

Planning Committee Agenda

Wednesday, 3 June 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

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

86. APOLOGIES FOR ABSENCE

Apologies for lateness were received from Councillor Beaver.

87. DECLARATIONS OF INTEREST

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

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Rogers	78.3 – Site of former 28 Dane Road and 37 Brittany Road, St. Leonards-on-Sea	Personal & Prejudicial – Lives at the site
Street	78.3 – Site of former 28 Dane Road and 37 Brittany Road, St. Leonards-on-Sea	In the interests of transparency – Made an independent site visit to Dane Road. Cllr Rogers and other residents were there. He did not express a view either way, just listened.

88. MINUTES OF THE MEETING HELD 1 APRIL 2015

RESOLVED – That the minutes of the meeting held on 1 April 2015 be approved and signed by the Chair as a true record.

89. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

90. PLANNING APPLICATIONS ATTRACTING A PETITION:

91. LAND ADJACENT 33 WEST STREET AND 1 EAST PARADE

Proposal:

Variation of approved drawings (door/window adjustments, internal layout changes, alterations to materials, additional windows, reduced roof profile, addition of Juliette balconies/flues/vents) of Planning

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Application No:	Permission HS/FA/11/00555. HS/FA/14/00717
Existing Use:	Dwellings under construction
Hastings Local Plan 2004	DG1, DG2, DG3, DG4, C1, C10
Conservation Area:	Yes – Old Town
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	FA5, SC1, SC3, SC4, EN1, H1, H2, T3
Development Management Plan	
Proposed Submission Version:	DM1, DM3, DM4 and HN1
Public Consultation:	4 letters of objection received and 1 petition received

The Development Manager reported on an application for the amendment to the design of an approved scheme of 3 residential properties at Land adjacent 33 West Street and 1 East Parade, Hastings.

The site is located on the south side of West Street within the Old Town Conservation Area. The site is vacant, surfaced in tarmac and currently used by the owner as a private car park. The site adjoins 1 East Parade to the west, the western elevation of 33 West Street and 4A and 4 East Parade to the rear. The site was previously occupied by two buildings which adjoined 33 West Street and 1 East Parade, to create a terrace of buildings. Following fire damage, the last of these buildings was demolished in 2004, leaving a single storey section and the western elevation of 1 East Parade, together with the rear elevation of 4A East Parade exposed.

The application is to vary the plan numbers condition of planning permission: HS/FA/11/00555 which was for the erection of 2 x dwellings and 1 x maisonette. The approved scheme followed a number of applications for residential development at the site. Of particular relevance were the two schemes approved under planning permissions: HS/FA/03/00798 & HS/FA/08/00093 which were both for similar schemes.

Since the approval of planning permission: HS/FA/11/00555 two other applications have been made for residential development both of which were refused (HS/FA/12/00538 & HS/FA/13/00256). The main reasons for refusal related to the impact on the character and appearance of the area, the amenity of neighbouring residents and traffic safety.

The alterations to the approved scheme involve:

Front Elevation:

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- repositioning the door to the central unit;
- bringing the ground floor window of the central unit in line with windows of upper floors;
- introducing rendered skirting;
- replacing brickwork with terracotta mathematical tiles;
- forming 7 vents;
- formation of boiler flue;
- enlarging the windows of the western unit;
- alteration to the roof of the western unit to form a pitch roof with front facing gable.

Rear Elevation:

- formation of feature windows to stairwells;
- formation of inward opening obscure glazed windows to stairwells and bathrooms;
- formation of rear door to twitten;
- formation of inward opening windows with Juliette balconies at first, second and roof levels in line with twitten;
- replacement of timber weatherboard with composite weatherboard to part of rear elevation;
- formation of 5 vents;
- formation of two boiler flues.

Roof:

- formation of two flues;
- formation of glazed roof lights;
- alteration to the roof of the western unit to form a pitch roof with front facing gable.

The main issues were the impacts on the character and appearance of the streetscene and surrounding conservation area, the amenity of neighbouring residents and implementation of planning permission HS/FA/11/00555. After considering all the matters, the Development Manager considered that the proposed amendments will enhance the character and appearance of the streetscene whilst maintaining the amenity of neighbouring residents, he therefore recommended that planning permission be granted subject to conditions.

