, the impact on public and emergency services, access and rights of way, safety in the shared garden, fire risk and means of escape in the case of fire.

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. The current application must be considered on its own merits and the local planning authority cannot consider possible future proposals.

The full wording of policy in the adopted Hastings Planning Strategy is as follows:

"POLICY H4: Houses in Multiple Occupation

In order to support mixed and balanced communities and maintain an appropriate housing mix within the Borough, applications for changes of use from:

- i) a Class C3 (dwelling house) to a Class C4 (House in Multiple Occupation), or;
- ii) a Class C3 (dwelling house) to a House in Multiple Occupation in a sui generis use (more than six people sharing)

will not be permitted where more than 10% of the total numbers of properties within a 100m radius of the application property are already in use as either Class C4, or other types of HMO in a sui generis use.

This policy will not apply to social housing, care homes, children's homes, bail hostels and properties occupied by students which are managed by an educational establishment.

This policy will not apply to households who have foreign students staying as guests for a set period of time. "

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.

Fence

A fence has been erected around the property which exceeds 1m in height adjacent to a highway used by vehicular traffic. At the time of writing this report the applicant has agreed to reduce the height to 1m adjacent to the highway. The fence does not form part of this application.

Other Matters

There is a presumption in favour of sustainable development and the proposed use is in a sustainable central location. It is not considered that the impact of the development on the area would be such that a refusal or permission could be justified, particularly having regard to adopted policy H4. Some of the concerns raised by local residents, such as management of the shared garden, are not a planning matter, and matters of fire risk and means of escape are a matter for the building regulations. Some objections request that there should be further consultations and that other uses for the building should be investigated, however, planning law requires each application to be considered on its own merits.

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; plan showing cycle store and bin store
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.

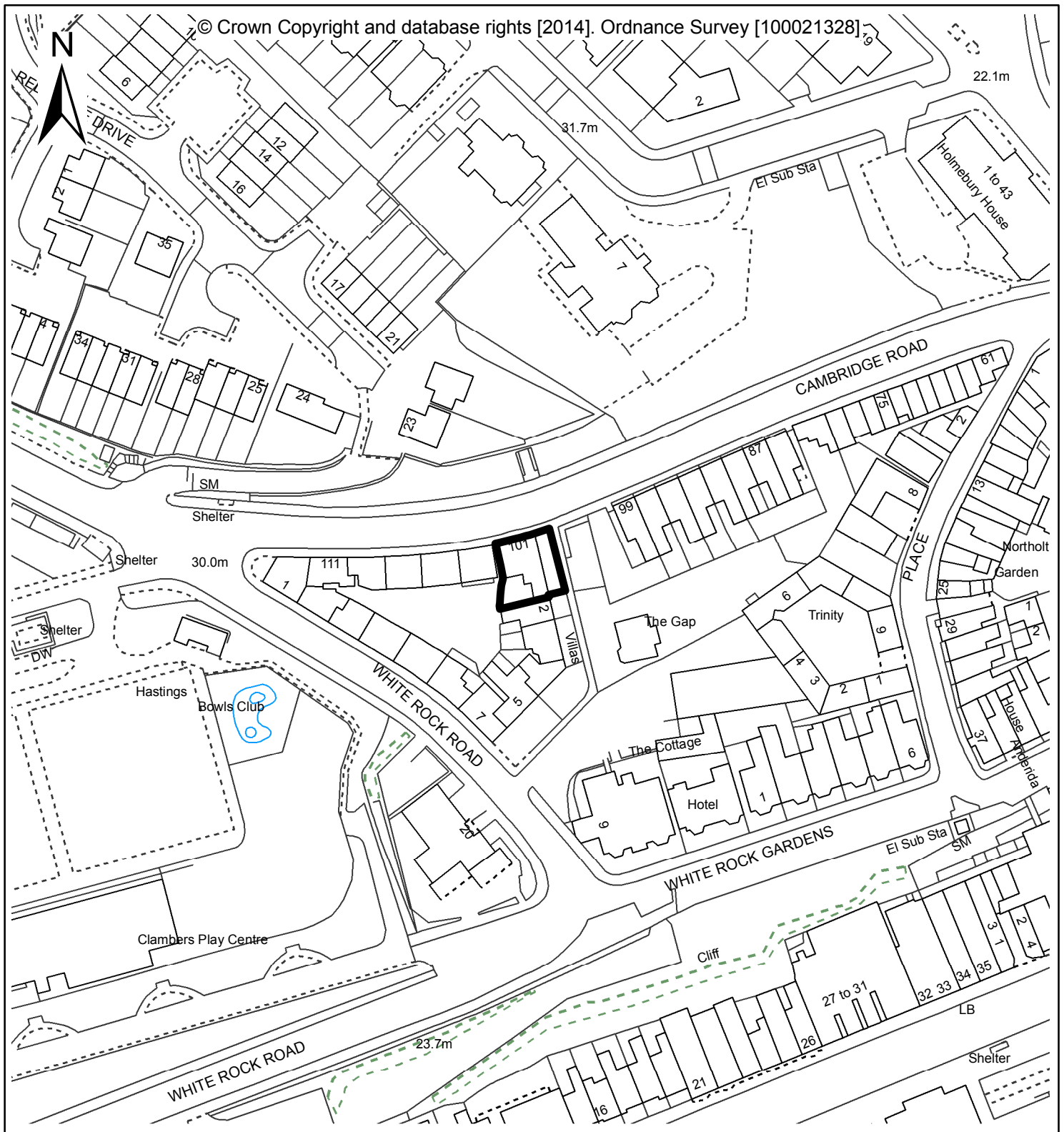
Notes to the Applicant

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



**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 6

Agenda Item: 6

Report to: Planning Committee

Date: 4 February 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 19 December 2014 and 23 January 2015

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:

9 Tower Road West, St Leonards-on-sea	Construction of dance studio	Refusal	Delegated	Planning
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The following appeals have been allowed:

3-5 Tower Road West, St Leonards-on-sea	Demolition of existing shop and erection of 2 self-contained flats.	Refusal	Delegated	Planning
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Type of Delegated Decision	Number of Decisions
Granted	64
Refused	9
Raise Objection	2

Background Papers:

Various correspondence with Planning Inspectorate

Report written by:

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

Agenda Item 7a

AGENDA ITEM NO: 7(a)

Report to: PLANNING COMMITTEE

Date: 04 February 2015

Report from: Development Manager

Application Address: Land at Church Street, Hastings
Proposal: Development of site to provide five dwellings

Application No: HS/OA/14/00876

Recommendation: Grant Outline Planning Permission

Ward: TRESSELL
File No: GR60000X/02V
Applicant: Homes and Communities Agency per Kember Loudon Williams Ltd Ridgers Barn Bunny Lane Eridge, Nr. Tunbridge Wells, Kent. TN3 9HA

Interest: Freeholder
Existing Use: Undeveloped

Policies

Hastings Local Plan 2004: NC8, NC9, DG1, DG2, DG3 and DG11
Conservation Area: No
National Planning Policy Framework: Sections 6, 7 and 11
Hastings Planning Strategy: FA4, SC1, SC3, SC4, EN2, EN3, H1, H2 and T3

Hastings Local Plan, Development Management Plan, Revised Proposed Submission Version: LP1, DM1, DM3, DM4, HN7, HN8 and CV04

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 136
Petitions Received: 0
Letters of Support: 2

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

Summary

The application site relates to land at Church Street near the junction with Clifton Road.

An outline planning application has been submitted for the erection of 5 dwelling houses with approval sought for the access and layout of the development only. The scale, appearance and landscaping are reserved matters.

The main issues to consider are the impact of the development on the character of the area, the impact on neighbouring residential amenities, the impact on biodiversity and parking/highways matters.

Having considered these issues and the objections raised I recommend that planning permission be granted subject to conditions.

The Site and its Location

The application site relates to land at Church Street near the junction with Clifton Road. The site includes no development and is otherwise open as a mixture of unkempt shrubbery and mowed grass.

The surrounding area is predominantly residential with houses to the north, south and west. To the east is an area of undeveloped land, known locally as 'Speckled Wood', which is proposed to be designated as green space in the emerging Hastings Local Plan: The Hastings Planning Strategy.

Details of the Proposal and Other Background Information

The applicant proposes to build five dwelling houses on the site and although this is an outline planning application they are seeking approval of the access and layout of the development. The appearance of the buildings, landscaping and scale of the development are reserved matters meaning that approval of these will be sought at a later date should this application be approved.

On this basis the applicant has submitted drawings showing the access and layout and indicatively showing the scale, appearance and landscaping of the development.

Previous Site History

None relevant.

Details of Consultations

The **Local Highway Authority (East Sussex County Council)** has raised no objection, subject to the use of appropriate conditions.

The **Environment & Natural Resources Manager** has raised no objection subject to conditions. (Conditions 7, 8, & 9)

The **Waste & Streetscene Officer** has raised no objection but does request each property have sufficient space for wheeled bins. They also state that the road be of an adequate sized to accommodate a 26t refuse collection vehicle that can drive in, turn around and safely exit.

Southern Water has raised no objection subject to the use of informatives. (Condition 6, note 3)

The **Housing Needs & Enabling Manager** has stated that the development should provide for affordable housing, however, following a recent change in planning guidance affordable housing can no longer be sought on developments of 10 units or fewer.

Following the public consultation 136 objections and two letters of support have been received.

Objections include:

Impacts of development on biodiversity.

Loss of woodland.

Lack of an Environmental Impact Assessment.

The Hastings Local Plan: Development Management Plan is not yet adopted.

There are covenants protecting the land from development.

There is inadequate open space in the local area.

No cycleway provision.

The site includes Japanese Knotweed.

Loss of parking.

Proposals do not comply with Local Plan.

Proposals do not have large enough gardens.

Overdevelopment.

Increased noise.

Increased pollution.

Increased crime and antisocial behaviour.

Planning Considerations

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

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

The main policies/guidance that apply are listed above. The main issues to consider are the impact of the development on the character of the area, the impact on neighbouring residential amenities, the impact on biodiversity and parking/highways matters.

As this is an outline planning application these matters need to be considered in that context and the details of scale, appearance and landscaping will be submitted at a later date.

Impact upon the character of the area

The application site is oddly shaped and constrained by the way in which the existing Church Street access cuts through the site. Despite these constraints the applicant has managed to create a development layout which provides for adequately sized homes each with off street parking and a decent level of outdoor amenity space.

Three of the properties clearly meet the requirement for 10m gardens (in accordance with policy DG11 of the HLP and policy DM3 of the DMP) and plot 3 mostly achieves this. Unfortunately, plot 5 does not meet the 10m garden length, although it achieves this length down one boundary the garden boundary is angled sharply towards the house and the middle of the garden measure between 7-8m before decreasing in length to 4.5m. The garden does still provide for some useable space and, on balance, is considered acceptable in this instance.

The character of the area is not uniform with a mixture of property types and sizes. Properties do still tend to be in certain sets – i.e. rows of terraced houses and groups of semi-detached houses – and whilst this development does not have that type of identity, the

mixture of local property types means that this development would not look out of place.

It is considered that the layout of the development will not harm the local character.

As mentioned above the scale, appearance and landscaping of the scheme are reserved matters with details to be approved at a later date as part of a separate application. Notwithstanding this, the applicant has submitted indicative drawings with this application of the proposed houses and it is clear that the scale of the development will be compatible with its surroundings.

The dwellings shown on the indicative drawings are two storey (plot 1 is shown as split level) which is typical of the surrounding area.

