

Planning Committee Agenda

Wednesday, 4 March 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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Agenda Item 3

PLANNING COMMITTEE

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Present: Councillors Street (Chair), Scott (Vice-Chair), Beaney, Beaver, Edwards, Dowling, Lee, Roberts, Rogers and Wincott

57. APOLOGIES FOR ABSENCE

None.

58. DECLARATIONS OF INTEREST

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

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Scott & Wincott	61.1 – Proposed Queensway Gateway Road (Land between Queensway and Sedlescombe Road North)	Personal – Members of East Sussex County Council Highway Authority.

59. MINUTES OF THE MEETING HELD ON 7 JANUARY 2015

RESOLVED – That the minutes of the meeting held on 7 January 2015 be approved and signed by the Chair as a true record.

60. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

61. PLANNING APPLICATIONS ATTRACTING A PETITION:

61.1 PROPOSED QUEENSWAY GATEWAY ROAD (LAND BETWEEN QUEENSWAY AND SEDLESCOMBE ROAD NORTH), ST LEONARDS ON SEA

Proposal:

Proposed Queensway Gateway Road (land between Queensway and Sedlescombe Road North), St. Leonards on Sea
HS/FA/14/00832

Application No:

Existing Use:

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

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Hastings Local Plan 2004	E2, NC6, NC7, NC8, NC9, NC10, NC11, L1, L2, DG1, DG4, DG26, DG27, and C6
Conservation Area:	No
National Planning Policy Framework	Sections 1, 4, 11 and 12
Hastings Planning Strategy	DS2, FA1, FA6, SC1, SC2, SC7, EN1, EN2, EN3, EN4, EN6, EN7, E2, T1, T2 and T3
Development Management Plan	
Proposed Submission Version:	LP1, DM1, DM3, DM4, DM5, DM6, HN4, HN7, HN8 and HN9
Public Consultation:	371 letters of objection received and 1 petition

The Development Manager reported on an application that sought permission for the construction of a new road linking Sedlescombe Road North (A21) with Queensway (B2092) on the proposed Queensway Gateway Road (land between Queensway and Sedlescombe Road North), St. Leonards on Sea.

The applicant proposed 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.

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The main issues considered were 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 Development Manager recommended that planning permission be granted subject to conditions to secure an appropriately mitigated development.

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 have been taken into account fully in balancing the planning issues.

The petitioner, Dr Clark, was present and spoke against the application.

The applicant, Mr John Shaw from Sea Change, was present and spoke in support of the application.

Members discussed this item at length.

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

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:

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;

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- 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

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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 were 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

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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.

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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.

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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; and
24. Before each phase of development is commenced details of the precise

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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**

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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;

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- 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; and**
- 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; and**
- 6. The applicant is advised to contact Southern Water with regard to condition 15 above.**

61.2 101 CAMBRIDGE ROAD, HASTINGS

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
National Planning Policy Framework:	No Conflict
Hastings Planning Strategy:	SC1, H2, H4

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Development Management Plan:

Proposed Submission Version:

HC1, DM1, DM3, HN1, HN2

Public Consultation:

**6 letters of objection and
3 petitions received.
Referred by Ward Councillor**

This item was deferred at the last meeting for consideration at this meeting.

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 vacant property has been completely renovated both internally and externally. It 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 Development Manager recommended the application be granted.

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

The petitioner, Mr Rolston, was present and spoke against the application.

The applicant had been invited to attend, but was not present.

Councillor Clark, Ward Councillor, was present and spoke against the application.

Members discussed this item at length.

With the agreement of the Chair, Councillor Rogers circulated some proposed reasons for refusal of the application, for members of the Committee to consider.

Councillor Rogers proposed a motion against the officer's recommendation to refuse the application as set out in the resolution below, this was seconded by Councillor Roberts.

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RESOLVED – by (9 votes to 1) that planning permission be refused subject to the following reasons:-

Policy 4 of the Hastings Planning Strategy which states:

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.

According to the current register of HMOs held and updated by Hastings Borough Council within the locale there are the following registered HMOs:

Cambridge Gardens – 10, 13, 14, 16, 17, 19, 20, 21, 24, 28, 29, 30, 31, 32, 34, 36, 37, 39 and 42

Cambridge Road – 33 and 34

Cornwallis Gardens – 3, 5, 18, 19, 20, 26, 27, 28, 38, 39-40, 43 and 44,

White Rock Gardens – 1-2

Cornwallis Terrace – 12 in total

I would also refer to the Planning Inspectorate judgement in respect of 93 Cambridge Road which upheld the Planning Committee's refusal to agree as an HMO

Furthermore I would suggest that 'saturation' has been reached in this area and that the current planning consent for 2 x 2 bedroom flats and 1x1 bedroom flats would benefit the local community and provide much needed family accommodation close to the town centre.

62. PLANNING APPEALS AND DELEGATED DECISIONS

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The Development Manager reported one appeal that had been received and one appeal that had been allowed. He also reported on a number of delegated decisions. All matters had arisen between 19 December 2014 and 23 January 2015.

RESOLVED – that the report be noted.

63. **PLANNING APPLICATIONS:**

63.1 **LAND AT CHURCH STREET, HASTINGS**

Proposal:	Development of site to provide five dwellings
Application No:	HS/OA/14/00876
Existing Use:	Undeveloped
Hastings Local Plan 2004	NC8, NC9, DG1, DG2, DG3 and DG11
Conservation Area:	No
National Planning Policy Framework	Sections 6, 7 & 11
Hastings Planning Strategy	FA4, SC1, SC3, SC4, EN2, EN3, H1, H2 and T3
Development Management Plan	
Proposed Submission Version:	LP1, DM1, DM3, DM4, HN7, HN8 and CV04
Other	
Public Consultation:	136 letters of objection and 2 letters of support received

The Development Manager reported on an outline planning application 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 site is located at land at Church Street near the junction with Clifton Road. The site is undeveloped 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.

The applicant sought consent to build five dwelling houses, although this is an outline planning application they are seeking approval of the access and layout of the development.

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The applicant proposed to build five dwelling houses on the site and although this is an outline planning application they sought approval of the access and layout of the development. The appearance of the buildings, landscaping and scale of the development are reserved matters, therefore approval of these will be sought at a later date. On this basis the applicant has submitted drawings showing the access and layout and indicatively showing the scale, appearance and landscaping of the development.

The main issues considered were 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 the Development Manager recommended that outline 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.

Councillor Charman, Ward Councillor, was present and spoke against the application.

Councillor Beaney proposed a motion to approve the application as set out in the resolution below, this was seconded by Councillor Dowling.

RESOLVED – (Unanimously) that outline planning permission be granted 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:**

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- 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**

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- 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; and
- 16. During any form of earthworks and/or excavations that are carried out

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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; and**
- 16. In the interests of highway safety and for the benefit and convenience of the public at large.**

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Notes to the Applicant

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

63.2 THE RAMPARTS, 101 CASTLE HILL ROAD, HASTINGS

Proposal:	Erection of 5, four-bedroom homes, with associated gardens, garages, landscaping and access.
Application No:	HS/FA/14/00558
Existing Use:	Partially developed land
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
Development Management Plan	
Proposed Submission Version:	LP1, DM1, DM3, DM4, HN1, HN4 and HN5
Public Consultation:	7 letters of objection and 3 letters of support received

The Development Manager reported on a full planning application for the erection of 5 x three-storey four-bedroom homes with associated gardens, garages, landscaping and access at 101 Castle Hill Road, Hastings.

The site consists of partially developed land on the upper end of Castle Hill Road near to the remains of Hastings Castle. A large concrete base for a previous development has been constructed. The site is located within the Old Town Conservation Area and

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is situated between Castle View Mews, 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.

The development is proposed to be zero carbon. The applicant proposed to orientate the properties at right angles to Castle Hill Road, this would allow 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 considered the new scheme would overcome the appeal Inspector's decision.

The main considerations were the impacts of the proposal upon the heritage assets including Hastings Castle and the Old Town Conservation Area; impacts on neighbouring residential amenities and the highway/parking matters and standard of accommodation.

The Development Manager considered the development was of a modern contemporary design with good sustainable credentials. It's design, although in contrast with its surroundings, was of sufficient quality to be acceptable in the context of the surrounding heritage assets and a decent standard of accommodation was being provided. Concerns with neighbouring amenities have been overcome, the development provides sufficient parking and there are no highway safety concerns. 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. Any other relevant matters, such as drainage, can be adequately controlled by condition. 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 Wincott proposed a motion to approve the application as set out in the resolution below. This was seconded by Councillor Rogers.

An amendment to the motion was proposed by Councillor Scott to grant the application, subject to the addition of Condition 19. The amendment was agreed by the proposer and seconder of the recommendation.

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:**

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

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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

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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

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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; and

(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; and**
- 18. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.**
- 19. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-**

08.00 – 18.00 Monday to Friday

08.00 – 13.00 on Saturdays

No working on Sundays or Public Holidays

Reasons:

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

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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); and
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;

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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; and
6. Consideration should be given to the provision of a domestic sprinkler system.

63.3 LAND OFF ROBERT TRESSELL CLOSE, HASTINGS

Proposal:	Erection of 10no. family dwellings and associated parking and access roads
Application No:	HS/FA/14/00823
Existing Use:	Vacant
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
Development Management Plan	
Proposed Submission Version:	DM1, DM3, DM4, HN1, HN7, HN8
Public Consultation:	5 letters of objection received

The Development Manager reported on an application for the erection of 10 two storey family dwellings and associated parking and access road at Land off Robert Tressell Close, Hastings.

The site is located within 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.

Planning permission exists on the land for 9 dwellings (HS/OA/07/00963 &

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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.

The main considerations were the impacts of the proposal on the loss of trees, ecology and biodiversity, highways and parking, drainage, housing type and density, affordable housing, living environment, character and appearance and the amenity of neighbouring residents. The Development Manager considered the proposal would result in the formation of additional family size accommodation without adversely impacting on its surroundings and therefore recommended planning permission be granted subject to conditions.

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

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

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

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

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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**

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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

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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; and
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;
1210-144REV A-; 1210-210REV A; 1210-211REV A; 1210-220REV A;

Reasons:

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

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- 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**

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2004 - Policy DG1); and

- 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; and**
- 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>

63.4 27 LINLEY DRIVE, HASTINGS

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Proposal:	Demolition of bungalow and garages, erection of pair of semi-detached two storey dwellings plus parking
Application No:	HS/FA/14/00940
Existing Use:	Single dwellinghouse (bungalow)
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, EN3, H1, H2 and T3
Development Management Plan	
Proposed Submission Version:	LP1, DM1, DM3, DM4 and HN8
Public Consultation:	3 letters of objection received

The Development Manager reported on an application for the demolition of a bungalow and garages and the erection of pair of semi-detached two storey dwellings plus car parking at 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 surrounding area is entirely residential and comprises bungalows or terraced housing.

The applicant sought consent to demolish the existing bungalow and erect a pair of semi-detached dwellings. The proposal includes off street parking and landscaping. Revised drawings show the proposed development at a slightly lower level and further away from 25 Linley Drive.

The main issues considered were the impact on the character of the area and the impact on the neighbouring residential amenities. The Development Manager felt the proposed development was compatible with the surrounding area and provided good transition between the bungalow properties to the north-east and the terraced houses to the southwest. Decent sized houses would be provided with good gardens, parking and landscaping. Although the development is close to two neighbouring properties, the Development Manager felt that given its size and position, it would not have an adverse impact on neighbouring amenities and he therefore recommended that planning permission be granted subject to conditions.

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

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

An amendment to the motion was proposed by Councillor Scott to grant the application, subject to the addition of Condition 10. The amendment was agreed by the proposer and seconder of the recommendation.

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:

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;

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- (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; and
 9. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.
 10. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 – 18.00 Monday to Friday

08.00 – 13.00 on Saturdays

No working on Sundays or Public Holidays

Reasons:

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

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- 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; and**
- 3. Consideration should be given to the provision of a domestic sprinkler system.**

63.5 TOWN HALL, QUEENS ROAD HASTINGS

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
Existing Use:	Location of HBC Notice board
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
Development Management Plan	
Proposed Submission Version:	DM1, DM3, HN1
Public Consultation:	1 letter of objection received

The Development Manager reported on a full application for the siting of the historic statue of Prince Albert (formerly part of the Albert Memorial Clock Tower in Hastings Town Centre) outside the Town Hall.

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The life size statue of Prince Albert which is 1800mm in height, is to be removed from the concrete block it is currently fixed to and is to be mounted onto 1250mm high Portland stone plinth outside the Town Hall. An information board is to be located adjacent to the statue and will display information on the history of the statue. The 'Fusilier' notice board is 1670mm in height and is of stainless steel construction, with a powder coated finish.

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. The Town Hall is a Grade II Listed Building and it is within the Town Centre Conservation Area

Listed Building Consent, HS/LB/14/00801, 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 main considerations of this application were the impacts on the significance and setting of the Town Hall and on the character and appearance of the Town Centre Conservation Area. The Development Manger felt that if the statue was to be on display again, in a public area, it would benefit both residents and visitors to the town, and it would provide an interesting feature and a new piece of public art for the town to enjoy. As such, he recommended the application be approved subject to conditions.

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

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

Councillor Beaney proposed a motion against the officer's recommendation to refuse the application as set out in the resolution below, this was seconded by Councillor Roberts.

RESOLVED – by (7 votes to 3) that planning permission be refused subject to the following reasons:-

The poor condition of the statue would be detrimental to the adjacent Town Centre Conservation Area and the setting of Hastings Town Hall, a grade II listed building contrary to the following policies:

Local Plan 2004

Policy C1 Development within Conservation Areas

Planning permission for development proposals within and adjacent to conservation areas will not be granted unless:-

- a) The proposal would preserve or enhance the buildings, related spaces, the streetscene and other features that contribute to the character or appearance of the area;
- b) There is a high standard of design and detailing which reflects the surrounding architectural style, scale, massing, boundary treatment and site coverage;

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Development Management Plan Policy DM1 – Design Principles

All proposals must reach a good standard of design, which includes efficient use of resources, and takes into account:

- a) Protecting and enhancing local character;
- e) An assessment of visual impact, including the height, scale, and form of development that should be appropriate to the location, especially given the complex topography of the Borough and the need, in some instances, to consider the visual effect from key viewpoints. This is particularly important when there are potential impacts upon areas of heritage and/or landscape value as outlined in the Planning Strategy

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

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

- a) The historic context, street patterns, plot layouts and boundary treatments, green space and landscaping, site levels, block sizes, siting, scale, height, massing, appearance, materials and finishes in relation to the heritage assets.
- b) Good performance against nationally recognised best practice guidance on development in relation to heritage assets, including building in context, setting and views, architectural quality and local distinctiveness.