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

An error was noted on page 15 of the report, The Planning Enforcement Team visited the site on 15 September 2014 and not September 2015. 'Page 18 Note to the Applicant, No. 3' had in error been duplicated twice. No. 3 was re-numbered to No. 4.

The petitioner, Sheila Bull, was present and spoke against the application.

The agent, Sue Konu, was present and spoke in support of the application.

The Planning Solicitor clarified comments made regarding a previous judicial review

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stating that Sheila Bull had sought permission to apply for judicial review which was refused. The Order stated that "This claim is not arguable. Read together, the Defendant's summary grounds and the supporting witness statement of Mr Tanner show a cogent and complete answer to the challenge. The proposal was properly dealt with by the Defendant without any procedural or other legal error. Proceedings for judicial review do not allow the decision to be attacked on its planning merits." The Court ordered that Sheila Bull pay the Council's costs.

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

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

1. **No development above ground shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have either been made available for inspection at the site or submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;**
2. **No development above ground shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:**
 - a) **Full joinery details of all external doors, door surrounds, door hoods (to be weathered in lead), windows (to be in timber and fitted with 'Slimlite' slender section double glazed units, or agreed equivalent), soffits and bargeboards. These shall include 1:10 elevations and 1:2 or full sized cross sections. All timber work to have a painted finish;**
 - b) **Full construction details of the new roof dormers. The details are to include 1:10 elevations and full size cross sections, including full details of any proposed insulation. The dormers are to have lead roofs and cheeks;**
 - c) **Ventilation details including the external appearance of any external extract terminals or boiler flues;**
 - d) **The profile and decorative finish of all new rainwater goods and soil pipes (to be in either cast iron or cast aluminium); and**
 - e) **Refuse storage details.**

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

3. **Notwithstanding what is shown on the drawings, all new areas of render shall have a smooth (not textured) finish, with the surface of the**

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render traditionally lined out in the form of Ashlar blocks;

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

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.
5. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (“the GPDO”) (or any order subsequently revoking or re-enacting that order with or without modification) no enlargement, improvement, other alteration to the dwelling house, no erection of a porch, enlargement of the house by altering or adding to the roof, no other changes to the roof, nor the installation of a satellite antenna to the dwellinghouses hereby permitted on the approved plans SD/279/01A and SD/279/02A, submitted with this application, shall take place without the grant of a further planning permission. This means that the normal residential permitted development rights under the GPDO Schedule 2, Part 1 Classes A, B, C, D and H (as amended by Amendment Order No. 2 of 2005) have been withdrawn for the new houses shown on approved plans SD/279/01A and SD/279/02A;
6. The development hereby permitted shall be carried out in accordance with the following approved plans:

47200/PC/001D, 47200/PC/005A, 47200/PC/006B, 47200/PC/007
(Location Plan Only), 47200/PC/009A, 47200/PC/010B
7. The south and east facing bathroom, stairwell, shower room and WC windows shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent.

Reasons:

1. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1);
2. To ensure a satisfactory form of development in the interests of the character and amenity of the conservation area;
3. To ensure a satisfactory standard of development in terms of the character and appearance of the conservation area;
4. To safeguard the amenity of adjoining and future residents. (Hastings Local Plan 2004 - Policy DG1 and DG3);

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- 5. In the interests of the amenities of the area and to protect the setting of the two adjoining listed buildings;**
- 6. For the avoidance of doubt and in the interests of proper planning; and**
- 7. To safeguard the amenity of adjoining and future residents.**

Notes to the Applicant

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;**
- 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;**
- 3. The applicant is reminded that it will be necessary to obtain the appropriate consent from East Sussex County Council if it is proposed to obstruct or partially obstruct the public highway (including West Street and the pavement). Please contact the ESCC on: 0345 60 80 193 or by e-mail: highways@eastsussex.gov.uk for further information; and**
- 4. Consideration should be given to the provision of a domestic sprinkler system.**