In terms of their appearance the dwellings are shown as pitched gable or hipped roofs which is acceptable and the elevations show a mixture of brickwork and weatherboarding. The use of materials in the area is mixed and this development will add to that mixture of development types but in a positive way.

The submitted block plan shows that decent landscaping can be achieved with a good balance of hard soft landscaped area.

Impact on neighbouring residential amenities

The application site is surrounded by development to the north, south and west. Therefore there is potential for the development to impact on neighbouring amenities.

The applicant has considered this constraint and, although the scale and appearance of the buildings are indicative, they have shown that with consideration to window design and orientation there will be no impacts in terms of overlooking.

Plots 2 and 3 are suitably distanced from the properties at Speckled Wood to cause no concerns in terms of overshadowing or being too dominant.

The relationship of plot 1 with 2 Greville Road is unusual but given the suggested split level design of plot 1 it is not considered that its position will cause any unreasonable loss of light or overshadowing. For the same reason, plot 1 is not considered to be overbearing to the residents at 2 Greville Road.

Overall the proposed development is not considered to cause any harm to neighbouring amenities.

Impacts on biodiversity

The proposed development has been accompanied by an ecological report, not only because of the undeveloped nature of the site, but also because of the known presence of badgers in the area.

The outcome of the report is that the site is of low ecological interest but badgers are known to be nearby. A number of mitigation measures is proposed in order to protect badgers.

The Environment & Natural Resources Manager is satisfied with the submitted information and recommends a number of conditions to ensure biodiversity is protected.

A large number of objections to the application are concerned with the impact upon the local

badger sett as well as identifying the possibility of other protected species. However, no conclusive evidence has been submitted to counter the claims made by the applicant's ecologist. Given this and the comments of the Environment & Natural Resources Manager I consider that there will be no adverse impact on biodiversity.

Parking and highway matters

The proposed development of five houses is considered to have low highway impact and no objections have been raised by the Local Highway Authority.

Most dwellings will have parking available for two vehicles (plot 5 indicates an arrangement of two vehicles but one is more likely) and this is considered acceptable in accordance with parking guidelines.

The low level of movements produced by this development means that the proposed access road is of an acceptable standard. Although the Waste & Streetscene Officer has stated that the access should be sufficient to allow for a 26t RCV with turning head, this level of road engineering cannot be justified for a development so small – a smaller vehicle able to reverse out of the access would be sufficient. The proposed access is therefore considered acceptable.

Other

Most of the objections to the development are concerned with the loss of land belonging to what is locally referred to as 'Speckled Wood' – an area of undeveloped land to the south east. This land, including this application site, is an allocated housing site in the HLP but a large portion of the land is proposed to be designated as green space in the emerging Development Management Plan (DMP).

This application site remains as a housing allocation in the emerging DMP, however, and it is of very low quality in terms of woodland or open space. With this in mind the principle of a housing development is acceptable.

An Environmental Impact Assessment is not required as the proposed development does not meet the 0.5ha threshold for an assessment.

The proposed development is residential and includes a design that allows for passive surveillance. No crime or antisocial behaviour issues are envisaged.

Conclusion

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004. I recommend that planning permission be granted.

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

Recommendation

Grant Outline Planning Permission subject to the following conditions:

1. Approval of the details of the scale, external appearance of the building(s)

and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the design, external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. The development hereby permitted shall be carried out in accordance with the following approved plans in terms of access and layout only:

664.02F

6.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwellings 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 works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
 - a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

The development shall be carried out in accordance with the approved details.

8. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competent person have been submitted to and approved in writing by the local planning authority. The

appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

9. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following;
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

10. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.
11. Before the development hereby approved is commenced details of appropriate climate change mitigation and adaptation measures as required by policy SC3 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
12. 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 or windows at first floor level or above to the property shall take place or be installed without the grant of an additional planning permission.
13. The new access shall be in the position shown on the submitted drawing 664.02F. Any works on or abutting the existing highway will require a s184 license with East Sussex County Council, prior to the commencement of works. Details of construction, surface water drainage, gradients and potential traffic management requirements can all be discussed with East Sussex County Council through the s184 license process.
14. The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

15. The access onto Clifton Road shall not be used until visibility splays of 2.4m by 43m are cleared of all obstructions exceeding 800mm in height and kept clear thereafter.
16. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle 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.

Reasons:

1. The application is in outline only.
2. The application is in outline only.
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. For the avoidance of doubt and in the interests of proper planning.
6. To prevent increased risk of flooding.
7. To protect features of recognised nature conservation importance.
8. To protect features of recognised nature conservation importance.
9. To protect features of recognised nature conservation importance.
10. To ensure the development complies with policy SC1 part (f) of the Hastings Local Plan: The Hastings Planning Strategy.
11. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.
12. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)
13. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
14. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
15. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
16. In the interests of highway safety and for the benefit and convenience of the public at large.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.
4. Consideration should be given to the provision of a domestic sprinkler system.

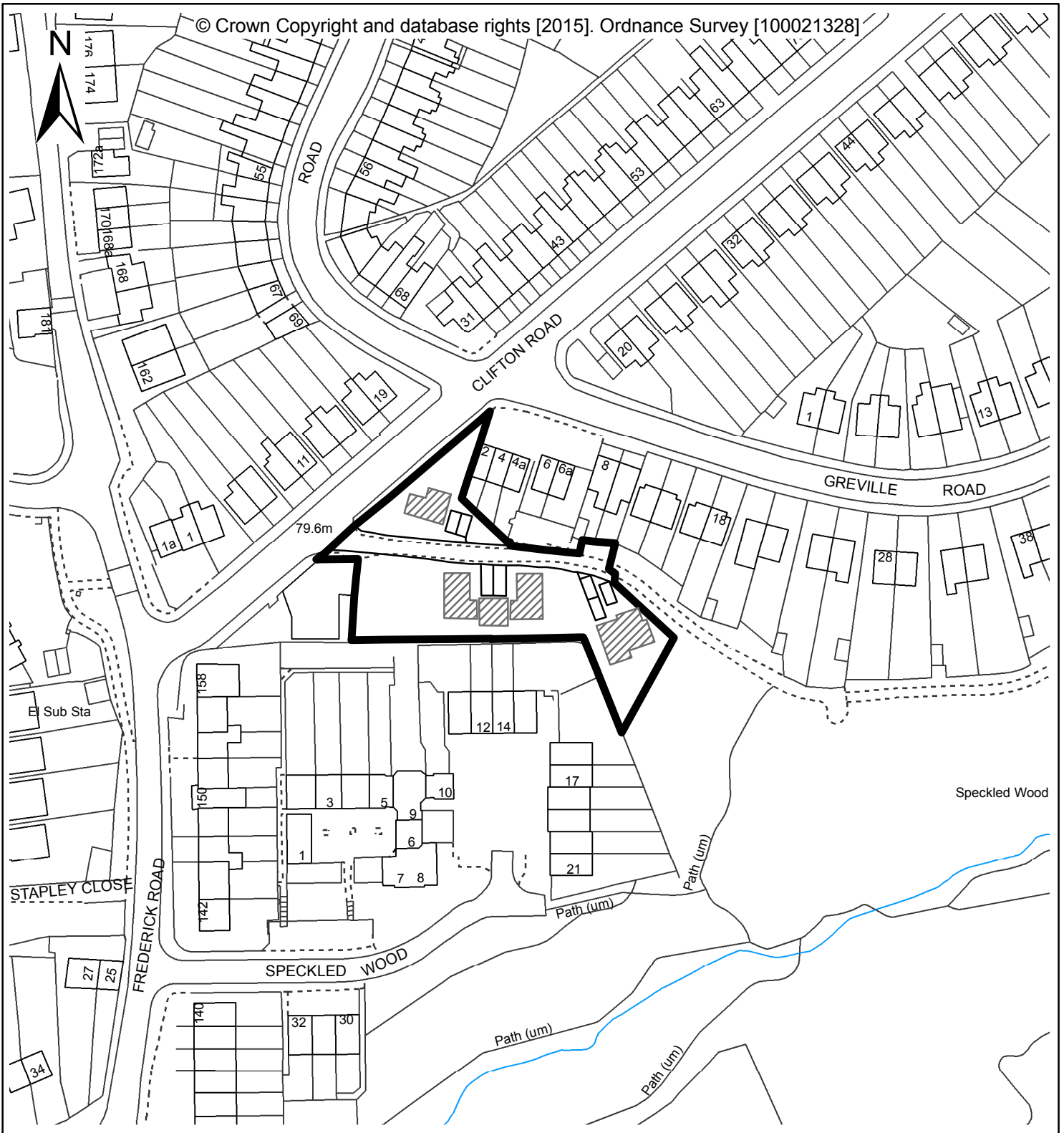
Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/OA/14/00876 including all letters and documents

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Land at Church Street Hastings

Development of site to provide five dwellings



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

Date: Jan 2015

Scale: 1:1,250

Application No. HS/OA/14/00876

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Agenda Item 7b

AGENDA ITEM NO: 7(b)

Report to: PLANNING COMMITTEE

Date: 04 February 2015

Report from: Development Manager

Application Address: **The Ramparts, 101 Castle Hill Road, Hastings, TN34 3RD**

Proposal: **Erection of 5, four-bedroom homes, with associated gardens, garages, landscaping and access.**

Application No: **HS/FA/14/00558**

Recommendation: **Grant Full Planning Permission**

Ward: CASTLE

File No: CA80103V

Applicant: Teamwork 2000 Ltd per ZED Factory 21 Sandmartin Way Surrey SM6 7DF

Interest: Freeholder

Existing Use: Partially developed land.

Policies

Hastings Local Plan 2004: DG1, DG2, DG3, DG11, C1, C3 and C6

Conservation Area: Yes - Old Town

National Planning Policy Framework: Sections 6, 7 and 12

Hastings Planning Strategy: DS1, FA2, SC1, SC2, SC3, SC4, EN1, H1, H2 and T3

Hastings Local Plan, Development Management Plan, Revised Proposed Submission Version: LP1, DM1, DM3, DM4, HN1, HN4 and HN5

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - Conservation Area

Letters of Objection: 7

Petitions Received: 0

Letters of Support: 3

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

Summary

The application site relates to 101 Castle Hill Road, Hastings - a piece of partially developed land at the upper end of Castle Hill Road.

The applicant wishes to erect 5 x three-storey four-bed terraced houses with garages. The

development is proposed to be zero carbon.

The main issues to consider are the impacts upon heritage assets including Hastings Castle and the Old Town Conservation Area, the impacts on neighbouring residential amenities and the highway/parking matters. The previous application submitted for the site is particularly relevant given that this is a similar proposal that has been submitted to overcome the previous concerns raised.

The proposed development is a modern contemporary design with good sustainable credentials. Its design, although in contrast with its surroundings, is of sufficient quality to be acceptable in the context of the surrounding heritage assets and a decent standard of accommodation is being provided.

Concerns with neighbouring amenities have been overcome, the development provides sufficient parking and there are no highway safety concerns. Any other relevant matters, such as drainage, can be adequately controlled by condition.

I recommend that planning permission be granted subject conditions.

The Site and its Location

The application site relates to 101 Castle Hill Road, Hastings. This is a piece of partially developed land (a large concrete base for a previous development has been constructed) at the upper end of Castle Hill Road near to the remains of Hastings Castle.

It sits between Castle View Mews, which is set lower to the west, and 103 Castle Hill Road to the east. To the rear of the site is a new development of two pairs of semi-detached houses on Castledown Avenue. Opposite the site are the ramparts of Hastings Castle.

The site is situated within the Old Town Conservation Area. Hastings Castle is a scheduled monument and Grade I Listed Building.