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

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

POLICY EN1: Built and Historic Environment

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

- a) Listed buildings;
- b) Conservation areas;

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.

63.6 37 CHARLES ROAD WEST, ST LEONARDS ON SEA

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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

The Development Manager reported on an outline application for the proposed demolition of the existing dwelling and the erection of 10 new dwellings with 15 car parking spaces on the site of Filsham Nursery, at land at and adjacent to 37 Charles Road West. Only the details of siting were to be determined at this stage.

The application was previously considered by the Planning Committee at its meeting on 8th October 2006. The Committee resolved to grant planning permission subject to a legal agreement for highway improvements. The legal agreement had not been signed as the site had not been sold.

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.

The Development Manager recommended that outline planning permission be granted subject to conditions. He also advised that 'Elevations' were no longer the agents for this application.

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

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

RESOLVED – by (9 votes to 1) that:

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:

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- 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**

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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.

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(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; and
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; and
2. The applicant is advised to design the houses so as to avoid overlooking at 35 Charles Road west.

64. ADDITIONAL URGENT ITEMS (IF ANY)

None.

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(The Chair declared the meeting closed at 8.30pm)

Agenda Item 5a

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

Report to: PLANNING COMMITTEE

Date: 04 March 2015

Report from: Head of Housing and Planning Services

Application Address: **Rocklands Private Caravan Park,
Rocklands Lane, Hastings, TN35 5DY**

Proposal: **Retention of holiday let building (with
reduction to balcony area to the
dimensions permitted by HS/FA/12/00952)
and access ramp. Relocation of solar
panels to roof of holiday let building.**

Application No: **HS/FA/14/01036**

Recommendation: **REFUSE**

Ward: OLD HASTINGS
File No: RO45100T
Applicant: Mr & Mrs Guilliard per CLM Planning Limited 14
Magpie Close Bexhill on Sea East Sussex
TN39 4EU

Interest: Freeholder
Existing Use: Holiday let

Policies

Hastings Local Plan 2004: T7, L1, L2, L3, DG1, DG3, DG7, DG8, DG21,
C1 and C6

Conservation Area: No

National Planning Policy Framework: Paragraphs 17, 109, 115, 117, 118, 120, 121,
126, 128, 129, 131, 132, 133

Hastings Planning Strategy: SC1, FA5, EN1, EN5 and EN7

Hastings Local Plan, Development
Management Plan, Revised

Proposed Submission Version: DM1, DM3, DM4, DM5, HN1 and HN4

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 463

Petitions Received: 1

Letters of Support: 4

Application Status: Not delegated - Previous application refused by
Committee

Summary

The proposal is a full planning application to retain a holiday let building that has been partially constructed without planning permission in the south west corner of Rocklands Holiday Park. The building is similar to a previous planning consent granted in 2012, but the differences are considered to be sufficiently material to warrant a fresh planning application. The main issues are the relationship of this proposal to the previous planning consent, the landscape impact, the impact on the historic environment, the impact on residential amenity, the impact on nature conservation interests, the ground conditions and drainage and tourism development.

On balance I am of the opinion that planning permission should be refused.

This proposal relates to a previous application heard at planning committee. The Council's scheme of delegation requires this application also to be put to the planning committee for determination.

The Site and its Location

The application site lies within the Rocklands Caravan Park, which sits within the Hastings Country Park and within the High Weald Area of Outstanding Natural Beauty (AONB). The application site lies at the south western edge of the caravan park.

The site also lies within the setting of the Hastings Old Town conservation area, the boundary of which lies to the west and south of the application site and shares the southern boundary of the site with the conservation area.

The application site also lies partially on, and within the setting of a Scheduled Ancient Monument (SAM) and lies within an Archaeological Notification Area.

Land close to the application site, both within Hastings Country Park (which is owned by the Borough Council) and the caravan park (which is owned by the applicants) has been subject to a landslide, which resulted in the loss of vegetation on the southern slopes of the caravan park and the cliff, and has affected a footpath which ran along the southern edge of the caravan park. This footpath is no longer safe to use.

Details of the Proposal and Other Background Information

This is a full application which seeks planning permission to retain a two-storey holiday let building that has been partially constructed at Rocklands Holiday Park. The shell of the building has been constructed but the building is not complete.

In addition to the retention of the partially constructed building, this application also seeks consent to make some alterations to it:

- A reduction of the size balconies to be similar to a previous planning consent (HS/FA/12/00952),
- The location of solar panels on the roof,
- Further landscaping to the south, east and west,
- Some changes to window and door treatments.
- A ramp constructed for vehicular access will be cleared away and restored.
- Landscaping to the south and the north.

Any other buildings marked on the plan but outside the application site (red line) area do not

form part of this application.

This application is similar to a previous application that was refused by this planning committee in June 2014 (HS/FA/14/00406). That application sought to amend a previous planning consent (HS/FA/12/00952 - granted on delegated authority) which is similar to this current proposal. However the differences between the 2012 proposal and this current proposal are sufficiently material to require a fresh planning application.

In addition, HS/FA/14/00406 was not supported by accurate plans and was not supported by appropriate evidence.

The current application building does not therefore benefit from planning permission.

The main differences between the constructed building and the consented building (HS/FA/12/00952) are:

- The building has been re-sited/re-orientated to face further south
- The ground levels are 0.15m higher.
- The ground floor has been extended in the south west corner
- The height of the building has been increased by 0.6m (to 6.2m in total)
- The balconies extend further from the building.

There have also been some changes in circumstances at the application site in the period since planning permission HS/FA/12/00952 was granted. These are the landslip in February 2014 and the loss of vegetation as a result. Some hedging was also removed on the east/south of the application site as a result of the construction.

Previous Site History

HS/FA/14/00406 Variation of condition 2 (approved plans) of planning permission HS/FA/12/00952 -Minor amendment showing change of ground floor plan, additional & altered window positions & extended balcony (Retrospective)
Refused 18 June 2014

HS/CD/13/00792 Discharge of conditions 4 (colour of render) & 5 (screening) of application HS/FA/12/00952
Granted 21 January 2014

HS/FA/12/00952 Proposed demolition of current holiday let and replacement of a new holiday let.
Granted 13 February 2013

HS/FA/12/00471 Proposed demolition of current holiday let and replacement of a new holiday let.
Refused 19 July 2012

HS/FA/11/00043 Removal of condition 2 from Planning Permission HS/FA/10/00492
Refused 16 March 2011

HS/FA/10/00492 Roof Alterations to form first floor accommodation
Granted 05 October 2010

HS/FA/08/00869 Replacement Holiday Dwelling

Refused 16 March 2009

HS/FA/89/01067 Erection of extensions to existing bungalow
Refused 04 April 1991

Details of Consultations

At the time of writing there have been 463 objections to the proposal. These follow neighbour consultation, site notice and an advertisement in the Hastings and St Leonards Observer. The neighbour consultation officially began on 5th January 2015. The application was registered complete on 19 December 2014, but the delay in the notification was deliberate so that the statutory 21 days consultation period did not run over the Christmas period. Representations received before the official start of consultation in early January have been taken into account.

The issues raised by local objectors are:

- Adverse visual impact of the building in the AONB and/or Country Park in terms of scale, bulk, massing, design, colour.
- There is no landscape justification.
- There has been a loss of trees on the site.
- The screening will not be adequate.
- Adverse impact on the Scheduled Ancient Monument/Conservation Area
- The original building should not have been permitted.
- The existing building should be removed and the site either returned to its previous condition or to contain a single storey building.
- The changes to the building are not sufficient to make it acceptable,
- The solar panels exacerbate the harmful impact.
- There is criticism of the fact the building has not been constructed according to approved plans.
- Adverse impact on the SSSI and nature conservation interests.
- Criticism of Council actions to date and failure to enforce against breaches of planning control.
- This is the same proposal as previously refused.
- The application is flawed and misleading.
- The building/drainage has caused or will cause subsidence.
- It would set a precedent.
- It negatively affects tourism.
- There is no disabled access.

At the time of writing there have been 3 letters of support, one feels some of the comments and actions are akin to a witch-hunt against the applicants and there is no blight on the landscape.

Statutory Consultees

The **High Weald AONB Unit** made the following points, noting that this was a desk-based assessment of the application proposals:

- The submitted planning statement makes no reference to landscape impact.
- The High Weald AONB Management Plan recognises the aesthetic appreciation of the landscape and as such, High Weald AONB Unit would have expected a Landscape and Visual Impact Assessment to accompany this application.

- The physical mass, size and scale of the proposed development in such a prominent location is likely to have a considerable adverse effect of peoples enjoyment of the landscape and the building does not contribute to the conservation and enhancement of the natural beauty of the High Weald.

The **Council's Amenities, Resorts and Leisure Department** objects to the development on the grounds that it materially and detrimentally affects the character of the protected landscape and as such, conflicts with local and national planning policy.

The **Council's Head of Environmental Services** raises no objections.

The **Council's Head of Communications and Marketing** supports the principle of development in the light of a shortage of good quality self-catering accommodation in the town and it adding to the local economy. The sensitive location is acknowledged and appropriate screening is supported.

The **Council's Building Control Manager** notes that additional weight of the panels on the roof will require an assessment of the structural ability of the roof to accommodate the load.

The **Environment Agency** raises no objections to the proposal.

East Sussex Archaeological Unit broadly agrees with the submitted Heritage Statement. The Unit does not agree that the wider setting has little contributory relevance and finds that the present day coastal promontory location does contribute to its significance. The presence of the building has a potential impact on that setting physically and visually and appropriate mitigation (design and planting) should be agreed to minimise impacts. The Unit agrees that there remains potential for impacts from these proposals. If planning permission is granted a programme of archaeological works should be undertaken to enable archaeological deposits and features. These recommendations are in line with requirements of the National Planning Policy Framework.

English Heritage focuses its attention on the heritage significance of the SAM. In summary, EH considers that the proposal will have a number of small effects on the heritage significance of the SAM. However, they recommend that even though great weight should be given to the consideration of designated heritage assets they do not think that the likely harm to heritage significance is great enough to justify refusal of planning permission. If planning permission were to be granted English Heritage recommends that the proposed planting will be effective in year round screening in views from the SAM so that its visibility is similar to the previous bungalow, although it is acknowledged that it is likely to be more visible. Also a programme of archaeological work should be required. It notes that any work that disturbs the ground will require Scheduled Ancient Monument consent.

The **Council's Conservation and Design Team** notes the previous consent granted in 2012 and that, at that time, due regard was had to the SAM, but that the setting of the conservation area was not referenced. Whilst the development as constructed does demonstrate visual subservience to the adjacent built form on the site, it is visually dominant in view within the Country Park, the AONB and the conservation area. It is noted that had the building been constructed as consented, it would still have been a perceived adverse visual impact in the conservation area. The increase in height adds further harm to the setting of the conservation area. The harm to the setting has already been established by the determination of the 2012 consent. However this is compounded by the loss of established trees and hedging. The remodelling of the west elevation is largely screened and does not adversely affect the conservation area, SAM or AONB. Moving the solar panels from the grassed bank is welcomed, but their location on the roof would be an unwelcome intrusion

into the landscape.

Natural England raises no objection. Regarding statutory nature conservation sites it raises no objection. On protected landscapes it does not wish to comment, and advises the Council to seek the advice of the AONB partners (High Weald AONB Unit). On protected species it refers to its Standing Advice. On local sites the authority should ensure it has sufficient information before an application is determined.

Southern Water raises no objection.

The **Borough Arboriculturalist** describes the site's character and constraints. New planting is challenging and new plants take a long time to mature. He notes that the landscaping scheme includes a mix of deciduous trees and evergreen shrubs, intending to provide all year round screening. He agrees that the choice of species is acceptable and suggests adding in Aspen and Holm Oak. He has some doubts if the number of plants will cover the two sites proposed for planting and requests that they be required at denser plantings.

Other Consultees

The **Hawthorn Area Residents Association** objects to the application. It considers that this current application still seeks to deceive the Council and third parties. It points out inconsistencies between all previous planning applications. It considers that this application remains insufficiently detailed. It feels that the refused application for a similar development should stand and that enforcement action should be taken to demolish the building. The application does not conform to policies in the adopted and emerging development plan relating to layout, density of building design, visual appearance and finishing materials, inadequate or inappropriate landscaping, loss or effect on trees, adverse impact on nature conservation interests and biodiversity opportunities and effect on listed buildings or conservation areas.

Save Ecclesbourne Glen objects on the following grounds:

- Too large and prominent
- No dimensions are shown on the drawings
- Destroys beauty of Country Park and AONB
- Design fails to address disabled access
- Natural England Consultation is flawed
- Contravenes Ecological Policies/EU Directives and UK Statutes
- Contrary to local and national planning policies
- The application documents are misleading and elements are missing
- Serious flaws in the planning process that require to be addressed.
- It is the applicant's intention to make the building permanently residential.
- There is concern that the application is not a full planning application, that it remains an amendment of a previous application, and consultees have not appreciated this point.

Save Ecclesbourne Glen also makes further comments on the Heritage Statement;

- It does not adequately cover the required issues,
- The group does not agree with English Heritage's response on the impact on the SAM,
- The previous works have not been addressed,
- The application site was not assessed by the Coffey report,
- Foul and surface water drainage needs to be assessed,
- The submitted geotechnical report has drawn its own conclusions.
- There is no consultation with Building control on foundations

- Underground services will affect the SAM

Save Ecclesbourne Glen also object on the lack of an ecological survey on the application site.