92. 33 WEST STREET, 34 WEST STREET AND 1 EAST PARADE

Proposal:	Abutment work to 2 joining listed buildings
Application No:	HS/LB/14/00730
Existing Use:	Dwellings under construction
Hastings Local Plan 2004	N/A
Conservation Area:	Yes – Old Town
National Planning Policy Framework	Section 12
Hastings Planning Strategy	N/A
Development Management Plan	
Proposed Submission Version:	N/A

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Public Consultation:

5 letters of objection and 1 petition received
received

The Development Manager reported on an application for listed building consent following grant of planning permission HS/FA/11/00555 which is for the erection of 3 residential properties. The scheme under consideration is to adjoin 1 East Parade and 33 West Street which are listed buildings. The current proposal is for abutment works to the adjoining buildings.

The site is located on the south side of West Street within the Old Town Conservation Area. The site is vacant, surfaced in tarmac and currently used by the owner as a private car park. The site adjoins 1 East Parade to the west, the western elevation of 33 West Street and 4A and 4 East Parade to the rear. The site was previously occupied by two buildings which adjoined 33 West Street and 1 East Parade, to create a terrace of buildings. Following fire damage, the last of these buildings was demolished in 2004, leaving a single storey section and the western elevation of 1 East Parade, together with the rear elevation of 4A East Parade exposed.

The works proposed involve forming vented cavities between the listed buildings and the new building. The cavities are to be sealed as follows:

- a lead finished upstand is to be used to seal the cavity between the roof of 33 West Street and the new building;
- a timber baton is to be used to seal the cavity between the weatherboard of the proposal and 33 West Street;
- at the lower levels mastic and lime mortar are to be used to seal the cavity,
- to close the cavity between the roof and 1 East Parade lead flashing is to be chased into the render of 1 East Parade;
- vertical weatherboard is to be used to seal the cavity between the roof of the proposal and the roof of 33 West Street.

The main issues considered were the impact of the proposal on the character and appearance of the two listed buildings only.

The Development Manager felt that, subject to conditions, the proposal will preserve the historic character and appearance of the adjoining listed buildings and recommended the application be approved subject to conditions.

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

Councillor Beaver arrived at this juncture and sat back from the meeting. He took no part in the discussion and voting on this item.

The petitioner, Sheila Bull, was present and spoke against the application.

The applicant, Sue Knou, was present and spoke in support of the application.

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

RESOLVED – (unanimously) that Listed Building Consent be granted subject to the following conditions:-

1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted; and
2. The works hereby permitted shall be carried out in accordance with the following approved plans:

47200/PC/001 REV D, 42700/LBC/003 REV A, 47200/LBC/004 REV A, 47200/LBC/005 REV A, 47200/LBC/006 REV A, 47200/LBC/007 REV A, 47200/LBC/008 REV A, 47200/PC/009A, 47200/PC/010A

Reasons:

1. To ensure the architectural and historic character of this Grade II Listed Building is adequately protected; and
2. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

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

93. PLANNING APPEALS AND DELEGATED DECISIONS

The Development Manager reported one appeal that had been received and three appeals that had been dismissed. He also reported on a number of delegated decisions. All matters had arisen between 20 March 2015 and 17 April 2015.

RESOLVED – that the report be noted.

94. PLANNING APPLICATIONS:

94.1 44 Birch Way

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Proposal:	Erection of a detached single-storey dwelling
Application No:	HS/FA/15/00240
Existing Use:	Side Garden
Hastings Local Plan 2004	DG1, DG3, DG11
Conservation Area:	No
National Planning Policy Framework	
Hastings Planning Strategy	No Conflict
Development Management Plan	SC1, H2
Proposed Submission Version:	DM1, DM3
Public Consultation:	1 letter of support received.

The Development Manager reported on an application for a single-storey three bedroom dwellinghouse at 44 Birch Way, Hastings.

The proposed dwellinghouse is to be located in the existing garden of 44 Birch Way on a triangular piece of land, enclosed by boarded fencing. The footprint of the dwellinghouse is 10 x 9.2 metres with a pitched roof and an overall height of about 5.2 metres. The existing plot size of the properties along Birch Way is smaller than that of number 44 and the area is characterized by two storey semi-detached dwellinghouses. The adjacent dwellinghouses of 44 and 43 are two storey buildings.