Details of the Proposal and Other Background Information

The applicant wishes to erect 5 x three-storey four-bed terraced houses with garages. The development is proposed to be zero carbon.

The applicant proposes to orientate the properties at right angles to Castle Hill Road. This allows for an access from Castle Hill Road with a row of garages beneath a series of raised gardens.

A previous application which followed this general arrangement (the properties were not zero carbon) was refused and dismissed upon appeal.

The applicant has submitted this application as they consider the new scheme overcomes the appeal Inspector's decision. There were no pre-application discussions.

Previous Site History

HS/FA/12/00804 Erection of 5, three-storey, four-bed houses, and 5 garages.
Refused 11 January 2013 and Appeal Dismissed 05 February 2014

HS/FA/07/00303 Proposed complementary medical centre with activity space, seven town

houses, small retail unit, eight parking spaces and shared facilities.
(Amendment to Planning Permission HS/FA/04/00438)
Granted 20 July 2007

HS/FA/04/00438 Complementary medical centre with activity space, seven town houses, small retail unit, eight parking spaces and shared facilities.
(Resubmission)
Granted 21 July 2004

HS/FA/03/00783 Complementary medical centre with activity space, seven town houses, small retail unit, eight parking spaces and shared facilities.
Refused 11 November 2003

HS/FA/97/00685 Amendment to existing planning permission for eight flats - changes to design of building
Granted 07 January 1998

HS/FA/92/00011 Erection of block of 8 flats (amended proposal - originally submitted for 4 houses)
Refused 23 July 1992 but Appeal Allowed 13 November 1992

HS/FA/88/01320 Erection of 4, 3 storey houses with integral garages
Granted 06 January 1989

HS/FA/88/00668 Erection of pair of semi-detached houses
Withdrawn 21 October 1988

Details of Consultations

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

The **Local Highway Authority** has no objection subject to conditions.

Southern Water has raised no objection subject to conditions and informatives.

Building Control has raised no objection

The **County Archaeologist** has no objection. The site has been heavily truncated and disturbed in the past and as such it is not considered that any significant archaeological remains are likely to be affected by these proposals

English Heritage has no objection. They consider that the development is well designed and fits with local context but did provide a number of comments in relation to possible improvements. These comments were passed onto the applicant's agent who subsequently sent in some amended drawings.

The consultation with members of the public has attracted seven objections and three letters of support. Objections include:

- Proposal is out of character for the area.
- Proposal is too tall.
- Proposal is overdevelopment.
- Proposal will impact upon parking.
- Concerns regarding construction and how the development can be achieved.

- Impacts upon neighbouring residential amenities.
- Security concerns.
- Poor garden design – will plants grow?
- Poor refuse storage.

Reasons for support include:

- Sensible use of land.
- Good design given the site's historical constraints.
- Zero-carbon approach is good.
- Much better proposal compared with previous schemes.
- Decent parking provision.

Planning Considerations

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

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

The main policies/guidance that apply are found in the Hastings Local Plan 2004 (HLP), the Hastings Local Plan: The Hastings Planning Strategy (HPS) and the Hastings Local Plan: Development Management Plan (DMP). The relevant policies are listed above. The main issues to consider are the impacts upon heritage assets including Hastings Castle and the Old Town Conservation Area, the standard of the accommodation proposed, the impacts on neighbouring residential amenities and the highway/parking matters.

Impact on heritage assets including Hastings Castle and the Old Town Conservation Area

As explained above this proposal follows the refusal of planning application HS/FA/12/00804. The 2012 application was also for a development of five houses but it was not considered appropriate in terms of its design and the appeal Inspector generally agreed with the Council's decision on this in dismissing the application at appeal. The Inspector also made their own, very specific comments about the development proposal.

In order to overcome the concerns with the previous proposal, the applicant sought the expertise of an architect who specialises in zero-carbon design. The result of this is that a scheme which, in general terms, is similar to the previous scheme but, in detailed design, has a very different appearance.

As mentioned above the applicant is now proposing a zero-carbon, zero-bills development hut other changes include:

- The design now includes a photovoltaic roof system and revised roof form which is optimised for solar gain.
- The unit adjacent to the newly built properties on Castledown Avenue has been scaled down to lower the eaves height and reduce the impact on these adjacent residents. This has a double benefit as it helps in the transition between the proposed properties and the new properties on Castledown Avenue.
- Complete redesign of surface treatments, materials, facades and fenestration which results in a more modern contemporary design that reflects the zero-carbon approach.

- Changes to layouts and windows to reduce concerns about privacy.
- Improvements to hard and soft landscaping on south elevation – including reductions to the proposed retaining walls – to reduce the bulky appearance in the streetscene.

English Heritage were consulted on the proposals and did not object to the scheme. They did have some suggestions about how the design could be improved and these were passed to the applicant's agent who recently sent in revised drawings.

The applicant did not fully agree with the suggestions made but made changes where they considered it appropriate and otherwise explained why certain aspects remained the same.

I consider that the revised scheme put forward by the applicant is a good one. The south elevation with Castle Hill Road is much improved, the scale better relates to the development north of the site on Castledown Avenue and the design is otherwise of a sufficient contrast and interest to work with the surrounding historic architecture.

Some specific elements of the scheme, such as the colour of some of the rendered walls, needs to be further addressed but these matters can be dealt with by condition.

The proposed development is of sufficient quality and adequately overcomes the concerns raised by the appeal Inspector to be considered acceptable. It is considered to comply with the relevant development plan policies listed above including policies DG1 and C1 of the HLP, policies SC1, SC2, SC3 and EN1 of the HPS, and policies DM1 and HN1 of the DMP.

Standard of accommodation

The proposed development will provide a good standard of accommodation. Levels of daylight and sunlight will be high, outlook will be good, room sizes are sufficient and each property will benefit from a dedicated parking space.

The development does not provide 10m long gardens in accordance with policy DG11 of the HLP and policy DM4 of the DMP but given the constraints of the site this would never be achievable unless a lesser amount of development were proposed. This is unrealistic and the development is otherwise providing what is likely to be the first zero-carbon, zero-bills development in the Borough. Furthermore the development is close to the public open space on West Hill. Given these other benefits the smaller garden sizes are considered acceptable.

Impact on neighbouring residential amenities

The main concern with the previous application in terms of neighbouring amenities was the impact of the development on the new properties being built on Castledown Avenue. These properties have now been completed.

This proposal reduces the size of the house proposed closest to the Castledown Avenue properties and this is considered to improve the relationship to an acceptable level.

The initial drawings submitted with this application introduced another issue which was potential overlooking to 103 Castle Hill Road. The applicant acknowledged this concern and revised the layout of the buildings to allow for obscured glazing to the second floor which will resolve this issue.

The proposed development is no longer considered to have any detrimental impact on neighbouring residential amenities and is considered to comply with policies DG1 and DG3 of

the HLP and policy DM3 of the DMP.

Parking and highway matters

The proposed development does not raise any highway safety concerns and no objections have been made by the LHA.

The parking guidelines indicate that a development of this size requires 9 parking spaces, and whilst only 5 are proposed, this is acceptable given the location of the development close to the town centre and the close proximity to shops, services and public transport.

Appropriate stopping-up orders and highway consents will be required to deal with the pedestrian stairs and vehicular access.

The development is considered to comply with policy DG2 of the HLP, policy T3 of the HPS and policy DM4 of the DMP.

Conclusion

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004. I recommend that planning permission be granted 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

CAS009-P01, 297/4/401, 297/4/410A, 297/4/411A, 297/4/412B, 297/4/413, 297/4/420, 297/4/450B, 297/4/450B, 297/4/451, 297/4/452B, 297/4/453B and 297/4/453C
3. No development shall take place above ground until samples and/or details of the materials to be used in the construction of the external surfaces of the dwellings and associated development hereby permitted have been submitted to or made available on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Before it is applied the colour used to paint the exterior of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved paint colour.
5. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 or as may be subsequently amended or re-enacted no part of the property shall be painted in a different colour to that approved by condition 4 above without the grant of an additional planning permission.

6. 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, improvements, alterations, outbuildings, chimneys, flues, soil and vent pipes or microwave antennas to the properties or within their curtilages shall take place without the grant of an additional planning permission.
7. The development hereby approved shall be completed in accordance with the measures described in the 'sustainability' chapter of the submitted Design & Access Statement dated July 2014.
8. 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.
9. 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.
10. 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.
11. 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.

12. Prior to the commencement of development a Traffic Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the size of vehicles, routing of vehicles, and hours of operation. Given the restrictions of the access and/or the approach road the size of the vehicles should be restricted. The development should be carried out in accordance with the approved details.
13. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle washing equipment should be provided within the site, to the approval in writing of the Local Planning Authority, to prevent contamination and damage to the adjacent roads.
14. Prior to the commencement of development on site, detailed drawings of the proposed footway, access and site turning area, including visibility splays, levels, sections and construction details, surface water drainage and outfall disposal to be provided, 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.
15. Prior to the occupation of the development a dropped kerb shall be completed in accordance with details submitted to and approved in writing by the Local Planning Authority.
16.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management, including details of the measures to protect and/or divert the public sewers that run through the site, have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
17. The second floor east elevation windows and north facing dormer windows shall remain obscure glazed and fixed shut at all times.
18. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of the character and amenity of the Old Town Conservation

Area.

4. In the interests of the character and amenity of the Old Town Conservation Area.
5. In the interests of the character and amenity of the Old Town Conservation Area.
6. In the interests of the character and amenity of the Old Town Conservation Area.
7. To ensure the development is completed to the standard described in the application in the interests of justifying the modern contemporary design in the historic setting and to meet the requirements of policies SC3 and SC4 of the Hastings Local Plan: The Hastings Planning Strategy.
8. In the interests of the character and amenity of the Old Town Conservation Area.
9. In the interests of the character and amenity of the Old Town Conservation Area.
10. In the interests of the character and amenity of the Old Town Conservation Area.
11. In the interests of the character and amenity of the Old Town Conservation Area.
12. In the interests of highway safety and for the benefit and convenience of the public at large.
13. In the interests of highway safety and for the benefit and convenience of the public at large.
14. In the interests of highway safety and for the benefit and convenience of the public at large.
15. In the interests of highway safety and for the benefit and convenience of the public at large.
16. To prevent increased risk of flooding.
17. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)
18. To ensure the development complies with policy SC1 part (f) 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.