A petition of 17 names has been received. Some of the names listed also wrote independent letters of objection. The petitioners object on the following grounds:

- This building is significantly larger than the previous bungalow and has an adverse impact on the SAM, Ecclesbourne Glen and the High Weald Area of Outstanding Natural Beauty,
- It is overbearing and out of character with the conservation area
- Destroys the beauty of the Country Park,
- Has damaged the SAM
- The planting will not achieve screening,
- Contravenes Ecological policies
- Provides insufficient information on drainage
- Application is insufficient and incorrect with elements missing
- There are flaws and omissions in the planning process
- Fails to meet disabled access requirements.

The **Croft Residents Association** objects on the grounds that the additional solar panels and the retention of balconies would have a harmful impact on the High Weald Area of Outstanding Natural Beauty. The previous application should not have been granted. The proposed building is located close to a favourite walk and alters that part of the park from rural to suburban. Permission should be revoked. Trees were removed or cut back to construct the building. Should planning permission be granted a scheme of replacement planting should be submitted, approved and implemented before occupation.

The **Old Hastings Preservation Society** objects. The structure as built is detrimental to the SAM and the AONB. It is highly visible from the AONB and the loss of the screening vegetation is to be regretted. The proposed planting does not represent the range that has been lost. The trench required for the planting will remove any archaeology; if this is granted then all works should have archaeological supervision. The works undertaken to date have caused the loss of historical information and there should be added protection for any archaeological information. The current building detracts from the setting of the SAM. The December 2012 consent should not have been granted.

The **Burtens' St Leonards Society** object. They objected to HS/FA/14/00406 and the same grounds apply. Hastings Country Park is greatly admired and has been so for many years, before it was designated. If consent is granted it will be irreparably spoilt and the tourist industry would suffer.

The **Friends of Hastings Country Park** object. Planning permission should not have been granted for the previous consent, which has led to the construction of the current building and loss of screening. Previous consultation responses were based on flawed information. The current application is flawed, misleading and confusing. The Area of Outstanding Natural Beauty and the SAM must be given great weight and the application must therefore be refused. The applicants should consider replacing the current building with a single storey in brick and tile and like for like replacement of screening. A reasonable and proportionate scheme would be acceptable to statutory authorities and local people. The building is a disaster to the landscape, the SAM and should be removed.

Public comments were also sought on an additional document, figure 1 of the geotechnical report that was submitted on 5th February 2015.

The **Save Ecclesbourne Glen Campaign Group** has objected on the grounds that the missing figure 1 from the submitted geotechnical report was not noticed until late in the planning process, that there is confusion over dates and figure reference numbers, the figure 1 (with hand-written notation) is not legible, was supplied by the applicants experts and distorts the facts and has inaccurate measurements and that the Coffey report should have been submitted with this planning application. It also expresses concern regarding a letter sent to Amber Rudd MP from Natural England.

A further objection on figure 1 comments on its illegibility.

Assessment

Planning Considerations

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

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

The following policies and guidance are relevant to this application:

Adopted policy

Hastings Local Plan 2004: T7, L1, L2, L3, DG1, DG3, DG7, DG8, DG21, C1, C6, Hastings Planning Strategy policy SC1, FA5, EN1, EN5, EN7.

The National Planning Policy Framework

Emerging policy

Development Management Plan proposed submission version: DM1, DM3, DM4, DM5, HN1, HN4

The following issues are material to the consideration of this planning application:

- The planning history
- The landscape impact and landscaping
- The impact on the historic environment
- The impact on residential amenity
- Nature conservation Interests
- Ground conditions and land drainage
- Tourism Development

The Planning History

The application site has been subject to a number of applications, consented and refused, which are material to this case. Whether implemented or not, previous decisions made by this Council are material to the consideration of this application.

If this Council previously granted planning permission by finding that a proposal accords with the development plan and that all other material considerations were deemed to be acceptable, this has an influence on further proposals on the same site. This applies to the consents referenced HS/FA/10/00492 and HS/FA/12/00952, neither of which have been

revoked or challenged by Judicial Review. The latter remains extant. If there have been significant changes in circumstance, whether in policy terms or in terms of the physical conditions at the site, these are also material to the consideration of the application.

Many of the local objectors commented that the previous planning consent granted in 2012 (HS/FA/12/00952) should not have been granted, and that the application building should now be removed. Members will understand that the consent granted in 2012 was not challenged at Judicial Review and nor has it been revoked. For the purposes of this report, it must be considered a valid planning consent and material to the consideration of this application.

Save Ecclesbourne Glen submitted a counsel's Opinion. This states, amongst other points, that a new chapter in the planning history of the site began with the physical erection of the current building and therefore all previous grants of planning permission for the site may be regarded as having been abandoned. Therefore, the Opinion contends, there is no realistic fallback position that has to be taken into account in determining the current application.

A barrister acting for the Council has advised on this position. On the issue of the weight to be afforded the planning history, he is not convinced the planning permission HS/FA/12/00952 has been abandoned. He acknowledges that the point may not be entirely straightforward but is of the view that where a building, purportedly constructed pursuant to a consent but actually found to be unauthorised, is demolished, it can, in principle, be replaced by the permitted building. That is provided that the permission has not expired and that the site, after demolition of the unauthorised building, is in a physical state that still allows the original permission to be implemented in accordance with the approved plans and imposed conditions. Therefore, for the purposes of the current application, we have assumed that if the current building, the subject of this application, is demolished, the building granted under HS/FA/12/00952 could be built while it is extant. That consent expires in February 2016.

Landscape and Visual Impact and Landscaping

The landscape is designated High Weald Area of Outstanding Natural Beauty. As such it benefits from the highest status of landscape protection, parallel to that of a national park. Great weight should be given to conserving landscape and scenic beauty. This is reflected in the NPPF paragraph 115, Hastings Local Plan policies L1, L2, DG7 and DG8, Hastings Planning Strategy policies FA5 and EN7, all of which seek to protect the landscape character of the High Weald Area of Outstanding Natural Beauty, the Hastings Country Park and the setting of the town.

Policies seek to protect, manage and enhance the distinctive landscape setting of the town and the High Weald Area of Outstanding Natural Beauty (EN7 and FA5 of the Hastings Planning Strategy) and to disallow development that would substantially compromise the distinctive landscape setting of the town and would adversely affect the natural beauty of the AONB (L1 and L2 of the Hastings Local Plan)

The application building is highly prominent in views from the country park and from the wider landscape. The form, scale and colour of the building all contribute towards a building that is clearly visible in views from the east, south and west within the country park.

In views from the east, the application building is clearly visible, and can be seen within the context of the whole caravan park. It is comparatively larger than other buildings; the caravan park appears as a collection of white boxes settled into the hillside, and although the application building appears as a part of this collection, it has a larger mass and bulk than

other structures. In views from the west, East Hill, the conservation area and the SAM, the application building is more visible and prominent. The second floor is readily apparent in medium and short views. From the west, the building is an incongruous addition to the landscape. In close views from the south, the building appears large and dominant.

The application provides no specific landscape justification, relying on the previous planning consents granted on the site, stating that the quantum of development on the site has already been granted.

Two previous planning consents are relevant to this issue, HS/FA/10/00492 and HS/FA/12/00952. The former is a planning consent for an additional storey to the former existing single storey building in a chalet style pitched tiled roof with dormers. The ridge of this building would have been marginally higher than the application building, although would be less prominent due to the tiled, pitched roof form. The latter is a building similar to that constructed but at a lower height, marginally smaller footprint and orientated facing further south east.

When planning permission was granted for a building under HS/FA/12/0952, it was acknowledged that redevelopment within the High Weald is only considered acceptable provided that the development does not consist of a significant increase in size, height and layout from the existing. That application was considered to have an acceptable landscape impact with screening to the south east provided.

It is considered that the building HS/FA/12/0952 would also have been highly visible in the landscape. The additional landscaping proposed at the time was intended to screen the east elevation from views within the caravan park. The natural landscaping of the area is short growing trees and shrubs. Sea winds limit the height of trees in the vicinity. The form, height and massing of the 2012 consented building, as well as its pale coloured render, could not have been wholly screened on views across the country park.

There are, in any event, a number of notable changes between this current application and that granted in 2012. This proposal is 600mm higher. The reasoning for this is given as the increase door height (from 1.8m to 2.1m) and the depth of steelwork required to support the roof. It also sits on slightly higher ground levels. The balconies on the building as constructed would be cut back to the 2012 depth. The footprint is enlarged in the south west corner to square the building off. There are some alterations to windows and doors.

With respect to landscape, the height, form and colour of the building are the most important factors. The re-orientation of the building and the balconies are more minor and, on their own, would not materially affect the impact the building has in the landscape. It is also not considered that the solar panels will exacerbate the impact, as they would lie below the profile of the parapet roof in views of the building from the Country Park and the AONB.

Since HS/FA/12/00952 was granted there have also been some material changes in the physical environment. The landslip has lowered ground levels to the south east of the site, exacerbating the prominence of the application building. The Coffey report 2014 (commissioned by the Borough Council into the landslip) notes the difficulty in estimating the extent of the vertical drop, but it is conjectured to be 'several metres'. There has been a significant loss of vegetation on the lower slopes of the caravan park due to the landslip (south east of the application site) and some hedging has been removed in the implementation of the current unauthorised building (south, north and east of the application building). These physical changes are material to the consideration of this current application. These changes affect the longer views of the application building from the east and the more immediate views from the south.

The principle question therefore is whether the increase in height over the 2012 consent, in combination with the material physical changes that have occurred since 2012, would result in the application building materially more harmful in the landscape to the extent that it no longer meets development plan policy? This raises the question then as to whether this effect be mitigated against in the form of landscaping or other measures?

The existing landscaping is shown in the form of a low hedge of dense ivy-covered thorn. The proposed landscaping shows native species of holly, oak and field maple to augment this hedging, replace what has been lost and to naturalise the site into its setting so that the development would blend more into its setting. The proposed landscaping would not wholly screen the site in the wider landscape. Additionally, there is limited space on the southern and western boundaries within the application site to add significant further landscaping. Landscaping would have a softening effect, particularly if the landscaping had an all-year effect on the southern and western edges of the site.

The colour of the building could be changed to a darker neutral shade. This could reduce its landscape impact, although the effect would not be significant overall.

On balance, although the application building is similar to HS/FA/12/00952, it is considered that the increase in height, along with the changes in the landscape, have materially altered its impact in the Area of Outstanding Natural Beauty and the Country Park, that the landscape and visual impact is harmful and the application proposals do not protect, manage or enhance the AONB or the setting of the town. It is therefore contrary to policies EN7, FA5, L1 and L2 and paragraph 115 of the NPPF.

This is a finely balanced issue, based on the assumption that the building could be demolished and a new building could and would be erected in conformity with HS/FA/12/00952. Even on that assumption, on balance it is nonetheless considered that the landscape and visual considerations outweigh the planning history and the fallback position. If the applicant in fact would in reality not be able to or not wish to construct the building as approved, given the previous concerns they have expressed regarding the door height and increased depth of steel needed to support the roof, then the balance would be increased against approving the application.

Impact on the Historic Environment

The application site lies adjacent to the Old Town conservation area. It lies partially within a Scheduled Ancient Monument (SAM) (Iron Age Cliff Castle and site of St. George's Churchyard on East Hill). It lies in an Area of Archaeological Interest.

The submitted Heritage Statement has stated that the development proposal will have a minor impact on the fabric of the SAM, will have no impact on the setting of the SAM or the Conservation area and overall, no harm to heritage assets.

Conservation Area

The Old Town conservation area covers a large area, encompassing both the Old Town, its setting, East Hill and the SAM. The conservation area wraps the eastern and southern edges of the caravan park, but the application site lies outside the conservation area. The application building affects the setting of the conservation area.

The conservation area in the location of the application site is open and natural in appearance. In this location, the conservation area primarily serves to protect the character

of the SAM, and the open setting of the Old Town. It is its open aspect which characterizes this part of the conservation area. The 2004 Local Plan in paragraph 9.116 discusses the planning issues facing each conservation area. The Old Town needs to balance the needs of visitors with the conservation of the historical and cultural heritage.

The submitted Heritage statement suggests that the east and west hills (whilst they have their own historic interest) mainly serve as buffer zones to the Old Town, protecting it from encroachment. It states that inter-visibility between parts of the conservation area is therefore blocked and the application site is not visible from the majority of the conservation area.

English Heritage focuses on the impact on the SAM but acknowledges that the proposal has other effects on landscape character. The ESCC Archaeological unit considers the setting of the conservation area to contribute to its significance, and the application building does have potential to affect the setting and appropriate mitigation should be agreed. The Borough Conservation and Design Team consider that the building does represent harm to the setting of the conservation area. It recognises that some harm would arise to the setting of the conservation area if the 2012 consent were constructed. This current proposal represents further harm by virtue of the increase in height, loss of vegetation, and location of the solar panels.

The setting of the conservation area makes a substantial contribution to its significance. The application building is highly visible and interrupts the open aspect which characterises the setting. The height and massing of the proposed development, over that granted at HS/FA/12/00952, does not conserve or enhance the character or appearance of the conservation area. The planting proposed is not sufficient to mitigate this impact.

It is considered that the proposal fails to accord with policy C1 of the Local Plan which requires development within or adjacent to conservation area to preserve or enhance the buildings, related spaces, the streetscene and other features that contribute to the character or appearance of the area. It fails to accord with policy EN1 of the Hastings Planning Strategy which seeks to protect the significance and settings of conservation areas. Paragraphs 129 and 132 of the NPPF attaches great weight to the preservation of the significance of the heritage asset and its setting.

Again, the fact that the building could be demolished and erected in conformity with HS/FA/12/00952 has been taken into account on the same basis as for my assessment of the landscape and visual impact of the proposed development. Although this is a material consideration, on balance it is considered that the impact on the setting of the conservation area outweighs the planning history and the fallback position.

Scheduled Ancient Monument

The application site lies partially on the SAM. The SAM wraps around the site tight to the application building on the southwest, south east and north east sides. The building projects into the SAM on the south east side and the balconies project over the SAM. The NPPF makes it clear in paragraph 132 that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be afforded the asset's conservation.