The new dwelling will be served by the existing drive to the property. Two car parking spaces have been proposed for the proposed dwelling and two parking spaces are proposed for the existing dwelling, one space at the front of the dwelling and the second next to the retained garden. The driveway and turning head would be shared between the existing and proposed dwellinghouse.

The proposed materials are face brick work, Marley interlocking roof tiles (smooth grey) white upvc windows and black upvc down pipes and gutters.

Having regard to the residential amenity, visual amenity, parking and highway safety, the Development Manager recommended that planning permission be granted subject to conditions.

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

An additional electronic comment of objection from Mr Wilson had been received since

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the publication of the agenda. This was circulated prior to the start of the meeting.

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

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

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

14-63-100 Revision A: Site and Block Plan and Plans & Elevations;
3. With the exception of internal works the building works required to carry out 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.
4.
 - i) Construction of the development shall not commence until details of the 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 and no occupation of any of the dwellings or flats hereby approved until those works have been completed;
 - iii) No occupation of any of the dwellings or flats hereby approved shall take place until the Local Planning Authority has confirmed in writing that it is satisfied that the necessary drainage infrastructure capacity is now available to accommodate the development.
5. No development above ground shall take place until full details of the building 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 finished levels or contours; means of enclosure; car parking layouts; pedestrian access and circulation areas; hard surfacing materials;
6. All hard landscape works shall be carried out in accordance with the approved plans. The works shall be carried out prior to the occupation of any part of the development in accordance with the programme agreed with the Local Planning Authority;
7. The developer must advise the local authority (in consultation with South Gloucestershire Council) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development;

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8. The works shall be completed in accordance with BS 5837:2012 Trees i design, demolition and construction;
9. No development shall take place until the measures outlined in the sub Ecological Appraisal by The Mayhew Consultancy Ltd, dated Novembe and 9, have been fully implemented, unless:
 - (i) the programme for such measures is otherwise specified within th example with regard to measures related to monitoring, further sur erection of bird boxes on buildings or other conservation enhance case the works shall be carried out in accordance with the timesca therein or;
 - (ii) unless the scheme(s), or programme(s) of measures contained wit statements and reports is otherwise first varied, by way of prior wr the Local Planning Authority.
10. No development shall take place above ground until details of the mate the construction of the external surfaces of the dwelling hereby permit submitted to and approved in writing by the Local Planning Authority. 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. In the interests of the amenity of the neighbouring residential occupiers (Hastings Local Plan 2004 Policy DG1);
4. To prevent increased risk of flooding;
5. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1);
6. 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. In order to protect drainage apparatus;
8. In interest of the health of the trees and the visual amenity of the area;

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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); and
10. In the interests of the visual 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. 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 proposed building is over or close to a public sewer and consultation with Southern Water Services Ltd. is necessary;
4. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.
5. The maximum gradient of the private drive should not exceed 1 in 9; and
6. Consideration should be given to the provision of a domestic sprinkler system.

94.2 Site of former 28 Dane Road and 37 Brittany Road, St. Leonards-on-sea

Proposal:	Erection of studio house and parking on rear garden of 28 Dane Road
Application No:	HS/FA/14/00912
Existing Use:	Vacant – previously occupied by garages
Hastings Local Plan 2004	DG1, DG2, DG3, C1
Conservation Area:	Yes – Markwick Terrace
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	FA2, SC1, SC3, SC4, EN1, H1, H2, T3

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Development Management Plan
Proposed Submission Version: DM1, DM3, DM4, HN1, HN5, HN7, HN8

Public Consultation: 3 letters of objection received

The Development Manager reported on an application for the erection of a dwelling and parking on vacant land on the northern side of Dane Road at site of former 28 Dane Road and, 37 Brittany Road, St. Leonards on Sea.

The proposal consists of a three storey dwellinghouse with a slate pitched roof, painted rendered walls, aluminium casement windows and hardwood doors. A roof terrace is proposed to the rear of the property at first floor level. The proposal is to include pedestrian access only via a path leading from Dane Road and front and rear gardens.