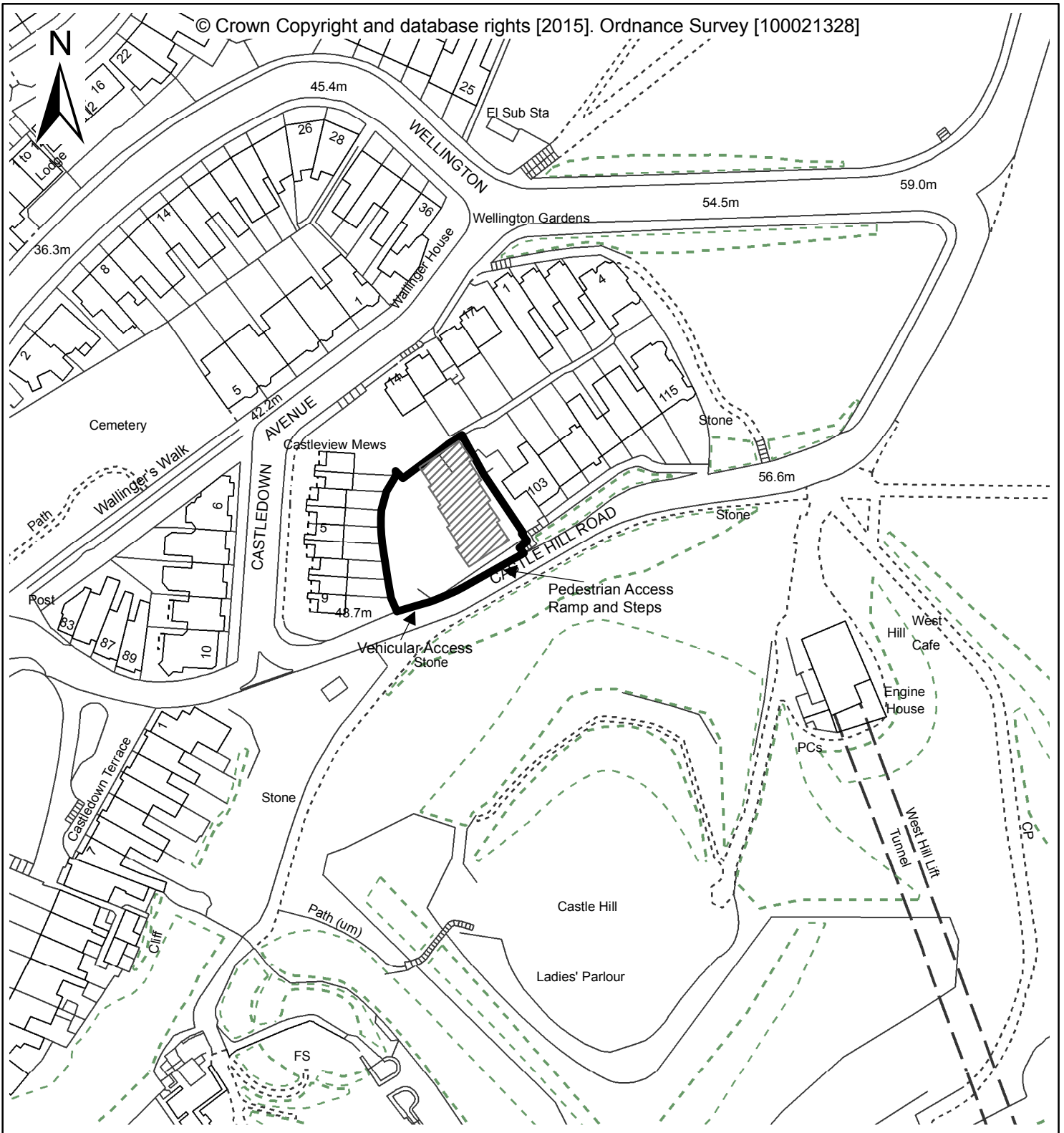
3. A stopping up order will be required to remove highway rights from the area to be covered by the revised stairs.
4. A licence from ESCC will be required to construct a dropped kerb on the public highway.
5. A formal application for connection to the public foul sewerage system is required in order 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.
6. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/FA/14/00558 including all letters and documents



**The Ramparts, 101 Castle Hill Road
Hastings
TN34 3RD**

Erection of 5, four-bedroom homes, with associated gardens, garages, landscaping and access.



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

Date: Jan 2015

Scale: 1:1,250

Application No. HS/FA/14/00558

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Agenda Item 7c

AGENDA ITEM NO: 7 (c)

Report to: PLANNING COMMITTEE

Date: 04 February 2015

Report from: Development Manager

Application Address: Land off, Robert Tressell Close, Hastings, TN34 1UP

Proposal: Erection of 10no. family dwellings and associated parking and access road.

Application No: HS/FA/14/00823

Recommendation: Grant Full Planning Permission

Ward: BRAYBROOKE

File No: LO55082

Applicant: Gold Property Developments Ltd per Mr Coupland Lower Ground Floor 30 Park Place Leeds, West Yorkshire. LS1 2SP

Interest: Owner

Existing Use: Vacant

Policies

Hastings Local Plan 2004: DG1, DG2, DG3, DG11, C1

Conservation Area: Yes - Blacklands

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: DS1, FA2, SC1, SC3, SC4, EN1, EN2, EN3, H1, H2, H3, T3

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: DM1, DM3, DM4, HN1, HN7, HN8

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 5

Petitions Received: 0

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

Summary

The proposal is for the erection of 10 two storey houses on land to the west of Robert Tressell Close. The main issues are tree loss, ecology, character and appearance and the amenity of neighbouring residents. After considering all matters, I am of the opinion that the proposal is acceptable.

The Site and its Location

The site consists of an undeveloped parcel of land to the west of Robert Tressell Close. The site adjoins residential properties to the north and south and the boundary of the Blacklands Conservation Area runs along the site's northern boundary. A vacant area of the land lies to the east and a parking area to the west. Mature trees run along part of the northern, southern and eastern boundaries.

The area is defined by a mixture of housing types including larger houses at Lower Park Road to the north. Due to levels of open space and the gardens of neighbouring properties the area is considered to have a suburban type character and appearance.

Details of the Proposal and Other Background Information

Planning permission exists on the land for 9 dwellings (HS/OA/07/00963 & HS/DS/10/00681). The approved scheme involves taking access from the parking/turning area at the western end of Robert Tressell Close with the dwellings arranged around an access road running across the centre of the site from east to west. Works to the access have commenced and it is considered that the scheme of 9 dwellings has been implemented for planning purposes, and will therefore be extant in perpetuity.

In 2014 a planning application was made for 11 dwellings on the same site (planning application: HS/FA/14/00144). The scheme was withdrawn due to concerns regarding the proximity of three of the units to protected trees along the site's eastern boundary.

The current application was also originally for 11 dwellings but following negotiations is now for 10 dwellings. The layout involves taking access from the parking/turning area in a similar way to that previously approved, but altering the layout so that the houses are arranged around a 'T' shape access road. Each dwelling is to be 4 bedroom with 2 x parking spaces and a rear garden. Four housing types are proposed including 6 x 2 storey pitched roof properties (Plots 1- 6), a pair of two storey pitched roof properties (plots 7 & 8) and 2 x 3 storey properties with half hipped roofs (Plots 9 & 10). The materials proposed include: facing brick, concrete tiles and UPVC windows.

Relevant Site History

- HS/OA/07/00963 Erection of 9 houses with parking & new access road & creation of 4 x replacement parking spaces.
Granted 01 February 2008.
- HS/DS/10/00681 Erection of 9 houses with parking & new access road & creation of 4 x replacement parking spaces. Approval of reserved matters pursuant to application HS/OA/07/00963.
Granted 01 January 2011.
- HS/FA/14/00144 Development of land off Robert Tressell Close to provide 11no. family dwellinghouses and associated parking and access road. Withdrawn 14 July 2014.

Details of Consultations

The **Borough Arboriculturalist** has raised no objection subject to conditions (Conditions 4 & 5)

Comments have been received from **Southern Water** who have recommended the use of a condition (Condition 3) and an informative (Informatives 4, 5 & 6).

The **Transport Development Control Team** have raised no objection subject to conditions (Conditions 10-15), a legal agreement and an informative (Informative 7).

The **Environment Agency** have made no comment but recommended consulting the Lead Local Flood Authority.

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

The **Housing Services Team** have advised that an affordable housing contribution is required.

The **Waste and Streetscene Services Team** have provided advice regarding the type of collection vehicle used and the number of bins required.

A total of **five letters of objection** have been received. The main issues raised include: overlooking, noise and general disturbance (during construction), overshadowing, loss of outlook, light pollution, damage to parking area, traffic congestion, parking, ecological impacts, Japanese Knotweed, surface water drainage, size and scale, character and appearance, landscape impact, density, lack of affordable housing, the level of internal space proposed and the quality/level of information provided.

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 two storey dwellings, including the pair of semi-detached dwellings, are to be staggered in height to take account of the topography of the area. The three storey properties are split level with the ground floor cut into the rising land to the rear. In my opinion this approach ensures that the dwellings will not appear overly large in relation to neighbouring properties. The scheme also includes open space at various points between properties and parking areas, and the retention of trees along boundaries which helps to break up hard surfaces and the urban form. It is considered that these features coupled with the conventional fenestration and materials proposed will ensure that the proposal remains in keeping with the site's suburban surroundings.

The existing screening along the site's northern boundary and the change in levels ensures that there is a natural break between the more modern housing estates to the south and the older properties within the Blacklands Conservation Area to the north. The proposal encroaches no further south than the existing estate to the east and therefore the relationship between the area and the Conservation Area remains unchanged.

Living Environment

The proposal is to the south of properties at Lower Park Road but due to the distances (29m at closest point) and the existence of vegetation along part of the site's northern boundary, it is considered that the proposal will not result in unacceptable levels of light loss. It is also considered that the distances to neighbours, the existing screening and the topography of the

area ensure that the proposal will not result in unacceptable overbearing impacts, loss of privacy or create a sense of enclosure.

The proposal will result in a net increase of one unit above the previous approval and also increasing all units from 3 to 4 bedrooms. The scheme makes adequate provision for parking (see below) and having regard to the character of the existing area, I am of the opinion that the resulting increase in traffic is acceptable in a suburban environment such as this.

Noise and general disturbance during the construction period can be mitigated against through the use of conditions to control the hours of building works, details of temporary site works and wheel wash facilities.

The properties are family size homes and each is to have a 10m garden in accordance with local policy and 2 x off road parking spaces. The useable floor areas (taking account of roof slopes) of each dwelling comply with the space standards for self contained flats but for unit types A, B & C fall slightly short (4-5 square metres) of the standards set out in emerging policy DM3 of the DM Plan. Having regard to the fact that the DM Plan has not been adopted the level of internal floor space is considered appropriate.

Following negotiations the units at plots 9 & 10 have been orientated to face north so that the trees along the eastern boundary do not cause unacceptable levels of overshadowing. The trees are also considered important for screening the development to the east and maintaining the suburban character of the area. The amended positioning of the dwellings will help ensure that pressure to work on or remove the trees in the future is reduced as future occupants will not be adversely affected.

The distances from the proposed dwellings to neighbouring properties and the existing levels of screening ensure that future occupants will not experience poor levels of privacy.

Highways and Parking

As advised by the Transport Development Control Team (TDCT) the levels of parking and cycle parking are considered adequate for a development of this size. The TDCT have also advised that the road network has sufficient capacity for the increase in traffic. Having regard to the comments received I am of the opinion that the scheme will not result in highway safety issues, unacceptable levels of congestion or inconvenience for neighbouring residents. It is recommended that conditions are imposed to ensure the parking/cycle parking facilities are provided and wheel wash facilities are put in place during the construction period.

The previous permission included a condition to secure improvements to pedestrian access from the site to Priory Avenue. The TDCT have recommended the use of a legal agreement to secure these improvements on this occasion, however it is considered unreasonable to impose a legal agreement at this stage as the existing permission has been implemented. Therefore in line with the previous approval it is recommended that a condition is imposed to secure the improvement works.

Ecology and Biodiversity

As mentioned previously a scheme of 9 dwellings including a wildlife corridor along the southern boundary has already been implemented at the site. As the scheme is implemented the works could be completed at any time without the need for further consent from the Local Planning Authority. The previous scheme was submitted with an ecological

report which concluded that the works would have minimal impacts but also recommended certain mitigation measures. The current scheme includes a wildlife corridor in the same location, and has been submitted with an update from the ecologist which confirms that the situation at the site remains unchanged. It is therefore recommended that a condition is imposed requiring the development to be completed in accordance with the recommended mitigation measures.

It is also recommended that a condition is imposed requiring details of soft landscaping to ensure that adequate screening is secured, and that adequate tree protection measures are put in place for the construction period.