The previous application drawings that were approved showed no building work within the SAM itself. The current building as constructed encroaches onto the SAM. English Heritage is aware of this and has confirmed that the building, as constructed, would have required Scheduled Ancient Monument Consent. As this was not obtained, the works

represent an offence. However English Heritage, whose representative has visited the site and met with the applicants, has decided that the breach is not so notable as to sustain a prosecution.

The works proposed include the removal of three balcony support posts and the excavation associated with their relocation nearer to the existing building. These works may have an impact on archaeological deposits and would require a SAM consent prior to work starting. In addition, any works to the access ramp that has been formed and any tree and shrub planting within the SAM would also need SAM consent. It is for English Heritage to consider such an application and its response to this planning application anticipates that a solution could be found to ensure that works would be acceptable.

English Heritage has considered the impact on the SAM and its setting in accordance with the NPPF, concluding that the development will have a number of small effects on the heritage significance of the SAM but with mitigation, the works are not considered sufficiently harmful to warrant a refusal of planning permission. It is considered that there is some inter-relation between the setting of the SAM and the conservation area. In the circumstances, having regard to the advice of English Heritage and the NPPF, the harm to the setting of the SAM is not considered sufficient to be a self-standing reason for refusal. Nonetheless, the impact to the setting of the SAM is considered, however, to weigh against the proposal.

The East Sussex Archaeological Unit has considered the proposals. It notes the potential for current and further works to impact on archaeological deposits. It requests that if planning permission were to be granted, a condition is imposed requiring a programme of archaeological works to be implemented prior to any work being undertaken.

The impact of the development on the SAM can be mitigated with suitable planning conditions. It appears that English Heritage considers that Scheduled Ancient Monument consent can be negotiated. There is some harmful impact on its setting although, on its own, is not sufficient to warrant a self-standing reason.

The impact on residential amenity

The residences that would be affected by this application proposal are those within Rocklands Caravan Park itself. This would apply to caravans used for holiday purposes and Rocklands House.

The elevations show doors and windows at upper and ground floor level to face in all directions. The north elevation faces directly into the caravan park. A single upper floor window is shown on the north elevation. The side flank of the balcony also looks to the north. The west elevation is shown with a ground floor en-suite window and an upper floor kitchen window.

Other windows and balconies look out over the country park, a public open space.

The building is sited some 50m from the nearest caravan and 8m (offset) from Rocklands House.

It is considered that the application proposals has no adverse impact on residential amenity and conforms with policy DG1(f) which seeks to protect residential amenity.

Nature conservation Interests

The application site adjoins an SSSI, SAC and Local Nature Reserve. The application site

itself does not lie within a designated area of nature conservation interest. The application site has been managed for many years as part of the caravan park. The application building has been erected on a site previously occupied by a building.

English Nature considers that the statutory sites (the SSSI and SAC) are unlikely to be affected by the application proposals. The Council's Environment and Natural resources Manager considers there is no evidence to suggest that protected species will be affected by the proposal, either in its current form or as previously consented.

Although there have been concerns raised by objectors to the scheme that nature conservation interests have been harmed by the development, no specific evidence that this is the case has been presented to date. It is considered that the proposal represents no harm to protected species, the SSSI, the SAC or local nature reserve. As a result, it conforms with nature conservation policies within the Local Plan, the Planning Strategy and the NPPF.

Ground Conditions and Land Drainage

In February 2014 a landslip occurred on land within the caravan park and within the country park, close to the application site. The application site itself was not part of the landslip.

Adopted Local Plan policy DG21 states that planning permission will only be granted on unstable land where the applicant provides evidence that actual or potential instability can be overcome. Planning applications should be supported by a ground conditions report indicating how any problems can be overcome. Emerging Development Management policy DM5 asks that on land subject to instability, evidence from a relevant and suitability qualified individual should be supplied to demonstrate that any instability can be overcome. The National Planning Practice Guidance provides guidance on the role of local authorities in planning for land instability in their areas. If land stability is an issue, developers should seek expert advice to assess the consequences of proposed developments on sites where subsidence, landslides or ground compression is known or suspected. Developers should ensure that any necessary investigations are undertaken to ascertain that their sites are and will remain stable or can be made so as part of the development of the site (NPPG paragraph ID 45-006-20140306).

Due to the proximity of the application site to the landslip, such evidence was requested of the applicant. The submitted report is from Ocus, a firm of consultant civil and geotechnical engineers and meets DM5's requirements.

The report examines the geological formation of the area and concludes that the building is 40m from the existing landslip complex, and is situated on a sandstone band which would hinder the upward migration of the current landslips. A migration of the current landslip area would not affect the application site, and there is no evidence of landslips directly downslope of the application site. The storm and foul drains for the building are linked into local authority storm and foul sewers. The building will have a marginally greater foundation load than the former building, but this will have a negligible effect of slope stability.

The report concludes that there is no reason to believe that the building, as constructed, would be subject to landslip in the future. Nevertheless it is not possible to mitigate against the risk of cliff erosion, but that the holiday let will not contribute to it.

The Borough Council has instructed Coffey Geotechnics to assess the submitted Ocus report on the Council's behalf. Coffey Geotechnics concludes that while the findings could be correct, there is a possibility they might be incorrect. There is insufficient information to

demonstrate that the new building is not likely to be affected by the landslide and that the current building loads would have a negligible impact on slope stability. They suggest further information on site history, ground investigations, groundwater conditions, slope stability assessment and drainage is required.

The foul and surface water drains are shown on the application drawings as being connected to the existing system at Rocklands which are connected to the public mains drainage. No additional water would be drained directly onto the land.

Southern Water, the Environment Agency and Building Control have investigated the foul and surface water drainage that has been shown on the application drawings. No objections are raised.

Nevertheless, further information would be required to fully determine whether the current building might be affected by landslips or would affect slope instability in its own right.

Tourism Development

The application proposals represent the creation of additional tourist accommodation. Such development is supported in principle by policies T7 of the Local Plan and E4 of the Planning Strategy. Policies encourage the provision of new tourist accommodation, particularly on the seafront and the Old Town, as well as resisting the loss of existing tourism accommodation. Tourism is seen as one of Hastings' vital economic assets and is key to meeting its overall regeneration objectives.

The benefit to tourism of this application proposal should not be overlooked. It will create high quality visitor accommodation that will bring about economic benefits.

However the creation of new visitor attraction must be balanced against the visual impact. Policy T7 requires that new development within caravan sites should not be visually intrusive.

Conclusion

On balance, the planning history/fallback position and the benefits of the scheme to the visitor economy are outweighed by the harm to the landscape character and visual amenity of the AONB, the Country Park and the setting of the conservation area.

As a result these proposals do not comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

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

Recommendation

Refuse for the following reasons:

1. The proposal, by virtue of its height, form and colour which is highly visible in long, medium and short views from the east, south and west, has a harmful impact on the landscape character and visual amenity of the High Weald Area of Outstanding Natural Beauty, the Hastings Country Park. Therefore the proposal does not accord with Local Plan 2004 policies L1 and L2, Hastings Planning Strategy Policies EN7 and FA5, and the National Planning Policy Framework paragraphs 132, 133. The conflict with the

development plan and the National Planning Policy Framework is not outweighed by any other material consideration.

2. Insufficient evidence is submitted to demonstrate that the application building would not be affected by landslips close to the application site and that the additional loading on existing building would not affect slope stability. As a result adopted Hastings Local Plan policy DG21 and emerging Development Management Plan proposed submission version policy DM5 are not complied with.
3. The proposal, by virtue of its height, form and colour, would be highly visible within the setting of the Old Town conservation area and the setting of the SAM and would be harmful to the significance of each of these designated heritage assets. The proposal therefore does not accord with Local Plan 2004 policy C1 and Hastings Planning Strategy Policy EN1 and the National Planning Policy Framework paragraphs 131 and 132. The conflict with the development plan or the National Planning Policy Framework is not outweighed by any other material considerations.

Note to the Applicant

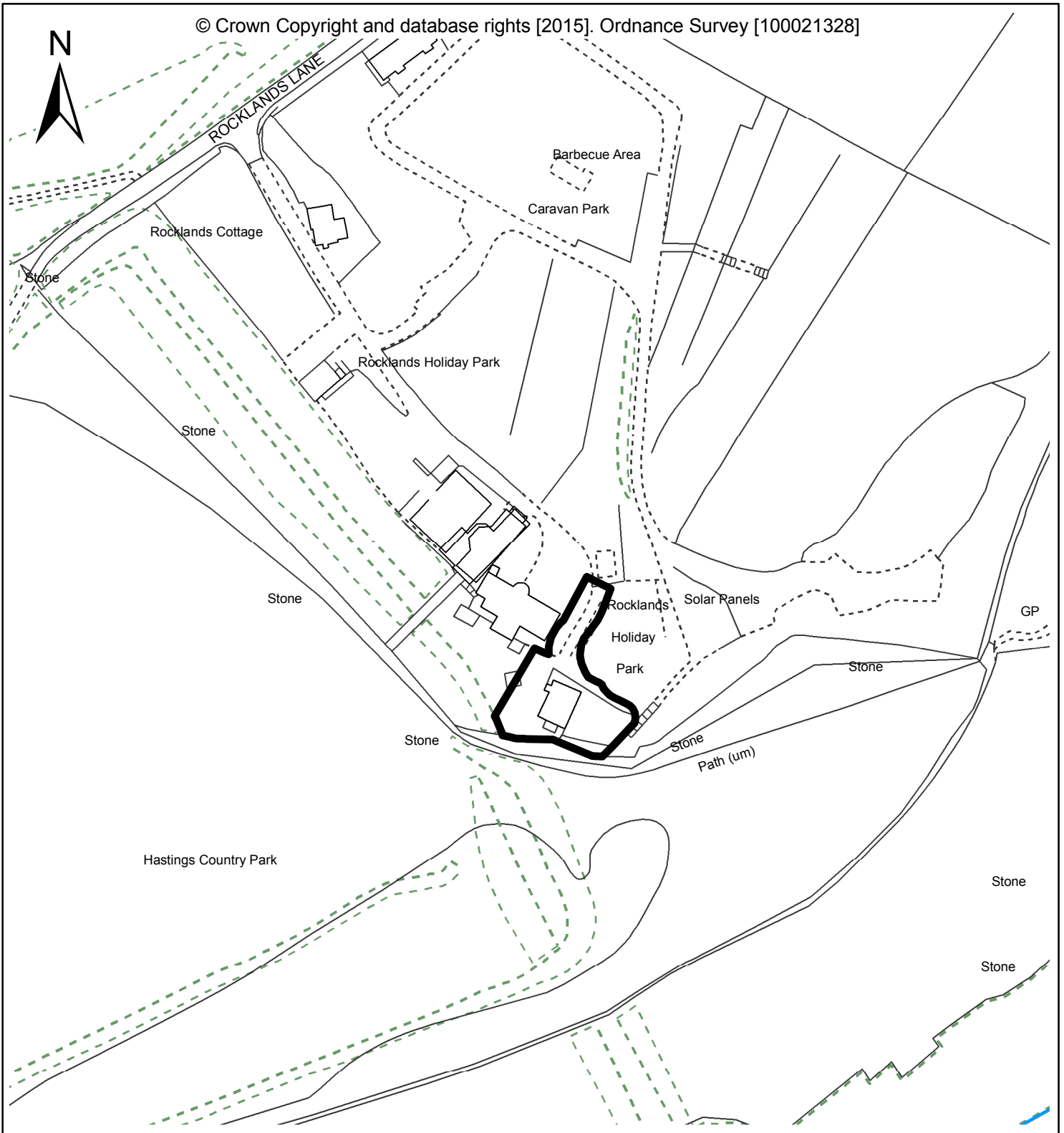
1. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Officer to Contact

Mrs T Bahcheli, Telephone 01424 451315

Background Papers

Application No: HS/FA/14/01036 including all letters and documents



Rocklands Private Caravan Park
Rocklands Lane
Hastings
TN35 5DY

Retention of holiday let building (with reduction to balcony area to the dimensions permitted by HS/FA/12/00952) and access ramp. Relocation of solar panels to roof of holiday let building.



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

Date: Feb 2015

Scale: 1:1,250

Application No. HS/FA/14/01036

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Agenda Item 6

Agenda Item: 6

Report to: Planning Committee

Date: 4 March 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 26 January 2015 to 20 February 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:

56 Bexleigh Avenue, St Leonards-on-sea	Erection of rear extension.	Refusal	Delegated	Planning
63 St Helens Park Road, Hastings	Single storey side extension, single storey rear extension, recreational room to rear of property & front and rear dormer.	Refusal	Delegated	Planning
3 Linton Road, Hastings	Retrospective application for change of use of first and second floors from single dwelling to house in multiple occupation (C4) and proposed first floor extension.	Refusal	Delegated	Planning
4 Linton Road, Hastings	Retrospective application for change of use from single dwelling to house in multiple occupation (sui generis) including proposed ground floor and first floor extensions.	Refusal	Delegated	Planning

The Malvern, Malvern Way, Hastings	Residential Development (Up to 9 flats)	Refusal	Delegated	Planning
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The following appeals have been allowed:

1 Lower Park Road, Hastings	Replacement front window with Rehau sliding sash uPVC window.	Refusal	Delegated	Planning
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Type of Delegated Decision	Number of Decisions
Granted	51
Refused	7
Raise Objection	2
No Jurisdiction to Determine	1
Withdrawn by Applicant	1

Background Papers:

Various correspondence with Planning Inspectorate

Report written by:

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

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Agenda Item 7a

AGENDA ITEM NO: 7(a)

Report to: PLANNING COMMITTEE

Date: 04 March 2015

Report from: Head of Housing and Planning Services

Application Address: **Little Warren Cottage, Fairlight Road, Hastings, TN35 4AA**

Proposal: **Proposed side extension to form new bedroom and ensuite. Proposed rebuilding of attached store to form new porch area. Proposed demolition of WC and porch to form new lobby area to rear elevation. Proposed raised decking area, leading to a new Conservatory. Insertion of 3 No. rooflights. Internal alterations to facilitate proposals. New detached studio/storage building.(Use as residential permitted under HS/PD/13/00517)**

Application No: **HS/FA/14/00893**

Recommendation: **Grant Full Planning Permission**

Ward: ORE

File No: FA35800T

Applicant: Mr Wright and Carter per Elevations Design Ltd Junction House 1 Sedlescombe Road South St Leonards on Sea, East Sussex. TN38 0TA

Interest: Owner

Existing Use: B1

Policies

Hastings Local Plan 2004: L1, L2, L3, DG1, DG2, DG3, DG11, NC1, NC2, NC3, NC5, NC8, NC9

Conservation Area: No

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: FA5, SC1, EN1, EN2, EN3, EN4, EN5, EN6, H1, H2, E1, T3

Hastings Local Plan, Development Management Plan, Revised Proposed Submission Version: DM1, DM3, DM4, HN1, HN4, HN8, HN9

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 40

Petitions Received: 0

Letters of Support: 4

Application Status:

Not delegated - More than 2 letters of objection received

Summary

The proposal is for extensions and alterations to the existing bungalow, the erection of an outbuilding, hard surfacing works and landscaping works. The main issues are the impacts of the proposal on the character and appearance of the surrounding High Weald Area of Outstanding Natural Beauty (AONB), Hastings Country Park, the ecology of the area and protected trees. After considering all matters I am of the opinion that the proposal is acceptable subject to conditions.