The proposal is three storeys in height with a pitch roof. Its overall height is lower than the neighbouring block of flats at Du Cros House but taller than the neighbouring bungalow at 27 Dane Road. This approach means that the scheme "bridges" the gap between the two neighbouring properties and therefore draws on the size and scale of development found in the area. The front elevation of the property will be partly obscured by the existing mature trees as some are to be retained as part of the proposal.

The area forms part of the Markwick Terrace Conservation Area which includes a row of three to four storey terraced properties of Markwick Terrace but is otherwise defined mainly by three storey pairs of semi detached properties as well as larger blocks of flats. The trees along the site's front with Dane Road are protected by a group Tree Preservation Order (TPO).

The main considerations were the impacts on the character and appearance of the area; living environment, highways and transport, housing need and affordable housing, biodiversity, drainage, protected trees and the amenity of neighbouring residents.

The Development Manager felt that the scheme drew on the broad characteristics of the area and that it will result in an additional unit of accommodation without resulting in adverse impacts on the surrounding area. He therefore recommended the application be approved subject to conditions.

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

Having raised her prejudicial interest, Councillor Rogers was absent from the Chamber during discussion and debate.

Councillor Beaney 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

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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 dwelling hereby approved shall not be occupied until readily accessible external storage space for refuse bins awaiting collection has been provided to the satisfaction of the Local Planning Authority;
4. Prior to the development hereby approved being occupied details of a screen to be positioned along the north west and south east edges of the flat roof area to the rear of the dwelling hereby approved shall be submitted for approval by the Local Planning Authority. The screen shall be erected in accordance with the approved details and shall be maintained as such in perpetuity;
5. No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - detailed elevation and cross section drawings at no less than 1:20 scale and/or samples of the proposed guard rails/enclosures to the rear edge of the flat roof area.
 - detailed elevation and cross section drawings at no less than 1:20 scale and/or samples of the privacy screen required by condition 4.The works shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.
6. The development shall not be occupied until cycle parking details have been submitted to and approved in writing by the Local Planning Authority. The cycle parking areas shall be provided before the dwelling is occupied and in accordance with the approved details. Once provided the cycle parking areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
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 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

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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.

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 until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current "BS 5837:2012 - Trees in relation to design, demolition and construction. - Recommendations" standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
10. 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.
11. No development shall take place until the measures outlined in the submitted ecological and arboricultural statements and reports (Tree Survey Arboricultural Impact Assessment & Tree protection Plan Land at 28 Dane Road St Leonards on Sea TN38 0QW by The Mayhew Consultancy Ltd Dated December 2014 and Preliminary Ecological Appraisal Land at 28 Dane Road St Leonards on Sea TN38 0QW by The Mayhew Consultancy Ltd Dated 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; unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports

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is otherwise first varied, by way of prior written approval from the Local Planning Authority.

- 12. The studio at third floor level shall only be used as ancillary accommodation in relation to the main use of the building as a single dwellinghouse. The third floor shall be used for no other purposes whatsoever including as independent residential use or for commercial purposes.**
- 13. (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 dwelling shall not be occupied until those works have been completed.**
- (iii) The dwelling 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.**
- 14. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no hardstanding shall be created to the front of the property and no vehicular access shall be created without the grant of a separate planning permission.**
- 15. The development hereby permitted shall be carried out in accordance with the following approved plans:**
- PO861/SK/1/1, 1/2D, 1/3A, 1/4A, 1/5A, 1/6A, 1/7A, 1/8B, 1/9B, 1/10A, 1/11C, 1/14C, 1/15C, 1/16.**

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 residents. (Hastings Local Plan 2004 - Policy DG4);**
- 3. To ensure a satisfactory standard of development;**
- 4. In the interests of the visual amenity of the area. (Hastings Local Plan**

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2004 - Policy DG1);

5. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1);
6. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable transport;
7. To ensure a satisfactory form of development in the interests of the visual amenity;
8. To ensure a satisfactory form of development in the interests of the visual amenity;
9. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9);
10. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1);
11. To protect features of recognised nature conservation importance and the character and appearance of the area;
12. To accord with the terms of the application and to safeguard proper planning of the area;
13. To ensure a satisfactory form of development in the interests of the character and amenity of the area;
14. To enable the local planning authority to control the development in the interests of the visual amenities of the area, with particular regard to the trees on the site; and
15. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

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

PLANNING COMMITTEE

29 APRIL 2015

www.southernwater.co.uk.