It is understood that Japanese Knotweed is present at the site and it is recommended that a condition requiring details of a protocol for removal of all non native invasive species.

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 the site is appropriately drained. The TDCT have also request a condition requiring details of how surface water is to be controlled to stop the discharge of water to/from the public highway.

Housing Type and Density

Both the HLP and the Strategy advise that there are large numbers of small units across the Borough. The proposed dwellings are family size homes and therefore help to address imbalances in the housing stock as required by Policy H2 of the Strategy.

The density of the scheme equates to 20 dwellings per hectare (dph). This is below the requirements of 30 dph set by Policy H1 for schemes outside of the town centres and other highly sustainable locations. However, Policy H1 also makes provision for flexibility when taking into account the characteristics of the area. In this case, as stated above the scheme includes open space and is considered to be in keeping with the suburban character of the area. The scheme is also otherwise considered acceptable in terms of impacts, parking provision, garden length and will result in additional family size accommodation. On balance the density proposed is therefore considered to be acceptable on this occasion.

Affordable Housing

Following recent changes to national guidance the Council's affordable housing policy no longer applies to schemes of 10 units or fewer. As the scheme is now for 10 units there is no longer a requirement for an affordable housing contribution. It should also be noted that when the previous scheme of 11 units was considered, the applicant produced evidence which demonstrated that the scheme would be unviable. The Council commissioned consultants who verified the information submitted.

Other Matters

As with other users of the road network the applicant/developer has the right to access their land. The maintenance of the adjoining road network is the responsibility of East Sussex County Council.

Conclusion

It is considered that the proposal will result in the formation of additional family size accommodation without adversely impacting on its surroundings. I therefore recommend the proposal for approval subject to conditions.

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

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

Recommendation

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. No development shall take place until the measures outlined in the submitted ecological statements and reports (Land off Robert Tressell Close, Hastings, Ecological Impact Assessment by the Bourne Valley Consultancy dated September 2007; and the update letter from the Bourne Valley Consultancy dated 17 October 2014) have been fully implemented, unless:

- (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;

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.

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.

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. 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 (in accordance with BS5837 2012: Trees in relation to design, demolition and construction – Recommendations). 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 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;
7. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
8. 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.
9. The dwellings hereby approved shall not be occupied until provision has been made for high speed broadband infrastructure to serve the development.
10. Prior to the commencement of development details of the proposed surface water drainage shall be submitted to the Local Planning Authority for approval. The development shall be completed in accordance with the approved details.
11. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads.
12. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

13. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
14. During development every loaded lorry shall be covered before leaving the site.
15. No development shall take place until a scheme has been submitted to and approved by the Local Planning Authority that shows works to improve pedestrian access between the site and Priory Avenue by installing dropped kerbs at junctions where necessary. The improvements shall be provided prior to the occupation of any of the dwellings hereby approved, and shall be implemented in accordance with the approved scheme.
16. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.
17. No development shall commence until details of the size and location of any temporary structures required during the construction process, proposals in respect of the public footpath during construction, a vehicle wheel washing facility together with areas for the storage of materials, and temporary site hoardings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved details, and the approved details shall remain in place and in operation for the duration of the construction period.
18. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.
19. No building hereby permitted shall be occupied until the same has been connected to the main drainage system and the approved means of vehicular and pedestrian access thereto have been constructed to a specification and to an extent approved by the Local Planning Authority in relation to that building.
20. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
21. The development hereby permitted shall be carried out in accordance with the following approved plans:

1210-001REV E; 1210-002REV E; 1210-003REV E; 1210-004REV E;
1210-005REV E; 1210-015REV A; 1210-100REV X; 1210-101REV H;
1210-102REV E; 1210-103REV C; 1210-130REV E; 1210-131REV C;
1210-132REV A; 1210-140REVD; 1210-141REV C; 1210-142REV C;

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 features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
3. To ensure a satisfactory standard of development.
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 visual amenity.
7. To ensure a satisfactory form of development in the interests of the visual amenity.
8. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).
9. To ensure a satisfactory standard of development.
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. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
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 and the amenities of the area.
15. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety. (Hastings Local Plan 2004 policy TR10)
16. To protect features of recognised nature conservation importance.
17. In the interests of the visual and residential amenities of the locality.
18. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
19. To ensure that no property is occupied until adequate access and drainage

facilities have been provided.

20. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
21. 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 Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Telephone 01962 858688) or www.southernwater.co.uk.
6. No excavation, mounding or tree planting should be carried out within 3m of the public foul sewer, and no new soakaways should be located within 5m of the public sewer without consent from Southern Water Services Ltd. The applicant is advised to contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Telephone 01962 858688) or www.southernwater.co.uk.
7. The Local Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.
8. With regard to condition 14 of this planning permission the applicant's attention is drawn to the guidance set out in the Environment Agency's booklet: "The Knotweed Code of Practice", a copy of which is obtainable at:

<https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

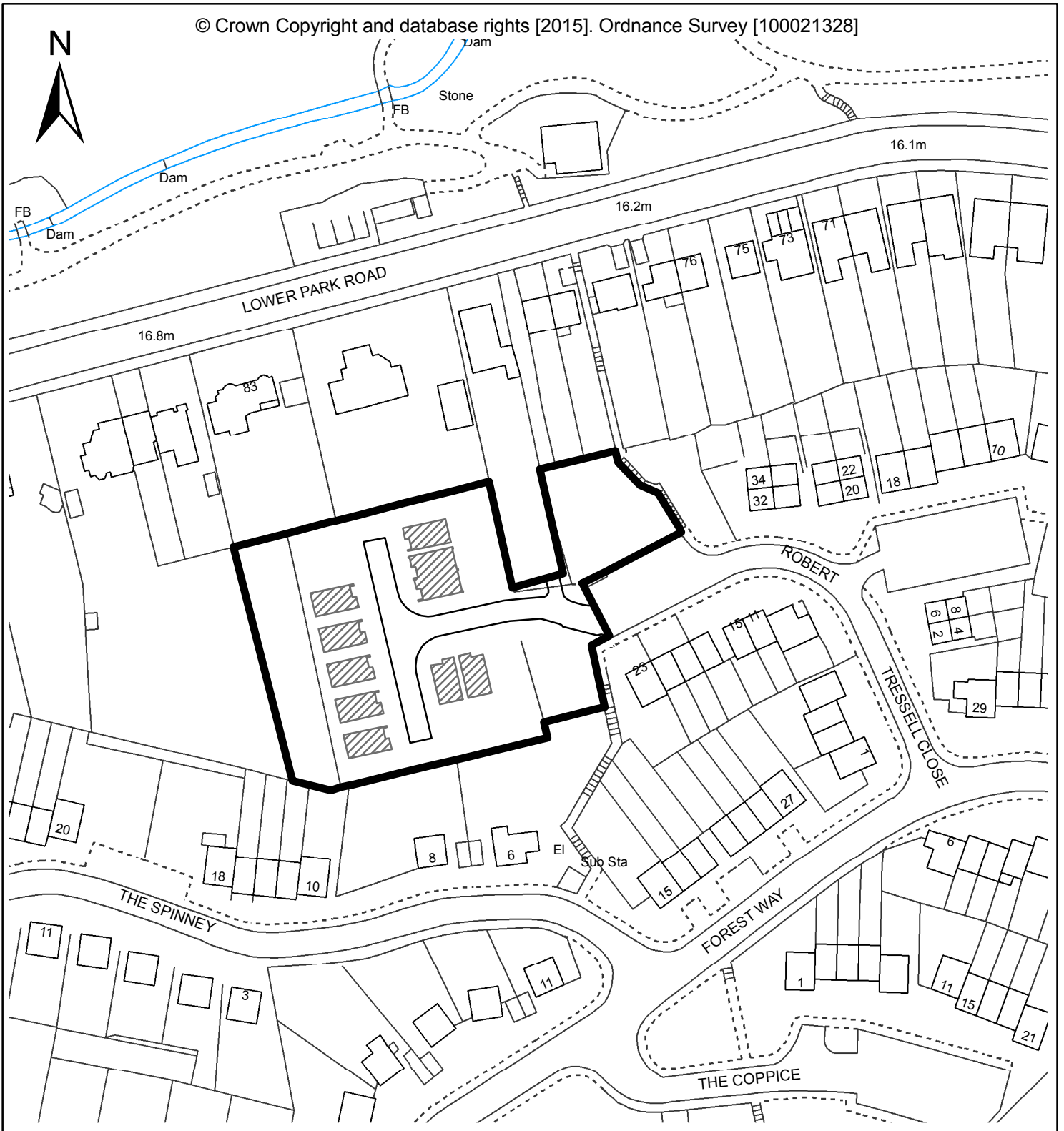
Officer to Contact

Mr T Tanner, Telephone 01424 783336

Background Papers

Application No: HS/FA/14/00823 including all letters and documents

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**Land off, Robert Tressell Close
Hastings
TN34 1UP**

Erection of 10no. family dwellings and associated parking and access road.



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

Date: Jan 2015

Scale: 1:1,250

Application No. HS/FA/14/00823

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Agenda Item 7d

AGENDA ITEM NO: 7 (d)

Report to: PLANNING COMMITTEE

Date: 04 February 2015

Report from: Development Manager

Application Address: 27 Linley Drive, Hastings, TN34 2DD
Proposal: Demolition of bungalow and garages, erection of pair of semi-detached two storey dwellings plus parking
Application No: HS/FA/14/00940

Recommendation: Grant Full Planning Permission

Ward: BAIRD
File No: LI55027
Applicant: Douglas of Sussex Ltd. per Michael D Hall
Building Design Services Studio A 339 London Road BEXHILL-ON-SEA, East Sussex. TN39 4AJ

Interest: Freeholder
Existing Use: Single dwellinghouse (bungalow)

Policies

Hastings Local Plan 2004: NC8, NC9, DG1, DG2, DG3 and DG11
Conservation Area: No
National Planning Policy Framework: Sections 6 and 7
Hastings Planning Strategy: DS1, FA2, SC1, SC3, SC4, EN3, H1, H2 and T3
Hastings Local Plan, Development Management Plan, Revised Proposed Submission Version: LP1, DM1, DM3, DM4 and HN8

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 3
Petitions Received: 0

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

Summary

The application site relates to 27 Linley Drive, Hastings. The applicant proposes to demolish the existing bungalow and erect a pair of semi-detached dwellings.

The main issues to consider are the impact on the character of the area and the impact on

neighbouring residential amenities.

The proposed development is considered to be compatible with the surrounding area providing a good transition between the bungalow properties to the north-east and the terraced houses to the southwest. Decent sized houses are provided with good gardens, parking and landscaping.

The proposed development is close to two neighbouring properties, but given its size and position it will have no adverse impact on neighbouring amenities.

I recommend that planning permission be granted subject to conditions.

The Site and its Location

The application site relates to 27 Linley Drive, Hastings. The site is currently occupied by a bungalow which is set back into the site with a large front garden that includes a garage. The front garden has recently been cleared of shrubs and a large conifer tree.

The surrounding area is entirely residential with dwellings either being bungalows or terraced housing. This particular section of Linley Drive rises from southwest to northeast.

Details of the Proposal and Other Background Information

The applicant proposes to demolish the existing bungalow and erect a pair of semi-detached dwellings. The applicant proposes to erect the new houses forward of the existing bungalow so that they are more in line with 25 Linley Drive.

The proposal includes off street parking and landscaping.

The applicant submitted revised drawings during the application showing the proposed development at a slightly lower level and further away from 25 Linley Drive.