The Site and its Location

The site consists of a single storey building and former garden area surrounded by hedges and other mature vegetation. The dwelling is built mainly of brick with a clay tile pitch roof. Access to the site is via a track leading from Fairlight Road to the north. The site does not adjoin other properties but does adjoin public rights of way to the north, east and south. Trees exist on all of the site's boundaries which are covered by a Tree Preservation Order (TPO).

The site is located within the High Weald AONB and Hastings Country Park. The surrounding area is designated as part of the Hastings Cliff's Special Area of Conservation (SAC), the Hastings Cliffs to Pett Beach Site of Special Scientific Interest (SSSI), the Country Park Local Wildlife Site (LWS). The Country Park Local Nature Reserve.

Details of the Proposal and Other Background Information

The scheme follows the approval of application: HS/PD/13/00517 which was a prior approval application for the change of use of the premises from offices to residential. To provide some background, in accordance with planning law it is possible to change the use of office space to residential accommodation without the formal grant of planning permission. However, where an applicant wishes to make such a change they must make a prior notification application to the Local Planning Authority. This type of application basically seeks to determine whether the prior approval of the Local Planning Authority is required with regard to the following 3 matters only:

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site; and
- (c) flooding risks on the site,

Where a scheme does not result in unacceptable transport impacts and where the site is not affected by adverse levels of land contamination or flood risk the prior approval of the Local Planning Authority is not required. Other matters such as noise, general disturbance etc and the requirements of local planning policies are not considerations when dealing with prior notification applications.

The current application also follows the grant of planning permission: HS/FA/13/00685 which was for extensions and alterations to the building. The approved scheme includes a side extension to the west (area: 13.5 square metres), a replacement porch to the north (area: 2.3 square metres), the removal of a porch to the south and the formation of a raised decking area to the south (area: 10.8 square metres) .

The scheme currently proposed also involves an extension to the west with a similar footprint to that previously approved, a larger replacement porch to the north (increase of 0.7 square metres), replacing the existing porch/extension to the south with a new porch (area: 1.6 square metres), a conservatory to the south west (area: 4.9 square metres), the formation of a larger raised decking area (increase of 4.7 square metres) to the rear and an outbuilding (area 30 square metres).

Relevant Site History

- HS/FA/73/00252 Scout activity centre and hostel for cub scouts and scouts.
Granted 30 March 1973.
- HS/FA/87/00896 Conversion of existing offices, workshop and kitchen facilities for Country Park staff together with W.C. extension.
Granted 18 December 1987.
- HS/FA/10/00063 Conversion of existing offices to form 3 bedroom dwelling including extension.
Withdrawn 05 March 2010.
- HS/PD/13/00517 Prior approval application for conversion of offices (B1) to residential (C3).
Prior Notification Not Required 21 August 2013.
- HS/FA/13/00685 Erection of side extension including alterations to front raised decking and internal alterations.
Granted 14 October 2013.

Details of Consultations

The **Borough Arboriculturalist** has raised no objection subject to conditions to secure suitable tree protection fencing (condition 2) and to secure additional soft landscaping (conditions 3 & 4).

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

Comments have been received from **Natural England** who have raised no objection but have recommended considering their standing advice on protected species. They have also suggested that there may be an opportunity for the scheme to provide biodiversity enhancements, made reference to Site of Special Scientific Interest (SSSI) Impact Risk Zones and have advised comments are sought from the High Weald AONB Unit.

The **High Weald AONB Unit** have advised that they are unable to comment due to staff shortages.

The **Waste and Streetscene Team** have raised no objection.

The **Environment and Natural Resources Manager** has raised no objection subject to conditions to protect biodiversity (conditions 5, 6, 7 & 8) and an informative (informative 3), and has provided advice regarding the type of pea beach shingle proposed. The ENRM has not commented on the proposed resurfacing works on the land to the east of the site's entrance as the land is owned by Hastings Borough Council.

A total of **40 letters of objection** and **4 letters of support** have been received. The main issues raised include: proposed use, waste disposal, overdevelopment, tree loss, ecological impacts, geological impacts, precedent, character, appearance, emergency service vehicle access, light pollution, views and drainage.

Planning Considerations

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

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

Character and Appearance

The proposed side extension is to be of a similar size and position to that previously approved. The materials proposed include render, facing brick and clay tiles to match existing and will therefore remain in keeping with the traditional character and appearance of the existing building. The proposed conservatory is to be of a timber construction and will be slightly taller than the eaves height of the existing building with dimensions of 3.1m in length x 1.6m in width. It is considered that the overall size of the conservatory coupled with its lightweight design will ensure that it remains subservient to the dwelling and also in keeping with the site's rural setting. The proposed raised decking area is to be confined to the rear of the property and is to be formed of timber which will ensure that it also has a light weight appearance. It is recommended that a condition is imposed requiring materials details to be submitted for approval.

The proposed outbuilding is to be 4.2m in height with a hipped roof and is to be built of brick with clay tiles to match the existing property. The overall height of the outbuilding will mean that it will be similar in height to the northern elevation of the existing property. It is considered that the hipped roof design and the materials proposed ensure that the outbuilding is of a traditional design and one in keeping with the rural character and setting of the existing property.

In my opinion, due to the hipped roof design of the outbuilding, its relationship to the existing property and the levels of screening to the north, it will not compete with the existing dwelling and it will be clearly read as an ancillary outbuilding. The outbuilding is to be used as an artists studio and garden store in connection with the dwelling and it is recommended that a condition is imposed restricting the use of the outbuilding for ancillary purposes only.

The proposal involves forming a pea beach surface to the parking area and the area to the north of the dwelling. The use of pea beach shingle is considered to be an appropriate material for the site's rural setting. The proposed plans also make reference to the use of type 1 roadstone (normally crushed granite or limestone) to the area immediately outside the site's entrance. This area of land is owned by Hastings Borough Council and the Council has not been approached regarding resurfacing this area. As such the Environment and Natural Resources Manager is unable to comment on the suitability of type 1 road stone. It is therefore recommended that a "notwithstanding" condition is imposed which states that the type 1 roadstone is not approved as part of this planning permission.

At the time of dealing with the previous application a larger number of trees existed along the site boundaries. Since that time some were removed within the site's boundaries before the trees were protected by a TPO. Hastings Borough Council as land owner has also removed trees from the area adjacent to the site's southern and south eastern boundaries which has left the property more visible within its surroundings. It is considered that a soft landscaping condition should be imposed in order to ensure that additional boundary screening is provided. A good quality screen will further ensure that the proposal does not impact on the landscape character of the surrounding area or the wider AONB in accordance with planning policies and the High Weald AONB Management Plan. The screening will also help to

ensure that public views of natural landscapes are not interrupted as a result of the scheme

Trees

The application has been submitted with an arboricultural report which concludes that no trees would need to be removed as a result of the proposal. The report advises that some works would be within the root protection areas of some trees but the impacts are considered to be minimal and tree protection measures are recommended which can be controlled by conditions. The report recommends that holly tree (T5) is coppiced in order to allow it to re-shoot and makes other recommendations regarding the need to prune the crown of an oak tree (T1) in the future. As stated previously the trees are all now covered by a TPO. Any future works to the trees, therefore, require consent from the Council's Estates Team.

Biodiversity

At the time of considering the previous application, an ecological report and a bat survey were prepared. The reports concluded that the scheme would not result in adverse ecological impacts and suggests a number of precautions which should be taken during development. The ecologist has confirmed that no additional survey work is required as a result of the latest application.

The Environment and Natural Resources Manager has concluded that the proposal will not result in adverse impacts on the special features of the surrounding nature conservation designations, the AONB or on protected species. Having regard to all matters, it is considered that the proposal will not result in adverse impacts on the biodiversity of the area providing it is completed in accordance with the submitted ecological information. It is, therefore, recommended that conditions are imposed requiring the works to be completed in accordance with the reports and which require further details of the methods for completing the works.

Drainage

In relation to water run-off the Environment and Natural Resources Manager originally requested clarification regarding the type of hard surfacing materials proposed. The use of pea beach shingle within the site is considered to be acceptable in principle. It is recommended that a condition is imposed which requires drainage details to be submitted for approval in order to ensure that the area is drained appropriately. In accordance with the Environment and Natural Resources Manager's suggestions, it is also recommended that a condition is imposed requiring a sample of the type of pea beach shingle proposed in order to ensure that it is acceptable both in terms of visual appearance and to protect the ecology of the area.

As mentioned above the area of type 1 road stone proposed outside the site's entrance will not be dealt with as part of this application.

Living Environment

The proposal will help to increase the level of accommodation available at the site. A suitable garden area will be retained making the property suitable for families.

The absence of any neighbouring properties ensures that there will be no adverse impacts on the amenity of other residents. The issue of visual amenity in terms of users of the Country Park has been addressed above.

Highways and Parking

The current proposal will generate vehicle movements, however it should be noted that the existing use of the premises as a rangers' office would also have generated some vehicle movements across the same track to the property. Furthermore the change of use of the property is permitted development and has already been established following approval of application: HS/PD/13/00517. The current proposal will therefore not result in materially worse impacts to the previous approvals at the site.

The scheme makes adequate provision for car parking within the site meaning there will be no need to park on the land to the east where there is the potential to obstruct public rights of way.

Archaeology

Having regard to the comments received from the County Archaeologist, it is considered that the scheme will not result in unacceptable impacts.

Loss of Employment Floor Space

As mentioned above there is currently a permitted right to change the use of the premises from an employment type use (B1) to residential. The requirements of Policies E4 of the Hastings Local Plan 2004 and Policy E1 of The Hastings Planning Strategy 2014-2028 therefore do not apply on this occasion.

Procedural Matters

In accordance with planning law, it is possible to make an application on land not owned by the applicant providing they serve notice on the relevant land owner. In this case the site boundary includes the area immediately outside the entrance which is owned by Hastings Borough Council. The applicant followed the correct procedure by serving notice on the Council's Estates Team in December 2014.

The application has been publicised in accordance with planning law and the Council's procedures.

Other Matters

The proposed outbuilding is also to be used as a bin storage space. The Waste and Streetscene Services Team have raised no objection to this approach. It is recommended that a condition is imposed which requires the bin store to be made available for use prior to the dwelling being occupied.

The issues of emergency service vehicle access and the suitability of the use of soakaways are matters that will be addressed at the building control stage.

Conclusion

It is considered that the proposal has been designed to be in keeping with the rural character and setting of the existing property. Through the use of conditions a suitable tree screen can be established to further ensure that the landscape character of the area is protected. Conditions can also be used to secure protection of trees during construction and the ecology of the area. 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 arboricultural report (Arboricultural Report Tree Survey Arboricultural Impact Assessment & Tree Protection Plan Little Warren Cottage Fairlight Road Fairlight East Sussex TN35 4AA by the Mayhew Consultancy), dated November 2014 have been fully implemented, unless:
 - (i) the programme for such measures is otherwise specified within that document 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 report are otherwise first varied, by way of prior written approval from the Local Planning Authority.
3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
4. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
5. Prior to the commencement of development, a biosecurity protocol shall be submitted to and approved by the local planning authority detailing measures to minimize or remove the risk of introducing non-native species into a particular area during the construction, operational or decommissioning phases of the project. The measures shall be carried out strictly in

accordance with the approved scheme.

6. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been 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, unless otherwise agreed in writing by the local planning authority.

7. No development shall take place until the measures outlined in the submitted ecological statements and reports (Scoping Survey Warren Cottage, Hastings County Park. by Camber Ecology Limited dated 9th November 2012 and Bat Survey Little Warren Cottage, Fairlight, East Sussex. by Camber Ecology Limited dated July - August 2013, and the letter from Camber Ecology Limited dated 04 November 2014) have been fully implemented, unless:

- (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;
- (ii) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

8. Where ecological surveys have identified the presence of roosting bats, no activities that could result in disturbance (such as demolition, roof stripping, excavations or building works or associated operations) shall be carried out unless under the direction of a licensed bat ecologist to ensure that an offence is not committed and in accordance with the submitted and approved Construction Environmental Management Plan (Biodiversity).

9. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the extension, conservatory, outbuilding and hard surfaces hereby permitted have been made available on site or submitted to the Local Authority for approval in

writing. Development shall be carried out in accordance with the approved details.

10. The accommodation hereby approved shall only be used as ancillary accommodation and storage incidental to the use of Little Warren Cottage, Fairlight Road, Fairlight, East Sussex, TN35 4AA as a dwellinghouse only. The building shall be used for no other purposes whatsoever including as independent residential use.
11. Notwithstanding the information shown on drawing number: 14.613/02 D the area immediately to the east of the site's entrance annotated "Type 1 roadstone" is not approved as part of this permission.
12.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
13. The development hereby permitted shall be carried out in accordance with the following approved plans:

14.613/03, 01 (Date Stamped 10/12/14), 02D

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 and the landscape character of the area.
3. In the interests of the visual amenity.
4. To ensure a satisfactory form of development in the interests of the visual amenity.
5. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
6. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
7. To protect features of recognised nature conservation importance.