4. 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.
5. Consideration should be given to the provision of a domestic sprinkler system.

(The Chair declared the meeting closed at 6.39pm)

Agenda Item 5a

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

Report to: PLANNING COMMITTEE

Date: 03 June 2015

Report from: Head of Housing and Planning Services

Application Address: **20 Ashburnham Road, Hastings, TN35 5JN**
Proposal: **Variation of condition 9 (approved plans) of planning permission HS/FA/13/00165 - Variation to windows, relocation of bin store, amendment to rooflight design, removal of pergola and decrease in length of wall along East elevation facing No.2 Godwin Road.**

Application No: **HS/FA/15/00327**

Recommendation: **Grant Full Planning Permission**

Ward: OLD HASTINGS
File No: AS30020
Applicant: Mr Wright and Carter per Elevations Design Ltd Junction House 1 Sedlescombe Road South St Leonards on Sea, East Sussex. TN38 0TA

Interest: Freeholder
Existing Use: Residential

Policies
Hastings Local Plan 2004: DG1, DG3, C1, C8
Conservation Area: Yes - Tillington Terrace
National Planning Policy Framework: No Conflict
Hastings Planning Strategy: SC1, FA5, EN1,
Hastings Local Plan, Development Management Plan, Revised
Proposed Submission Version: DM1, DM3, DM4, HN1, HN2

Public Consultation
Adj. Properties: Yes
Advertisement: Yes - Conservation Area
Letters of Objection: 6
Petitions Received: 1 Letters of Support: 9

Application Status: Not delegated - Petition received

Summary

This application seeks to vary the plans previously approved under the application HS/FA/13/00165.

Due to the build of the dwelling having been almost completed the majority of these amendments are retrospective.

The Site and its Location

This site is located on the eastern side of Ashburnham Road at the junction of Godwin Road which runs along the site's northern boundary. This site is also located within the Tillington Terrace Conservation Area.

The development consists of a split level modern dwelling which was approved under planning reference HS/FA/13/00165. The dwelling is not yet completed internally, however, the exterior construction works have been finished. The gardens are to be completed also.

The exterior of the building is rendered with brick accents, aluminium framed windows and doors some with timber shutters.

Details of the Proposal and Other Background Information

The amendments shown on the newly submitted plans are as follows:

- variation to the design of the windows
- relocation of the bin store
- amendment to the rooflight design
- removal of the pergola, and
- decrease in length of the wall along the eastern elevation facing towards No. 2 Godwin Road.

Previous Site History

HS/FA/53/00574 Erection of bungalow and garage.
Granted 08/12/53.

HS/FA/55/00637 Erection of bungalow and garage.
Granted 11/10/55.

HS/FA/76/00207 Erection of extension to front of dwelling.
Granted 12/05/76.

HS/FA/84/00617 Enlargement of garage and vehicular access.
Granted 19/11/84.

HS/CA/13/00166 Demolition of existing dwelling and construction of new dwelling including enlargement of existing vehicular access. (Application HS/FA/13/00165 also applies)
Granted 22/07/13

HS/FA/13/00165 Proposed demolition of existing dwelling and construction of new dwelling. Proposed enlargement of existing vehicular access (Application HS/CA/13/00166 also applies)
Granted 17/7/2013

HS/FA/14/00559 Proposed demolition of existing boundary wall and construction of new

boundary wall and a new pedestrian entrance gate from Godwin Road.
Granted 20/08/2014

Details of Consultations

As part of this application 31 neighbouring properties were consulted and a site notice was displayed.

6 letters of objection were received and a valid petition with 31 signatures was also submitted.