Previous Site History

None relevant.

Details of Consultations

Southern Water has raised no objection.

The **Waste & Streetscene Officer** has raised no objection.

There have been three letters of objection received. Concerns include:

Development is out of character.

Overshadowing and loss of sunlight and daylight.

Pollution from parking areas.

Reduction in solar gain.

Loss of privacy.

Impact on ecology.

Impact on human rights.

Planning Considerations

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

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

The main policies/guidance that apply are listed above from the Hastings Local Plan 2004 (HLP), the Hastings Local Plan: The Hastings Planning Strategy (HPS); and the Hastings Local Plan: Development Management Plan (DMP). The main issues to consider are the impact on the character of the area and the impact on neighbouring residential amenities.

Impact upon the character of the area

As stated above the surrounding area is residential with properties either as bungalows or terraced houses. The application site sits at the bottom of a sloping section of Linley Drive where there is a change from bungalow type properties to uniform terraced houses.

As a result of the amendments, I find the proposed dwellings acceptable. The reduction in the height of the eaves and overall ridge height of the houses means that the development will be more compatible with the stepping down of houses along this section of Linley Drive. Although a semi-detached pair is now proposed I consider that this will offer a neat transition from the bungalow developments to the more uniform terraced houses.

The scale, design and layout of the development are all compatible with the surrounding area and the application, also provides for a decent standard of accommodation with adequate gardens, room sizes and levels of natural light.

The proposed development is considered to comply with policies DG1 and DG11 of the HLP, policy SC1 of the HPS and policies DM1 and DM3 of the DMP.

Impact on neighbouring residential amenities

The closest properties that could be impacted by this development are 25 Linley Drive and 33 Linley Drive. Both of the residents of these houses have objected to the application. A further objection has been received from 21 Linley Drive but they are further away and not directly impacted by this development.

The residents at 33 Linley Drive are concerned about the proximity of the parking area and what this means in terms of exhaust fumes. The movement of two cars is very small and as such is not considered to raise any concerns with air pollution. Such problems only occur on busy roads serving hundreds of moving vehicles and Linley Drive does not have this capacity. The proposal is otherwise suitably distanced and positioned in relation to 33 to cause no concerns in terms of overlooking, overshadowing or being overly dominant.

The residents at 25 Linley Drive have raised many concerns. Firstly they object to the development because of overshadowing and loss of daylight and sunlight. Whilst the proposed development will likely change the amount of sunlight received towards the end of the day the residents at 25 will enjoy many hours of sunshine given the orientation of their property and the position of the proposed development. Their conservatory specifically will enjoy sunshine for most of the day. For the same reason the proposed development will cause limited overshadowing.

In terms of daylight only the window in the southeast elevation of 25 will be impacted by this development and even here the impact is minimal given the separation of the properties. This side elevation window also does not serve a habitable room. The impact here will be

very small and 25 will otherwise benefit from unrestricted access to the sky which will provide for high levels of natural daylight.

None of the windows in the proposed development are orientated to directly overlook neighbouring residents. Although the residents at 25 have raised this as an objection any overlooking would be at an angle. Such a relationship is not uncommon in an urban or suburban area and I do not consider there will be any adverse harm from overlooking.

The residents of 25 have objected as the proposed development is considered to reduce the amount of sunlight received by their solar panels. Calculations have been submitted purporting to evidence this loss. Whilst I agree that there may be some loss of sunlight received by the solar panels, this will be small and likely to occur during the winter months very late in the day. It is likely that such a loss would therefore amount to a small percentage reduction in the efficiency of the solar panels. I do not consider that it is reasonable to prevent a development of two new houses which are otherwise in accordance with the development plan on the basis of a small reduction in the solar energy gained by neighbouring solar panels.

Considering the above the proposed development is not considered to harm the human rights of the residents of 25.

The proposed development is considered to comply with policies DG1 and DG3 of the HLP, policy SC1 of the HPS and policy DM3 of the DMP.

Other

The proposed development includes adequate parking that meets parking guidelines.

An objector claims that the site was previously home to bats but that their habitat has been destroyed. The ecology information submitted with the application does not evidence this and with no evidence of the past habitat I cannot take any action in this respect. Nonetheless, the submitted report requires the installation of bat and bird boxes to enhance the ecological benefits of the development and this can be required by condition.

The proposed development is required to meet sustainable design practices and provide for fibre based broadband. These can be requested by condition.

Conclusion

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004. I recommend that planning permission be granted 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

4333.LP, 4333.1B and 4333.2A
3. 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.
4. 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.
5. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the approved drawings.
6. No development shall take place until the measures outlined in the submitted ecological statements and reports Preliminary Ecological Appraisal, dated October 2014 (ref EA/32014) 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.
7. The development shall be undertaken wholly in accordance with the details set out in the approved waste minimisation statement.
8. Before the development hereby approved is commenced details of appropriate climate change mitigation and adaptation measures as required by policy SC3 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
9. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of the visual amenity.
4. To ensure a satisfactory form of development in the interests of the visual amenity.
5. In the interests of the visual amenity of the area.
6. To protect features of recognised nature conservation importance.
7. To minimise the amount of construction and demolition waste being disposed of in landfill sites in accordance with the East Sussex County Council Supplementary Planning Document on Construction and Demolition Waste.
8. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.
9. To ensure the development complies with policy SC1 part (f) of the Hastings Local Plan: The Hastings Planning Strategy.

Notes to the Applicant

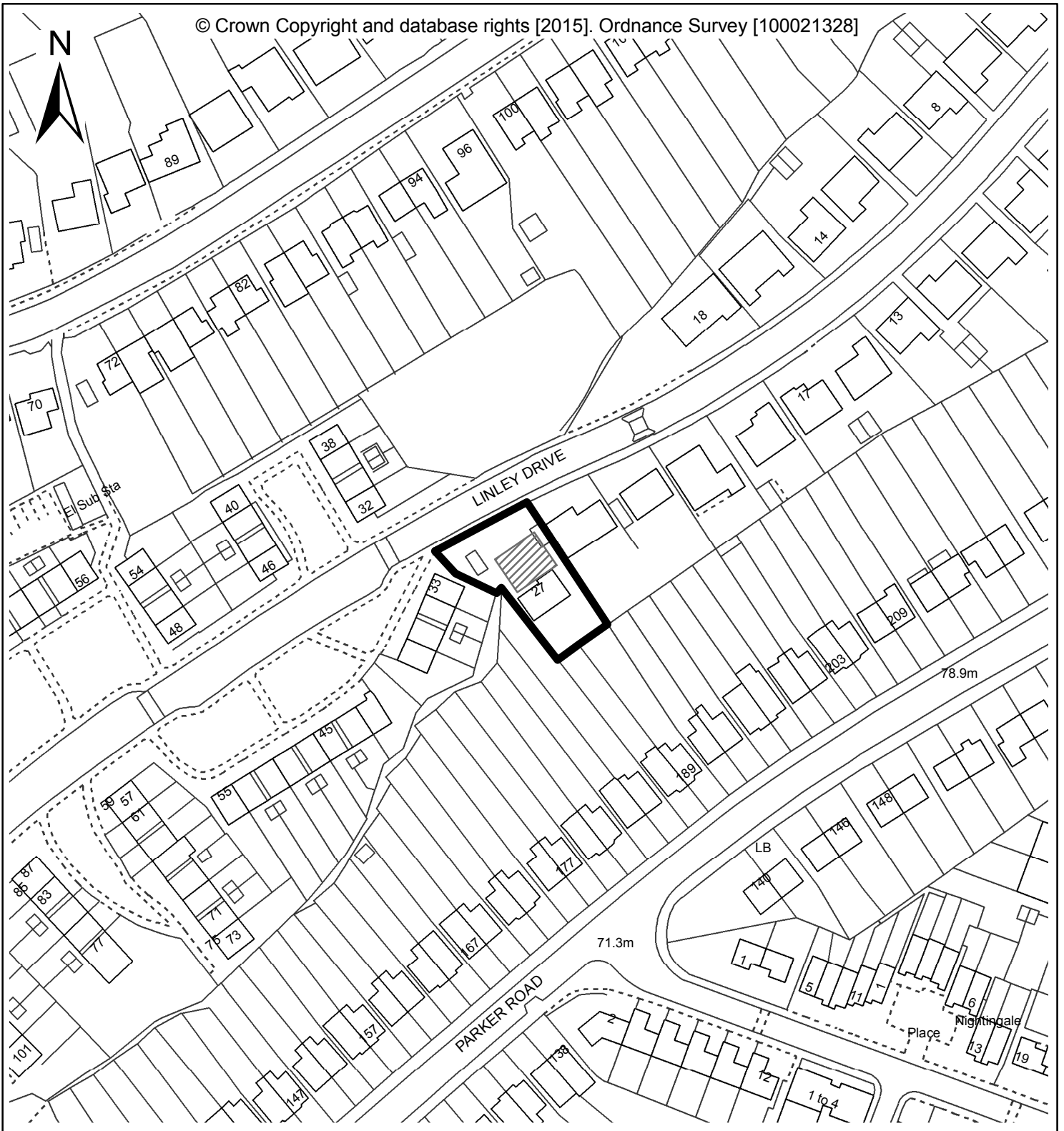
1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/FA/14/00940 including all letters and documents



27 Linley Drive
Hastings
TN34 2DD

Demolition of bungalow and garages, erection of pair of semi-detached two storey dwellings plus parking



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

Date: Jan 2015

Scale: 1:1,250

Application No. HS/FA/14/00940

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Agenda Item 7e

AGENDA ITEM NO: 7 (e)

Report to: PLANNING COMMITTEE

Date: 04 February 2015

Report from: Development Manager

Application Address: Town Hall, Queens Road, Hastings, TN34 1QR

Proposal: Siting of the historic statue of Prince Albert (formerly part of the Albert Memorial Clock Tower in Hastings Town Centre) alongside Hastings Town Hall. New notice board A2 size, to be installed alongside Statue installation for displaying information on Statue.

Application No: HS/FA/14/00979

Recommendation: Grant Full Planning Permission

Ward: CASTLE

File No: QU80205T

Applicant: Mr Whitfield Flat 3 4 Castledown Terrace Hastings, East Sussex. TN34 3RQ

Interest: None at present

Existing Use: Location of HBC Notice board

Policies

Hastings Local Plan 2004: DG1, C1, C3

Conservation Area: Yes - Hastings Town Centre

National Planning Policy Framework: Section 12

Hastings Planning Strategy: EN1, FA2, FA3, SC1, E4

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: DM1, DM3, HN1

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - Affects a Listed Building

Letters of Objection: 1

Petitions Received: 0

Application Status: Not delegated - Referred to Planning Committee by Councillor Street, Chair of Planning Committee

Summary

This is a full planning application to erect the Prince Albert statue, mounted onto a stone plinth, outside the Town Hall. An information board is to be located adjacent to the statue, displaying information relating to the history of it.

The main issue is the impact on the significance and setting of the Town Hall and on the character and appearance of the Town Centre Conservation Area. The proposal is considered to be acceptable and it is recommended that planning permission be granted, subject to conditions.

Listed Building Consent, HS/LB/14/00803, was granted subject to conditions for the proposal on 17 December 2014. That application was not referred to the Planning Committee and did not receive any objections, so was decided by officers under delegated powers, the determination was made only in relation to the listed building.

The Site and its Location

The statue is to be sited between the Town Hall's north east elevation and the curved access ramp leading to the Community Contact Centre. There is currently a Council notice board in the area, which is to be relocated.