(Hastings Local Plan 2004 policies NC8 and NC9.)

8. To protect features of recognised nature conservation importance.
(Hastings Local Plan 2004 policies NC8 and NC9.)
9. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
10. To accord with the terms of the application and to safeguard proper planning of the area.
11. To ensure a satisfactory standard of development and to protect features of recognised nature conservation importance.
12. To ensure that the property is occupied until adequate access and drainage facilities have been provided.
13. 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 applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

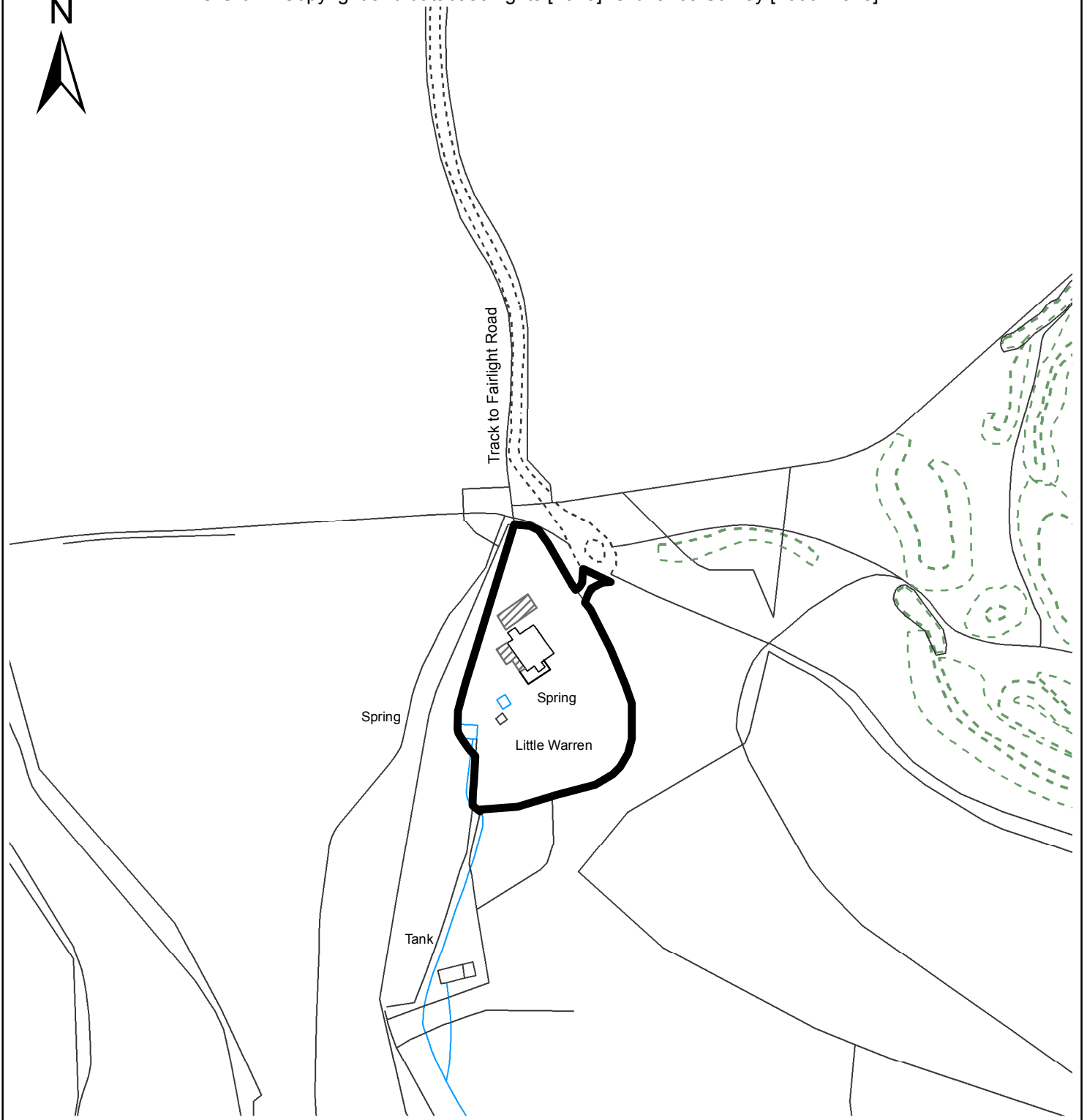
Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Officer to Contact

Mr T Tanner, Telephone 01424 783336

Background Papers

Application No: HS/FA/14/00893 including all letters and documents



**Little Warren Cottage
Fairlight Road
Hastings
TN35 4AA**

Proposed side extension to form new bedroom and ensuite. Proposed rebuilding of attached store to form new porch area. Proposed demolition of WC and porch to form new lobby area to rear elevation. Proposed raised decking area, leading to a new Conservatory. Insertion of 3 No. rooflights. Internal alterations to facilitate proposals. New detached studio/storage building.
(use as residential permitted under HS/PD/13/00517)



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

Date: Feb 2015

Scale: 1:1,250

Application No. HS/FA/14/00893

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Agenda Item 7b

AGENDA ITEM NO: 7 (b)

Report to: PLANNING COMMITTEE

Date: 04 March 2015

Report from: Head of Housing and Planning Services

Application Address: **Proposed Visitor Centre Hastings Country Park, Lower Coastguard Lane, Fairlight, Hastings, TN35 4AB**

Proposal: **Erection of a new visitor centre**

Application No: **HS/FA/14/01033**

Recommendation: **Grant Full Planning Permission**

Ward: ORE

File No: FA35820T

Applicant: Hastings Borough Council per The Cave Co-operative Siddeley House Kingston Upon Thames Surrey KT2 6LX

Interest: Hasting Borough Council Owned

Existing Use: Agricultural land/Country Park

Policies

Hastings Local Plan 2004: CN1, NC8, NC9, DG1, DG7

Conservation Area: No

National Planning Policy Framework: Para 115

Hastings Planning Strategy: FA5(g), SC3, EN3, EN5, EN7

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: LP1, DM1, DM3, DM4, DM6, HN8, HN9

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 50

Petitions Received: 0

Letters of Support: 12

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

Summary

This is a full planning application for the erection of a new Visitor Centre within Hastings Country Park. The existing facility is no longer considered fit for purpose and the Council wish to provide a new centre for all members of the public to learn more about the Park. The ground floor will be fully accessible to all and provide a safe, warm environment for educational purposes. The location has been chosen as the least intrusive within the AONB

and have the least impact on the special landscape of the Country Park.

Materials are considered to be sustainable and in keeping with the rural location. As well as the existing adjacent car park, there is ample additional space for car/coach parking a short walk away to accommodate any additional traffic should more schools take advantage of the enhanced educational facility/opportunity.

The Site and its Location

The proposed location for the new visitor centre is on Coastguard Lane, to the south west of the existing visitor facility, and will be set within an existing grass verge/agricultural land. The site lies with the High Weald Area of Outstanding Natural Beauty (AONB) and is a Local Nature Reserve (LNR)

Details of the Proposal and Other Background Information

The proposal is for the erection of a new visitor centre. The application has been submitted by Hastings Borough Council. The proposed visitor centre will be a south facing, one storey multi functional building including a viewing platform at 1st floor level. Access to the 1st floor will be limited to maintenance only until such time that the floor is accessible to all by lift. A small seating area outside will be provided for picnicking. A small refreshment kiosk will be provided within the building.

Internally, the centre will provide 2 unisex toilets and 1 accessible toilet, a small shop and refreshments area, storage, plant room and a large flexible space for education/exhibitions.

An amphitheatre is proposed to the south of the building, to be used as an outdoor classroom for education purposes.

The main function of the visitor centre is a facility which provides information and education regarding the local landscape and special character and beauty of the Hastings Country Park/AONB. The proposals include a new access with turning head in order to provide level access to all.

Previous Site History

There is no relevant planning history attached to this particular location within the Country Park.

Details of Consultations

There have been 50 individual letters of objection and 12 letters of support.

Issues raised include the following:

- Impact on Country Park/AONB
- Ecology
- Increased Traffic/Parking in surrounding roads
- Impact on Coastguard Tearooms
- Overlooking
- Light/noise pollution
- Alcohol/late night uses
- Access to viewing platform

- Wrong location/No need for new visitor centre

Natural England - Initial objections regarding lack of information to determine whether the proposal would have a significant impact on the SSSI. Further information, as verbally discussed with Natural England, has subsequently been submitted. Comments will be reported verbally to the committee.

ESCC Highways - The access road is privately owned by Hastings Borough Council and not classified as highway. There is sufficient car parking, provision of coach parking would be of benefit. Existing signage to remain and a construction management plan is recommended as a condition.

Waste Officer - No objections

Environment and Natural Resources Manager - No adverse ecological implications identified within ecology report, no conditions proposed.

Environmental Health (Food) - General advice but no objection

Environmental Health (Pollution) - Lack of info regarding wind turbines (this aspect of the application has subsequently been removed).

Rother District Council - No objection

Fairlight Parish Council - Object to the proposals, reasons are design of proposed building, signage, location, impact on neighbours and existing tearoom, noise, drainage.

Building Control - No comments

High Weald AONB - No comment

Friends of the Country Park - Support in principle, concerns regarding roof terrace, signage, photovoltaics.

Environment Agency - No objection

Planning Considerations

Principle of development/Proposed Use

The current visitors centre facility is no longer considered fit for purpose given its lack of space, condition and lack of associated facilities.

The site lies within a Local Nature Reserve (LNR). As such, Policies EN3 and EN5 of the Hastings Planning Strategy are relevant. The policies seek to safeguard and protect Local Nature Reserves. Development will only be permitted if the need for development outweighs the importance of the site for nature conservation and any harm is kept to a minimum.

It is considered that the need for a new visitor centre is in the interest of the public as a whole and for the ongoing conservation and associated educational needs for the benefit of the Park.

The main function of the visitor centre is for education and conservation purposes, although

other uses within and outside the building have been suggested. As the ideas have not been developed and, due to the high level of concern from local residents, the hours of opening will be limited to 9am-5pm until such time as more specific plans have been identified. A further application to vary these hours, in consultation with local people, will be required in order to alter the hours.

AONB/Landscape Impact

Potential impact on the AONB has been assessed against Policy EN7 of the Hastings Planning Strategy and the High Weald Management Plan, which incorporates 5 objectives which aim to educate and encourage opportunity for the community to conserve and enhance the AONB.

The building has been designed and located in such a way as to have as little impact as possible. The building has been sited away from the more important views of the AONB and will use sustainable materials in the construction of the building. Main construction materials include straw bales, recycled car tyres and natural lime renders and plasters.

Ecology

The Ecological Assessment Report submitted as part of the application concludes that no protected species will be impacted. The Environment and Natural Resources Manager concurs with the report findings.

Drainage

Following concerns from Natural England, foul sewerage will now discharge off site and into the existing network. The Environment Agency are also agreeable to this solution. Further details of surface water drainage are to be submitted as part of a condition.

Highways/Traffic

The proposed visitor centre will be located adjacent to an existing car park which is well used at peak times. There are also two other car parks in close proximity with ample room for additional car and/or coach parking if necessary. It is acknowledged that local residents are concerned with regard to parking in nearby roads as a means of avoiding parking charges. Obstruction and/or illegal parking is, however, a matter for the highway authority or owners of the land to enforce and not a planning consideration.

Although the visitor centre may attract more footfall than the existing centre, it is not envisaged to be a destination in itself which would attract a significant increase in traffic. All existing traffic/road safety signage leading to the Country Park will remain in situ as recommended by ESCC Highways. It is acknowledged that the junction of Coastguard Lane with Fairlight Road is busy. However, it is not considered that the proposed visitor centre would pose any further road safety issues.

Residential Amenity

The properties most immediately affected by the proposed development are located in Lower Coastguard Lane and Coastguard Cottages. The nearest residential property (Seascape) lies 53m from the proposed building. It is considered that any impact from the roof terrace (when open to the public) would be minimal and could not warrant a refusal given the distances concerned.

I have considered the issues of potential noise and light pollution. Given the minimal detail with regard to the types of events and hours of opening, I am minded to recommend opening hours of 9am - 5pm at this time. Should specific requirements for alternative uses of the building be required in the future, more detailed plans will need to be submitted with a further application to vary the condition.

Impact on existing business

Although the owner of Coastguard Tea Rooms has been liaising with the project team with regard to use of the premises, I cannot consider business competition as a planning consideration as part of my assessment.

Conclusion

It is considered that the proposal has been designed and located to be in keeping with the rural character and landscape of the Local Nature Reserve and High Weald AONB. I therefore recommend the proposal for approval subject to conditions.

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".

Evidence of Community Involvement

A number of public consultation exercises and events have been carried out.

23 August 2014 - workshop at Country Park attended by CAVE, park rangers, centre volunteers, HBC staff, Friends of Country Park and HBC councillors.

27 August 2014 - workshop at Town Hall attended by CAVE, HBC staff, centre volunteers, Groundwork, fishing fleet volunteers

17 - 20 September 2014 - Pop up shop in Priory Meadow Shopping Centre

30 October - Pre-application Forum

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. 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. The visitor centre shall not be used except between the following hours:-

9am - 5pm Monday - Sunday

4. (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 use of the building hereby approved shall occur until those works have been completed.

(iii) The building shall not be used 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.

5. 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.

6. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

7. No 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 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.

8. 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.

9. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the visitor centre and amphitheatre (including photovoltaics) hereby permitted have been made submitted 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.
10. No development to be commenced on site until a Construction Management Plan setting out mitigation measures to protect against disruption caused during construction has been submitted to and approved in writing by the Local Planning Authority.
11. There must be no public access to the proposed viewing platform unless a fully functioning lift is provided
12. The proposed amphitheatre is to be used as an outdoor classroom only and for no other use.
13. The development hereby permitted shall be carried out in accordance with the following approved plans:

240/100 NEW, 001, 101A, 102A, 103A, 104A, 105B, 106B, 107B, 108A, 109A.
14. 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.
15. 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 [14] to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To safeguard the amenity of adjoining and future residents. (Hastings Local Plan 2004 Policies DG1 and DG3).

3. To safeguard the amenity of adjoining and future residents. (Hastings Local Plan 2004 Policies DG1 and DG3).
4. To ensure that no property is occupied until adequate access and drainage facilities have been provided.
5. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
6. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
7. To 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. In the interests of the visual amenity.
10. To safeguard the amenity of nearby residents and user of the Country Park
11. In order that the facility is accessible to all members of the public
12. To protect the amenity of neighbouring residents
13. For the avoidance of doubt and in the interests of proper planning.
14. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
15. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The applicant should contact the Sussex Police Architect Liaison Officer at the Police Station, Bohemia Road, Hastings to discuss the "Secured by Design" principles for new developments.
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.

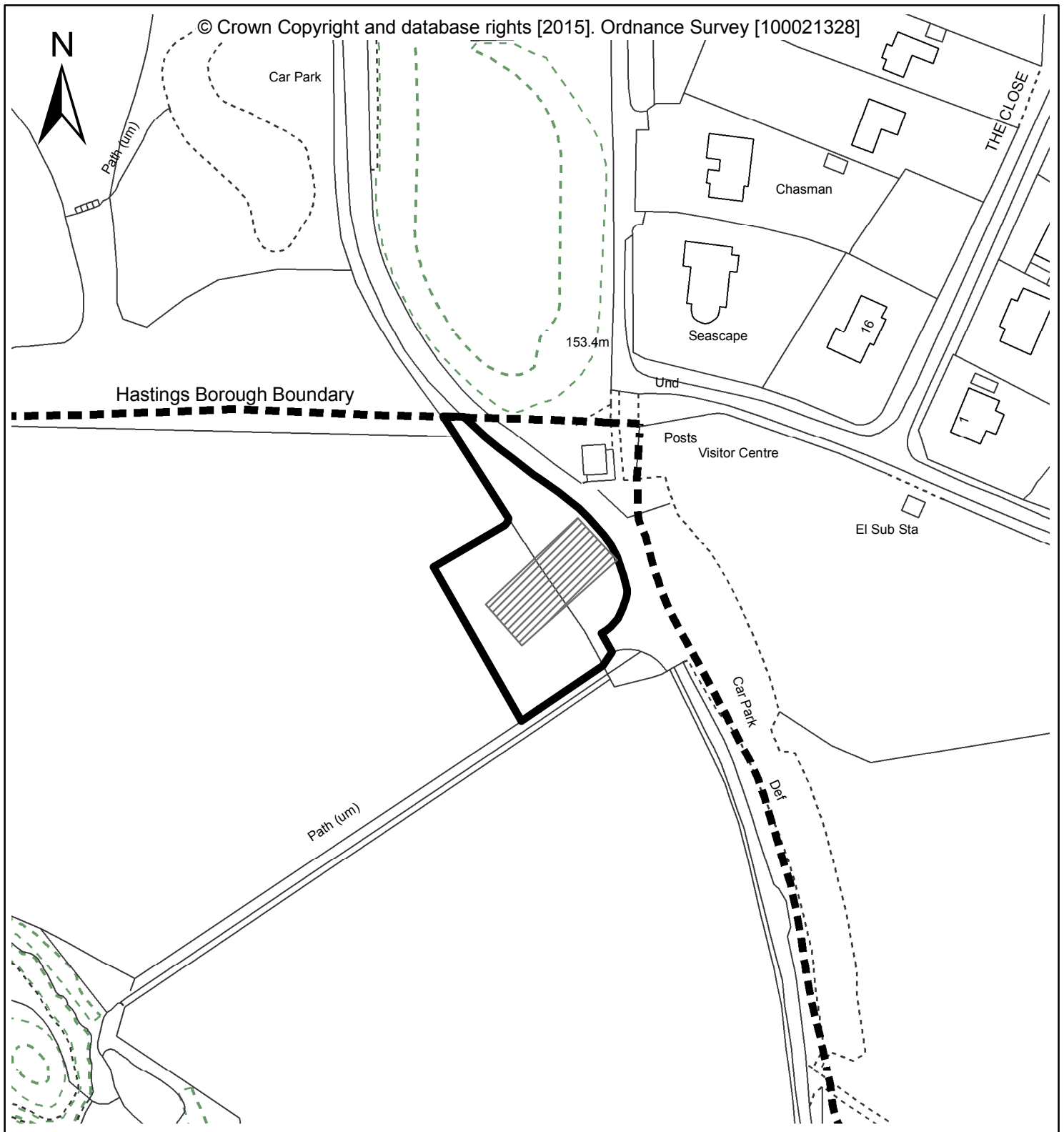
Officer to Contact

Ms K Phillips, Telephone 01424 783250

Background Papers

Application No: HS/FA/14/01033 including all letters and documents

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**Proposed Visitor Centre
Hastings Country Park
Lower Coastguard Lane
Fairlight, Hastings
TN35 4AB**

Erection of a new visitor centre



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

Date: Feb 2015

Scale: 1:1,250

Application No. HS/FA/14/01033

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Agenda Item 7c

AGENDA ITEM NO: 7(c)

Report to: PLANNING COMMITTEE

Date: 04 March 2015

Report from: Head of Housing and Planning Services

Application Address: 63 St Helens Park Road, Hastings, TN34 2JJ

Proposal: Single storey flat roofed rear extension together with front facing dormer window

Application No: HS/FA/14/01008

Recommendation: Grant permission

Ward: ST HELENS

File No: XH65063

Applicant: Mr & Mrs Brown per Mr & Mrs D R & J M Bailey
Crossways The Roundel St Leonards on Sea TN37 7HD

Interest: Prospective purchaser

Existing Use: Single private dwellinghouse

Policies

Hastings Local Plan 2004: DG1, DG3

Conservation Area: No

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: SC1

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: DM1, DM3

Public Consultation

Adj. Properties: Yes

Advertisement: No

Letters of Objection: 3

Petitions Received: 0

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

Summary

The application seeks planning permission for a flat roofed rear extension and a front facing dormer window.

The Site and its Location

The application site comprises a substantial detached period property with an existing flat

roof garage which is built on the boundary to the side (south). There is a very deep rear garden of about 90m length. The properties on both sides are similar in nature, although some have smaller gardens, 61 St Helens Park Road is set at lower level.

Details of the Proposal and Other Background Information

Dormer window: The previous application also included a front dormer which was unacceptable and was one of the reasons for the refusal of HS/FA/14/00744. Initially, the dormer forming part of this planning application was also unacceptable but amended plans have now been received amending this dormer, siting it in the centre of the house, reducing its size and changing the roof to a pitched roof with a width of about 1.7 metres and a total height of 2 metres.

Rear single storey extension: The proposed rear extension would cover the full width of the dwellinghouse and also the space behind the existing side garage, bringing the extension up to the boundary wall with 61 St Helens Park Road. The extension would have a width of 12.25 metres with a depth of 3.9 metres. The plans show a height of 3.25 metres, increasing in height to 4 metres for the two metres nearest to the boundary wall due to changes in ground levels. The rear extension would have a flat roof with two lantern style rooflights. The extension is to match the existing white painted rendered brickwork.

Previous Site History

HS/FA/14/00744 Single storey side extension, single storey rear extension, recreational room to rear of property & front and rear dormer
Refused 02 December 2014

HS/PR/15/00037 Rear and side dormer, rooflight on side hip over staircase, relocate rear window back to its original location.
Granted 09 February 2015

Details of Consultations

Subsequent to neighbour consultation letters, letters of objection from 3 individual properties have been received. Objections include:

- Adequate space in the existing property and extension not necessary
- Extension would bring noise and light into the garden
- The additional garden building (not subject to this application) would bring noise and light into the garden and could impact upon trees
- Visual impact of the dormer
- Dormer not necessary
- Party Wall agreement would be required for the removal of the garage
- Risk of subsidence

Planning Considerations

Visual impact

Subsequent to negotiations with regard to the front dormer window, amended drawings have been received. The dormer is now sited in a more central position, reduced in width and with a pitched roof. The visual impact on the existing dwellinghouse, the surrounding area and the streetscene is now considered to be acceptable.

Impact on the living conditions of adjoining properties

Although the extension will abut the boundary and there is a difference in ground levels between the application site and 61 St Helens Park Road, it is not considered that the proposed extension will have a negative impact on the neighbouring property. Given its orientation, with the proposed extension being north of the neighbouring property, there will not be an unacceptable loss of sunlight. The extension will also appear tall along the boundary, but again because of the orientation and because of its depth and the distance from any neighbouring windows, the proposed extension is not considered to result in the unacceptable loss of daylight or be overbearing. The extension is considered to be acceptable on balance.

The other adjoining property of 65 St Helens Park has a garage to the side and the proposed extension is set at a distance of one metre from the boundary. This relationship is considered to be acceptable.

The proposal would not result in any overlooking.

The previous application was refused for three reasons: impact of the side extension, front dormer and insufficient tree information with regard to a proposed outbuilding. The side extension and the outbuilding do not form part of this application. The front dormer has been revised. As such the previous reasons for refusal are not relevant for this application.

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

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

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

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

Recommendation

Grant permission subject to the following conditions:

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

Site Plan; and 1601 (110)-1, 2, 9, 10B, 12 & D
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
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.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
4. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)

Notes to the Applicant

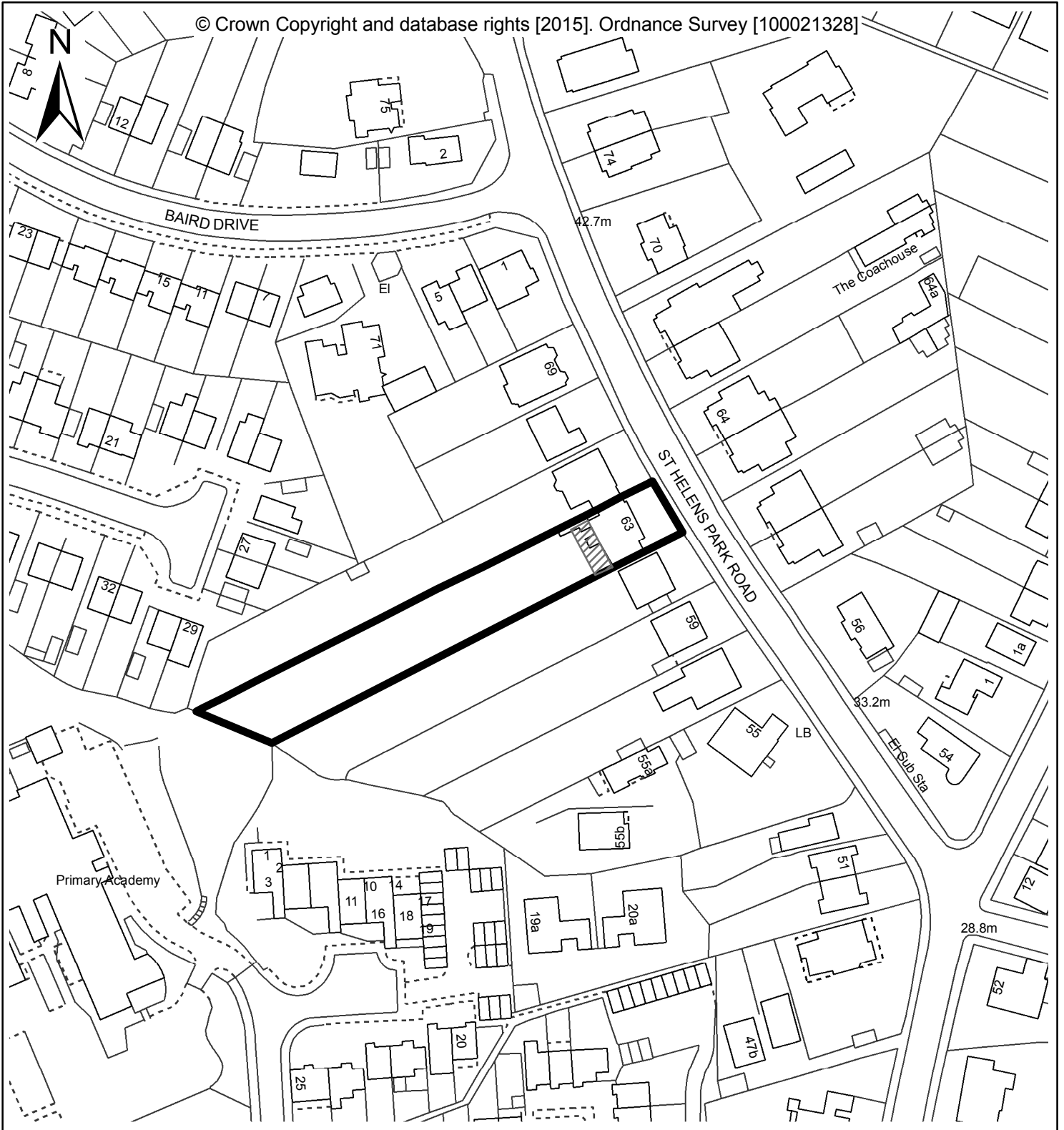
1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. Please note that the approval relates only to the single storey rear extension and front dormer window.

Officer to Contact

Mrs E Collins, Telephone 01424 783278

Background Papers

Application No: HS/FA/14/01008 including all letters and documents



63 St Helens Park Road
Hastings
TN34 2JJ

Single storey flat roofed rear extension together with front facing dormer window



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

Date: Feb 2015

Scale: 1:1,250

Application No. HS/FA/14/01008

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Agenda Item 7d

AGENDA ITEM NO: 7(d)

Report to: PLANNING COMMITTEE
Date: 04 March 2015
Report from: Head of Housing and Planning Services

Application Address: 28 Lower South Road, St Leonards-on-sea
Proposal: Demolition of existing garage and storage building and erection of an apartment building containing four flats.