The concerns within these objections include:

- The plans submitted not including a scale bar
- The Plans not being available online
- Changes not included on the plans
- The description of the works

The petition states that many of the reasons for previously objecting to the proposal should be considered again. Questions have also been raised in relation to the size of the dwelling built on site in comparison to the approved plans. In light of this, a further site inspection was carried out on the 20th May 2015. As part of this site visit measurements were taken of the exterior of the property. These measurements are consistent with the submitted plan 12.467/02 I.

The concerns raised by the objectors have been taken into account as part of the assessment process of this application. However, it should be noted that this application does not seek permission for the erection of the dwelling on site. The erection of the dwelling has already been granted permission. This application has been submitted in relation to the amendments sought by the applicant.

9 letters of support were also received.

Planning Considerations

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

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

The scale of the development proposed remains unchanged from that approved under planning permission HS/FA/13/00166 & HS/FA/13/00165. At the time of considering the previous application the case officer stated that: "It is considered that the proposals will not adversely affect the character or appearance of the area, the amenity of the neighbouring residents or the highway safety of the area". The proposal was therefore recommended for approval and granted at planning committee.

The proposed amendments submitted as part of this application are relatively minor and are not considered to have a detrimental impact on the overall character of the development or the surrounding area.

The alterations to the existing windows are considered to complement the overall design of the dwelling and result in a clear uniformity of the window sizes. This in turn results in less cluttered elevations and simplifies the appearance of the dwelling.

The alterations to the roof lanterns are hidden from view due to the parapeted facade and flat roof. As a result these are not considered to detract from the overall composition of the dwelling either.

The decrease in length of the wall fronting on to No. 2 Godwin Road has been carried out due to a buttress wall at the neighbouring site. This buttress wall forms a retaining structure to No. 2 Godwin Road and is required to remain in situ. The wall at No. 20 was shortened accordingly during the construction phase of the development.

The removal of the pergola and the relocation of the bin store are also considered minor amendments to the previously approved scheme and as a result are considered acceptable.

Taking the above in to account, it is considered that the proposal will remain in keeping with the character and appearance of the area. Therefore, after considering all matters, I 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 17th July 2013.
2. No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - (a) Samples of roof cladding and glass screening to balcony
 - (b) Full joinery details for the proposed new windows and doors, to include 1:10 elevations of each type of window and door, plus 1:2 or full size sections through example windows and doors.
 - (c) Full details of the proposed wooden shutters.
 - (d) Full details of the proposed roof profile (including any parapet) and of the flat roof cladding.
 - (e) Full details of the proposed decorative scheme for the render, windows and doors (to include colour and paint/stain types).
 - (f) Full details of any new gates or fences within the site boundary, to include siting, size, appearance, materials and finishes.
 - (g) Full details of any proposed external lighting.
3. The glazed screen on the eastern side of the balcony shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent. The balcony shall not be used unless the obscure glazed screen is in place to the satisfaction of the local planning authority.
4. The balconies shall be frameless glazing with no top rail or intermediate supports, unless otherwise agreed in writing with the local planning authority.

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 development shall commence until details of the size and location of any temporary structures required during the construction process, a vehicle wheel washing facility together with areas for storage of materials, and temporary site hoardings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved details, and the wheel washing facility shall remain in place and in operation for the duration of the construction period.
7. No development shall take place until a full mitigation report has been submitted to the Council. Such a report will include positive measures to enhance wildlife features and biodiversity at the site, such as the erection of nest boxes, native landscape planting, etc and will include a timetable for development which avoids any potential risk to wildlife. The development shall be completed in accordance with the approved mitigation report unless otherwise agreed in writing by the Local Planning Authority.
8. The dwelling hereby approved shall not be occupied until readily accessible external storage space for refuse bins awaiting collection has been provided to the satisfaction of the Local Planning Authority.
9. The development hereby permitted shall be carried out in accordance with the following approved plan: 12.467/02 I.
10. No development shall commence until details of surface water drainage have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be completed 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. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1).
3. To protect the amenities of adjoining residential properties.
4. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1).
5. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).