The Town Hall is a Grade II Listed Building and it is within the Town Centre Conservation Area. The site is also within the Town Centre Retail Primary Shopping Area and is adjacent to the Priory Meadow shopping centre.

Details of the Proposal and Other Background Information

The life size statue of Prince Albert was sculpted by Edwin Stirling and was formerly part of the Albert Memorial Clock Tower, which was located in the town centre. The Memorial was demolished in 1973 following a fire and the statue is currently being stored in a greenhouse at the Alexandra Park Depot. Much of the finer detail to the front of the statue has eroded over the years and the back has no detail (bas relief), due to it being previously displayed in an apse where it would not have been seen. The statue, which is 1800mm in height, is to be removed from the concrete block it is currently fixed to and is to be mounted onto a 1250mm high Portland stone plinth.

An information board is to be located adjacent to the statue and it will display information on the history of it. The 'Fusilier' notice board is 1670mm in height and is of stainless steel construction, with a powder coated finish.

Both the statue and notice board will be fixed to the paving slabs, with no part of them being attached to the Town Hall Building.

A group, made up from members of Hasting Local History Group and volunteers at the Hastings History House, are organising this community project. It will be funded independently from the Council, with the group holding fund raising events. It is understood the family of the sculptor is to fund the notice board.

The group arranged a public consultation event at Priory Meadow Shopping Centre in July 2014 and they advise that having received positive feedback they progressed the proposal to relocate the statue to a location close to the Town Hall. Prior to submission of the approved Listed Building Consent application, the planning department and the Head of Marketing and Communications met with a spokesperson for the group and a stonemason to discuss the

statue and to agree on a suitable site, close to the Town Hall.

The Head of Marketing and Communications has met with the group and has agreed, should the development go ahead, to relocate the Council's notice board, which is currently in the space between the ramp and the Town Hall.

Relevant Site History

HS/LB/14/00803 Siting of life-size statue of Prince Albert (Prince Consort of Queen Victoria), alongside Hastings Town Hall. Statue to stand on new plinth, in Portland Stone. New information board.

Listed Building Consent granted on 17 December 2014

Details of Consultations

There has been one letter of objection following neighbour consultation, display of a Site Notice and advertisement in the Hastings and St Leonards Observer.

The main issues raised in the objection relate to the use of public money and the location, preferring a location closer to the site of the Albert Memorial Clock Tower, which was destroyed by fire.

Funding for the project is not a planning consideration. However, as mentioned above, this is not a Council project.

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.

Evidence of Community Involvement

As mentioned above, the group carried out a consultation event at Priory Meadow Shopping Centre. They advise that at the event, held on 05 July 2014, "*.....264 people signed a form to support the proposed relocation back into the public domain, and in the vicinity of the Town Hall. (There was no objection to the proposal, for which a form was provided – forms were submitted to HBC).*"

The following policies and guidance are relevant to this application:

Hastings Local Plan 2004
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 HN1 – Development Affecting the Significance and Setting of Designated Heritage Assets

Hastings Planning Strategy
Policy FA2 - Strategic Policy for Central Area
Policy FA3 – Strategy for Hastings Town Centre
Policy SC1 – Overall Strategy for Managing Change in a Sustainable Way
Policy EN1 – Built and Historic Environment
Policy E4 – Tourism and Visitors

National Planning Policy Framework.
Chapter 7. Requiring good design
Chapter 12. Conserving and enhancing the historic environment

Character and Appearance

The site is in a prominent town centre location, adjacent to a Grade II Listed Building and within the Hastings Town Centre Conservation Area. The flat back of the statue will be facing the wall of the Town Hall and it will be on a stone plinth, giving it some height. It is intended that, because the statue has lost some of its detail and definition to its front, it will be set behind the railings of the ramp, so that it will be viewed from a distance, in front of the ramp. It is therefore not considered the statue will appear unsuitable or out of place and will be of interest to passers-by.

The overall height of the statue and plinth is 3050mm, with the plinth being set behind the ramp railings. It is therefore not considered the scale and mass of the proposal will be out of proportion with the Town Hall building or that it will be overly dominant when viewed from the adjacent pedestrianised area or from nearby Queens Road.

The materials of the statue and the stone plinth are in keeping with the adjacent Town Hall building and it is not considered its siting adjacent to the Town Hall will be a material harm the character, appearance, setting or significance of the Grade II Listed Building.

There will be no harm to the historic fabric of the Town Hall as no part of the statue, plinth or information board will be fixed to the wall of the Town Hall. The paving the plinth and notice board are to be fixed to is of modern materials.

The proposed notice board is of a simple design and will be of benefit to residents and visitors viewing the statue, providing information about the history of the statue and the former Albert Memorial Clock Tower. It will also give an understanding of why some of the detail and definition has been eroded.

Safety

It is not considered that there will be an adverse impact on pedestrian or highway safety. The site is within a pedestrianised area of the shopping area and the statue is to be located behind the railings of the ramp leading to the Community Contact Centre in the Town Hall. The area in front of the ramp is a wide pedestrianised pathway and it is not considered that residents and visitors stopping to view the statue would cause an unreasonable obstruction or inconvenience.

Other matters

There may be other locations that might be acceptable within the Town Centre for the siting of the statue. However, the group came forward with the option of the statue being adjacent to the Town Hall and this is the location under consideration with this planning application.

Conclusion

It is considered that the proposal will be a positive contribution to the significance and setting of the adjacent Grade II Listed Building and to the wider Hastings Town Centre Conservation Area. The statue was formerly displayed in a prominent location in the town centre and for it to be on display again, in a public area, will be of benefit to residents and visitors to the town. It will provide an interesting feature and a new piece of public art for the town to enjoy.

Having considered the above it is recommended that planning permission be granted, 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. The notice board hereby approved shall have a black powder coated finish unless agreed in writing by the Local Planning Authority.
3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan, Block Plan, Sketch of existing, Photo of existing, Proposed Location and elevation dated 1 December 2014, Space Dimensions, Statue in Storage, Photo Montage, Information Board Specification.

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 the architectural and historic character of this Grade II Listed Building is adequately protected.
3. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

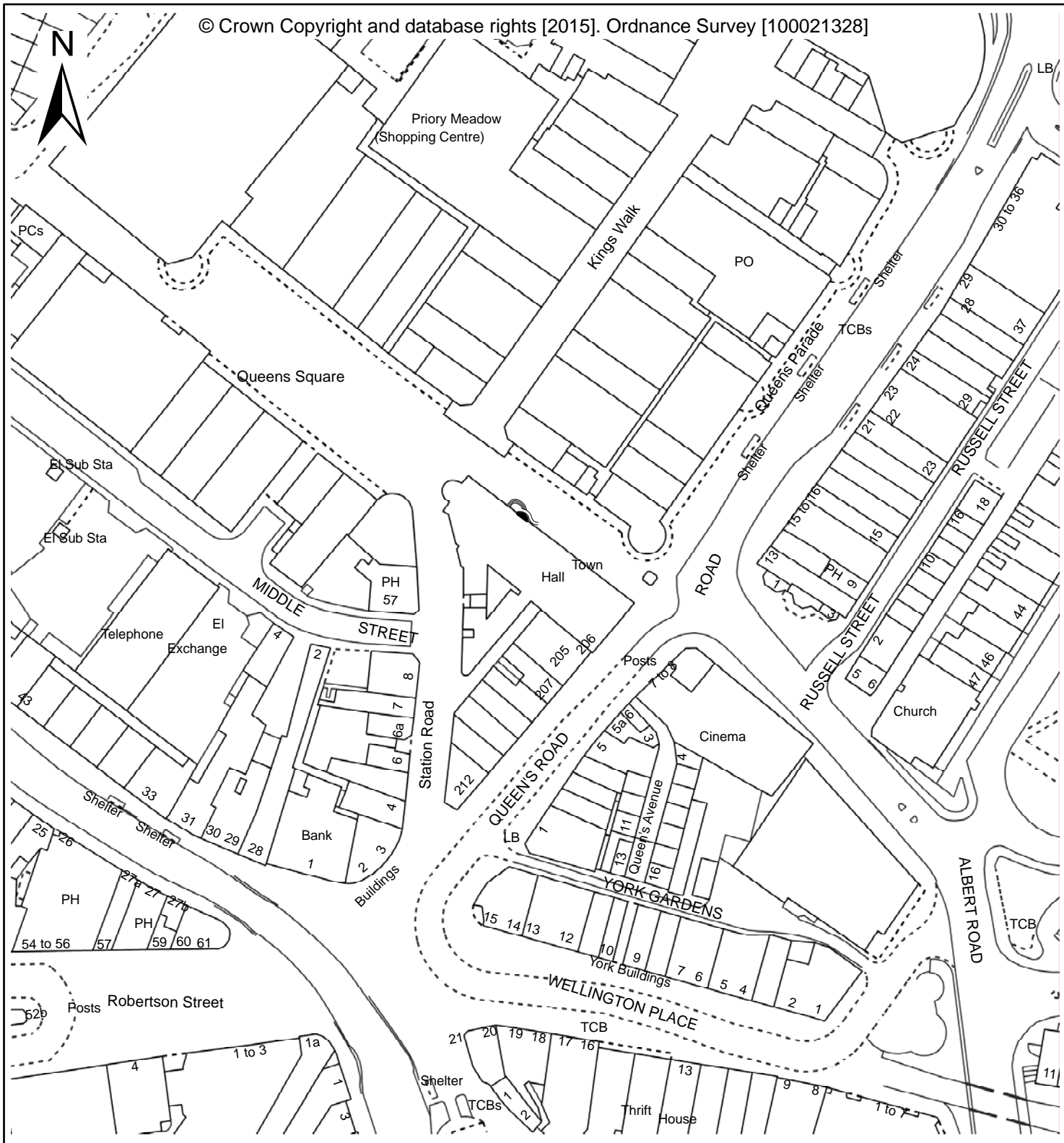
1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Officer to Contact

Mrs C Boydell, Telephone 01424 783298

Background Papers

Application No: HS/FA/14/00979 including all letters and documents



**Town Hall
Queens Road
Hastings
TN34 1QR**

Siting of the historic statue of Prince Albert (formerly part of the Albert Memorial Clock Tower in Hastings Town Centre) alongside Hastings Town Hall. New notice board A2 size, to be installed alongside Statue installation for displaying information on Statue.



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

Date: Jan 2015

Scale: 1:1,250

Application No. HS/FA/14/00979

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Agenda Item 7f

AGENDA ITEM NO:7(f)

Report to: PLANNING COMMITTEE

Date: 04 February 2015

Report from: Development Manager

Application Address: **37 Charles Road West, St Leonards-on-Sea, TN38 0RT**

Proposal: **Proposed demolition of existing dwelling and erection of 10 new dwellings with 15 parking spaces on land at and adjacent to 37 Charles Road West**

Application No: **HS/OA/06/00694**

Recommendation: **Grant Outline Planning Permission (Amend resolution to exclude affordable housing provision)**

Ward: GENSING

File No: CH28037

Applicant: Mr & Mrs J Fencer per Elevations Second Floor 29 Cornwallis Street Hastings, East Sussex. TN34 1SS

Interest: Freeholder

Existing Use: Nursery/Garden Centre

SUMMARY

This is an outline application for the erection of 10 dwellings on the site of the Filsham Nursery in Charles Road West. Only the details of siting are to be determined.

The planning committee first resolved to grant planning permission for this development subject to a Section 106 Agreement for highway improvements on 08 November 2006 (see attached committee report). The S106 has remained unsigned as the site has not been sold for redevelopment.