Application No: HS/FA/14/00966

Recommendation: Grant Full Planning Permission

Ward: GENSING
File No: LO85028
Applicant: Mr Baker per Town & Country Planning Solutions
Sandhills Farmhouse Bodle Street Green
Hailsham BN27 4QU

Interest: Freeholder
Existing Use: Garages/storage

Policies

Hastings Local Plan 2004: DG1, DG2, E4, TR8
Conservation Area: No
National Planning Policy Framework: No Conflict
Hastings Planning Strategy: DC1, E1
Hastings Local Plan, Development Management Plan, Revised
Proposed Submission Version: DM1, DM3, DM4

Public Consultation

Adj. Properties: Yes
Advertisement: No
Letters of Objection: 2
Petitions Received: 0

Application Status: Not delegated - Referred by Councillor Cartwright

Summary

The application seeks permission to demolish the existing garage and storage building and to erect a three-storey high block of flats with a flat at lower ground floor level at land adjacent to 27 Lower South Road. The proposal is considered to be in line with the National Planning Policy Framework. It makes effective use of previously developed brownfield land. It is considered that there is no material change in circumstance that would justify a refusal against the background of the previously allowed appeal. I therefore recommend approval.

The Site and its Location

The application site lies on the southern side of Lower South Road adjacent to the end of terrace property of 27 Lower South Road and to the rear of 267 London Road. The irregular shaped site contains a garage and storage building, which is single storey where it fronts Lower South Road and two-storey at the rear.

The adjacent building of 27 Lower South Road is two storey in height with a projecting bay window and hipped roof. 267 London Road (immediately to the west of the site) is an imposing three-storey building situated on the corner of London Road and South Road. The property has been divided into a number of flats and there is a letting agent at ground level.

Details of the Proposal and Other Background Information

The application seeks permission to demolish the existing garage and storage building and to erect a new apartment block comprising three 1-bedroom and one 2-bedroom flats over four floors, including accommodation at lower ground level, similar to the adjoining terraced houses. The building would form a link between 27 Lower South Road and the existing accommodation at the rear of 267 London Road which is in the same ownership as the application site. The building would be angled and articulated to suit the site.

The proposed building would be three storeys in height with a flat at lower ground floor level. The main aspect of the flats would be towards Lower South Road. The proposed flats would be accessed via a common lobby area on the ground floor of the building on Lower South Road. This entrance would also be used to provide access to the existing ground floor flat at 267 London Road. The lower ground floor flat and the existing flat at 267 London Road would have access to a courtyard area at the rear of the site.

The building has been designed to match the height of the adjacent property of 267 London Road. The fenestration details (including bay windows) would match the existing houses along the south side of Lower South Road. A shallow pitched roof has been used in the design of the building with a parapet.

A cycle storage area is proposed on the lower ground floor level of the building.

No parking is proposed to serve the development

The proposal includes the blocking-up of two existing windows serving a kitchen and a bathroom on the ground floor and two windows in bathrooms at the first and second floor levels of the residential accommodation to the rear of 267 London Road.

Previous Site History

HS/FA/07/00072	Alterations to a scheme approved under HS/FA/06/0084 to provide an additional two bedroom flat at second floor level (4 flats in total rather than 3)
Refused	30/3/2007
Appeal allowed	12/11/2007
HS/FA/06/00084	Demolition of existing building and erection of an apartment building containing 3 x one bed flats
Granted	25/5/2006

Details of Consultations

Subsequent to neighbour notifications, two individual letters of objection have been received. The objections include the following:

- traffic and parking
- pressure on water sewage and waste services
- the possible type of residents & antisocial behaviour

The Highways Authority has commented that the scale of the development would not warrant formal consultation with the highway authority and planning history would suggest that the scheme has been accepted in principle. It notes that cycle storage but no parking is provided as formally accepted by the Planning Inspectorate. Therefore no objection has been raised.

The Highways Authority has been approached to consider a planning condition that these flats may not be let or sold to anyone with a car and that no resident may purchase or hire a car. It has been confirmed that this would have to be through a S106 agreement and the Authority has stated that such an agreement would not meet the necessary tests. It has stated further: *"Given the previous consent, at appeal, it wouldn't be necessary to make the development acceptable in planning terms as zero parking provision on the site has already been approved. Bearing this in mind I think it is also rather questionable that it would be reasonable to restrict a resident in this way now the principle has been accepted."*

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".

Loss of employment use

Policy E4 from the Hastings Local Plan 2004, is applicable to this application. This policy precludes the loss of industrial/commercial floor space within the town, where a strong justification cannot be made for the loss. In view of the previous planning permissions for the site it is considered that in this particular case the loss of the commercial use is acceptable. Indeed it would be a welcome improvement given the residential context of the site and the visual improvement the proposal would make to the site. It is therefore considered that an exception to policy E4 can be made.

The impact of the proposal on the character of the area

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Policy DG1 and the new Policy DM1 require the proposal to be assessed in terms of its sympathy with the appearance and character of the area and suitability in scale, massing, design, appearance, materials, layout and siting, both in itself and in relation to nearby buildings (including parts of buildings), spaces and views.

The proposed apartment building would be three storeys in height with a lower basement level, which will reflect the height and scale of the adjacent building in London Road. Although the building would be a storey taller than the properties in Lower South Road, it is considered that the visual relationship would be satisfactory. The proposed scheme maximises the use of the site and accords with the need for smaller housing units as part of a local mixed community.

The siting and alignment of the proposed building is also considered appropriate to the site and surroundings. The development would respect the established building line and the palette of materials in the locality (painted, rendered properties with slate roofs). The existing lock-up garage and storage building on the site are unattractive and detract from the character and appearance of the street scene. The proposed development would significantly improve the visual amenity of the area. As such it is considered that the proposal meets the criteria of DG1 and DM1.

The impact of the development on the amenities of adjacent properties

The proposed building would adjoin the blank side elevation wall on the adjacent property, 27 Lower South Road. As the proposed property would be flush with the rear and front elevation, it is considered that the proposal would have no adverse impact on the amenity of the flats within this property.

The proposed building would be built against the rear elevation wall of 267 London Road, and involves blocking up two existing windows (which serve a kitchen and bathroom) on the ground floor and two windows (in the bathroom) of the first and second floor of 267 London Road to facilitate the development. As these windows do not serve habitable rooms, this is considered to be acceptable. Although the proposal will be visible from properties in London Road it is considered to have no material impact on the living conditions of these properties to merit an objection on planning grounds.

Highway Considerations

Planning permission was granted for 3 flats in 2006 and 4 flats were refused in 2007. The decision notice stated lack of car parking as the single reason for refusal:

"The proposal fails to provide adequate off street parking facilities to serve the development and the development will therefore exacerbate the existing on-street parking problems in the area."

However, a subsequent appeal was allowed. The Planning Inspector stated in the appeal decision: *"Given the location of the site in an area well served with shops, services and community facilities and with good access to public transport, it seems to me unlikely that the future occupants of the flat would wish to park a significant number of cars on the road. In any event, although there is a high demand for on-street parking in the area, any on-street parking that would have significantly harmful effects could be controlled through the introduction or enforcement of on-street parking controls. I conclude that the access demands generated by the proposed development could be met by means other than the private car and the proposed additional flat would not have a significant effect on on-street parking."*

The decision has now expired but it remains a material planning consideration.

The National Planning Policy Framework supports sustainable transport and alternative

modes of transport. In section 4 it states: *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

Although the application site is located in an area where there is a high demand for on street parking, the application site is well served by public transport, as it is situated near to a bus stop on London Road, which provides access into St Leonards and is also located approximately 10 minutes walk from Warrior Square Railway Station. The site is also located within walking distance of shops and services within the locality. Provision within the scheme has also been made for the storage of cycles, to encourage and promote this sustainable form of transport. As the previous appeal decision has shown, a refusal is unlikely to be supported at appeal.

It has been considered whether it is possible to include a planning condition that these flats may not be let or sold to anyone with a car and that no resident may purchase or hire a car. This would have to be part of a Section 106 agreement and such agreements have to meet the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

The Highways Authority have stated that they do not consider that such an agreement would meet the above tests.

I concur with the Highways Authority and do not consider such a condition, given the scale of the development, to be reasonable. In addition there is no restriction on the rest of the local residents in the street on car ownership. Such an agreement would also be very difficult to enforce.

Access

Policy DM4 (General Access) of the Development Management Plan Revised Proposed Submission Version applies and although the Plan has not been fully adopted, it already carries considerable weight.

Policy DM4 (g) sets out that the Council expects new development of three storeys or more to have a powered lift. It states:

"Attention must be paid, not only to the access onto the site, but also access within all parts of any resultant development. Development schemes should include: ...

g. The installation of a powered lift system to all floors, for any new buildings (except a single dwelling house) of three storeys or more. The lifts should be designed to allow for their use by disabled people and particularly those who use wheelchairs;"

The applicant has stated that if this policy were to be adhered to in this case, the site would not be able to achieve any residential redevelopment due to its physical constraints and also would make the site economically unviable.

The constraints of the site are acknowledged and I do not consider that the third storey of the development would justify a refusal on grounds of the lack of a passenger lift.

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:

TCPS 289/1; 2597; and 4612/1
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 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.
4. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. 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.
6. No flat 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.
7. The lower ground, ground, 1st and 2nd floor windows on the rear elevation of the building marked on drawings 4612/1 shall be obscure glazed at all times unless otherwise first approved in writing by the Local Planning

Authority.

8. No development shall commence until the boundary treatment details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no development shall take place other than in accordance with the approved details.
9. No development shall take place until details of the windows have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To prevent increased risk of flooding.
4. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 Policy DG1)
5. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)
6. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1)
7. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1)
8. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1)
9. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1)

Notes to the Applicant

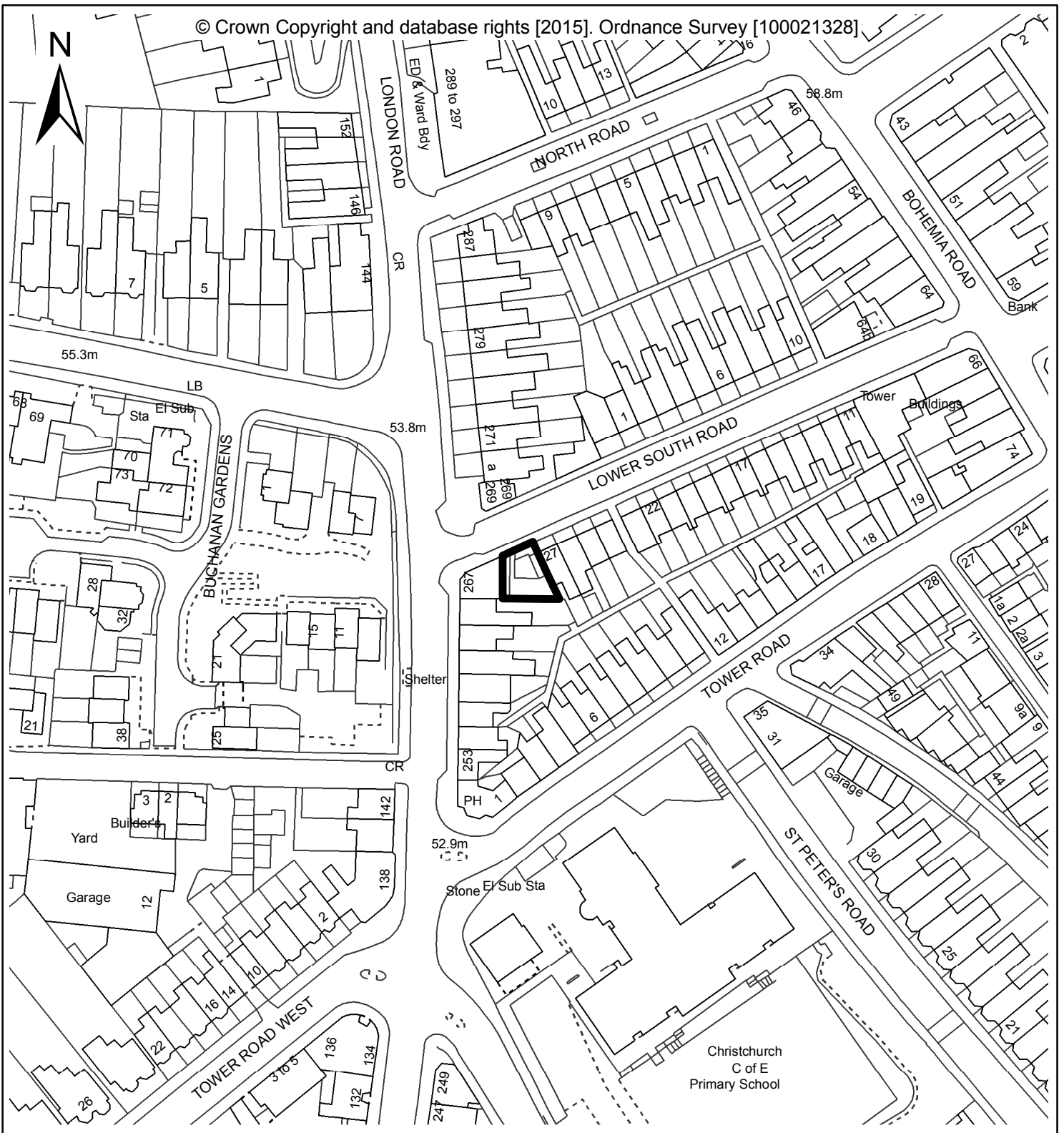
1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Consideration should be given to the provision of a domestic sprinkler system.
3. Statement of positive engagement: In dealing with this application Hastings Borough Council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

Officer to Contact

Mrs E Collins, Telephone 01424 783278

Background Papers

Application No: HS/FA/14/00966 including all letters and documents



**28 Lower South Road
St Leonards-on-sea**

Demolition of existing garage and storage building and erection of an apartment building containing four flats.



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

Date: Feb 2015

Scale: 1:1,250

Application No. HS/FA/14/00966

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