As the Hastings Planning Strategy was adopted last year and Policy H3 became applicable, the application was brought back to planning committee on 08 October 2014 with an amended recommendation to include the requirement for affordable housing. The recommendation was agreed.

On 28 November 2014, the National Planning Guidance was changed to make it clear that local authorities should not request affordable housing contributions for developments of 10 units or less. Following this, it is recommended to remove the previous requirement for affordable housing.

Recommendation

A) That the Development Manager be authorised to issue planning permission upon completion of a S106 Agreement to secure the provision of a contribution towards Highways Improvements

B) Subject to A) above

Grant Outline Planning Permission subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
2. 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.
3. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. No building hereby permitted shall be occupied until drainage works have been completed, in accordance with details of foul and surface water drainage which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
6. No building hereby permitted shall be occupied until the same has been connected to the main drainage system and the approved means of vehicular and pedestrian access thereto have been constructed to a specification and to an extent approved by the Local Planning Authority in relation to that building.
7. There shall be no obstruction to visibility (over 0.8 metres above the level of the adjoining footway) within splays, details of which shall be submitted with the details specified in Condition 1.
8. No development shall take place until details of the proposed parking arrangements have been submitted to and approved by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to the occupation of the building and shall thereafter not be used for any purpose other than the parking of vehicles.

9. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.
10. The details required by Condition 1 shall include full details of all boundary walls and/or fences which shall be erected prior to the occupation of the houses which they serve.
11. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - (i) An appropriate scale plan showing 'wildlife protection zones' where all construction activities are restricted and where protective measures will be installed or implemented.
 - (ii) Details of wildlife features of importance such as ancient woodland, Sites of Nature Conservation Importance and protected species.
 - (iii) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction. These to include measures such as the covering of trenches and manholes, during construction; the safeguarding of badgers setts, runs and foraging area, especially relating to the throughput of construction and other vehicular traffic, timing of operational activities; the erection of protective fencing at agreed distances from sensitive habitats and wildlife areas.
 - (iv) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed, such as the bird nesting season and other wildlife breeding seasons.
 - (v) Persons responsible for:
 - (a) Compliance with legal consents relating to nature conservation;
 - (b) Compliance with planning conditions relating to nature conservation;
 - (c) Installation of physical protection measures during construction;
 - (d) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - (e) Provision of training and information about the importance of 'wildlife protection zones' to all personnel on site.
 - (f) Species monitoring

This list to be updated whenever necessary to keep the contact list current.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

Reasons:

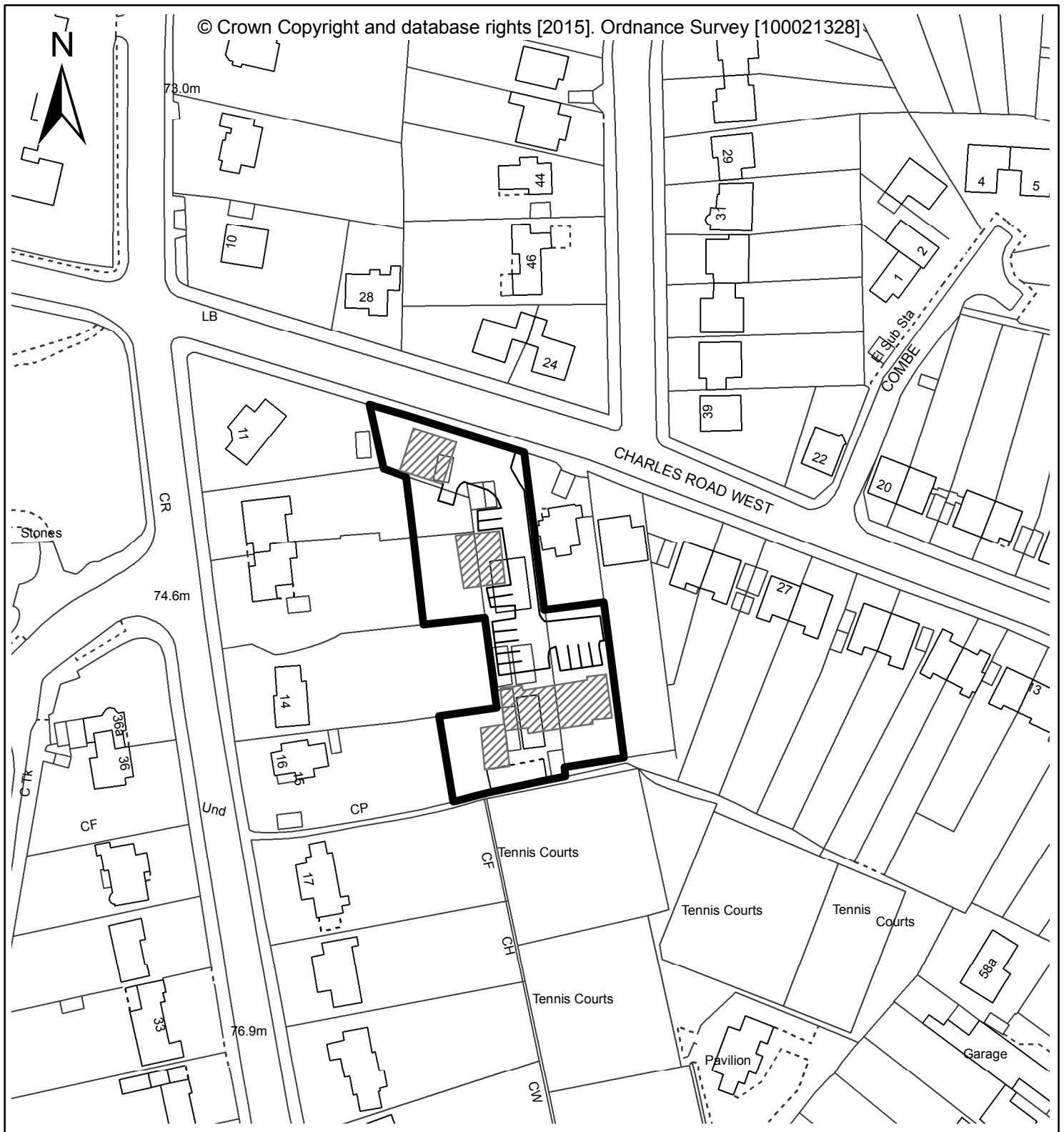
1. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
2. To safeguard the amenity of adjoining residents.
3. The application is in outline only.
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. In order to secure a satisfactory standard of development.
6. To ensure a satisfactory standard of development.
7. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
8. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
9. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
10. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
11. In the interests of the safety and wellbeing of any wildlife on the site

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. The applicant is advised to design the houses so as to avoid overlooking at 35 Charles Road west.

Officer to Contact
Ms K Phillips, Telephone 01424 783250

Background Papers
Application No: HS/OA/06/00694 including all letters and documents



**37 Charles Road West
St Leonards-on-Sea
TN38 0RT**

Proposed demolition of existing dwelling and erection of 10 new dwellings with 15 parking spaces on land at and adjacent to 37 Charles Road West



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

Date: Jan 2015

Scale: 1:1,250

Application No. HS/OA/06/00694

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92. 37 CHARLES ROAD WEST

Proposal:	Proposed demolition of existing dwelling and erection of 10 new dwellings with 15 parking spaces on land at and adjacent to 37 Charles Road West
Application No:	HS/OA/06/00694
Existing Use:	Nursery/Garden Centre
Hastings Local Plan 2004:	Policy H3 is applicable
County Structure Plan:	No Conflict
Conservation Area:	No
Public Consultation:	12 letters of objection received

This was an outline application for the erection of 10 dwellings on the site of the Filsham Nursery in Charles Road West. Only the details of siting were to be determined at this stage.

Although 12 letters of objection have been received it was considered that the proposed layout was acceptable. Although the site lies in a low density area it was not considered the proposed density of approximately 40 dwellings per hectare would be excessive and the development was an efficient use of land as set out in Government Guidance PPG3. On balancing all issues, it was recommended for approval.

The Human Rights considerations have been taken into account fully in balancing the planning issues: Article 8 - right to respect for private and family life and Article 1 of the first Protocol - protection of property; peaceful enjoyment of possessions and property (including commercial).

A revised wording of Condition12 was circulated at the meeting.

RESOLVED (by 6 votes to 3)

- A) That the Borough Planning Officer be authorised to issue planning permission on completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure the payment of a commuted sum *which is of an amount which is to be agreed* by the local planning authority towards improvements to the junction of Charles Road West and The Green.**
- B) Subject to (A) above grant permission subject to the following conditions:**
- 1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;**

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- 2. 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;**
- 3. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved;**
- 4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;**
- 5. No building hereby permitted shall be occupied until drainage works have been completed, in accordance with details of foul and surface water drainage which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development;**
- 6. No building hereby permitted shall be occupied until the same has been connected to the main drainage system and the approved means of vehicular and pedestrian access thereto have been constructed to a specification and to an extent approved by the Local Planning Authority in relation to that building;**
- 7. There shall be no obstruction to visibility (over 0.8 metres above the level of the adjoining footway) within splays, details of which shall be submitted with the details specified in Condition 1;**
- 8. No development shall take place until details of the proposed parking arrangements have been submitted to and approved by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to the occupation of the building and shall thereafter not be used for any purpose other than the parking of vehicles;**
- 9. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times;**
- 10. The details required by Condition 1 shall include full details of all boundary walls and fences which shall be erected prior to the**

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occupation of the houses which they serve; and

11. **No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:**
- (i) An appropriate scale plan showing 'wildlife protection zones' where all construction activities are restricted and where protective measures will be installed or implemented.**
 - (ii) Details of wildlife features of importance such as ancient woodland, Sites of Nature Conservation Importance and protected species.**
 - (iii) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction. These to include measures such as the covering of trenches and manholes, during construction; the safeguarding of badgers setts, runs and foraging area, especially relating to the throughput of construction and other vehicular traffic, timing of operational activities; the erection of protective fencing at agreed distances from sensitive habitats and wildlife areas.**
 - (iv) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed, such as the bird nesting season and other wildlife breeding seasons.**
 - (v) Persons responsible for:**
 - (a) Compliance with legal consents relating to nature conservation;**
 - (b) Compliance with planning conditions relating to nature conservation;**
 - (c) Installation of physical protection measures during construction;**
 - (d) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;**
 - (e) Provision of training and information about the importance of 'wildlife protection zones' to all personnel on site.**
 - (f) Species monitoring**

This list to be updated whenever necessary to keep the contact list current. All construction activities shall be implemented in accordance with the approved details Page 119 of the plan unless otherwise

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approved in writing by the Local Planning Authority.

Reasons:

- 1. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990;**
- 2. To safeguard the amenity of adjoining residents;**
- 3. The application is in outline only;**
- 4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990;**
- 5. In order to secure a satisfactory standard of development;**
- 6. To ensure a satisfactory standard of development;**
- 7. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 8. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 9. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 10. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 11. In the interests of the safety and wellbeing of any wildlife on the site;
and**
- 12. To ensure that the proposed development has a minimum impact upon the existing traffic flow through Charles Road West.**

Notes to the Applicant

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;**
- 2. The contribution to be negotiated as set out in Condition 12 should be in the region of £8,000;**
- 3. The applicant is advised to design the houses so as to avoid overlooking at 35 Charles Road west; and**
- 4. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).**

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The reason for granting this permission is:

- 1. Having regard to local plan policy and to all other material considerations and taking account of comments and objections from local residents (and other interested parties) the proposed development is considered to be acceptable. There will be no material harm to the neighbourhood in general or to adjoining residents in particular. The character and amenity of the area will not be adversely affected.**

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