6. In the interests of the visual and residential amenities of the locality.
7. To protect features of recognised nature conservation importance.
(Hastings Local Plan 2004 policies NC8 and NC9.)
8. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
9. For the avoidance of doubt and in the interests of proper planning.
10. To ensure the proper management of surface water on the site with particular reference to the driveway.

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 Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Telephone 01962 858688) or www.southernwater.co.uk.
4. 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.
5. With regard to condition 7 of this planning permission, in preparing the mitigation plan regard should be had to the supporting ecological appraisal (Preliminary (Phase 1) Ecological Appraisal 20 Ashburnham Road Hastings TN35 5JN prepared by The Mayhew Consultancy dated: January 2013).
6. This planning permission has been issued as a variation to the original planning permission HS/FA/13/00165. The pre-commencement conditions listed above are copied from the previous permission and may have already been discharged. If the conditions have been dealt with previously you will not be required to deal with those conditions again, unless matters associated with those conditions have changed. Any outstanding matters required by condition should be submitted to the Local Planning Authority as soon as possible.

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/15/00327 including all letters and documents

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**20 Ashburnham Road
Hastings
TN35 5JN**

Variation of condition 9 (approved plans) of planning permission HS/FA/13/00165 - Variation to windows, relocation of bin store, amendment to rooflight design, removal of pergola and decrease in length of wall along East elevation facing No.2 Godwin Road.



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

Date: May 2015

Scale: 1:1,250

Application No. HS/FA/15/00327

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Agenda Item 5b

AGENDA ITEM NO: 5 (b)

Report to: PLANNING COMMITTEE

Date: 03 June 2015

Report from: Head of Housing and Planning Services

Application Address: Premises at 26 George Street, Hastings, TN34 3EA

Proposal: Conversion of basement from ancillary storage to a bar area in connection with the existing premises at ground floor.

Application No: HS/LB/15/00210

Recommendation: Grant Listed Building Consent

Ward: OLD HASTINGS

File No: GE70026V

Applicant: Mr Dean per Meridian Surveyors 3 Alexandra Parade Park Avenue Hastings, East Sussex. TN34 2PQ

Interest: Freeholder

Existing Use: Bar

Policies

Hastings Local Plan 2004: N/A

Conservation Area: Yes - Old Town

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: N/A

Hastings Local Plan, Development Management Plan, Revised Proposed Submission Version: N/A

Planning (Listed Buildings and Conservation Areas) Act 1990: No conflict

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - Affects a Listed Building

Letters of Objection: 3

Petitions Received: 1

Application Status: Not delegated - Petition received

Summary

This listed building consent application seeks permission for the works associated with the conversion of the basement from ancillary storage to a bar area. The use does not require planning permission and is not being considered here.

The Site and its Location

26 George Street is a grade II listed building within the Old Town Conservation Area of Hastings and draws its significance from its architectural character and appearance as a building of the local vernacular. The building is a three storey mid-terrace building comprising the basement, bar at ground level and two floors of residential space above.

Details of the Proposal and Other Background Information

The basement is part of the premises and it is not a separate use, it is currently used as storage space ancillary to the ground floor. The change of use in 2001 from retail to food and drink covered the ground floor and the basement. As such planning permission is not required to use the basement as a bar area as it is not an independent planning unit.

The basement floor plan shows a function room, bar area, storage area, WCs and the existing rear yard and fire escape via a flight of stairs.

The proposed alterations are not structural.

Previous Site History

Relevant planning history

- HS/FA/01/00041 Change of use from retail to food and drink
Granted subject to Conditions 19/3/2001
- HS/LB/01/00106 Internal modifications of shop area (ground floor)
Granted Subject to Conditions 11/4/2001
- HS/FA/01/00337 Variation of condition of planning permission to allow opening Monday to
Saturday to 12pm and 11pm Sunday
Granted Subject to Conditions 27/7/2001

Details of Consultations

3 individual letters and a petition of objection have been received. Concerns raised include additional traffic, noise and hazard from smokers outside the premises, noise and other nuisance from the existing use, access arrangements - particularly with regard to the rear. These concerns relate principally to the use rather than the works for which listed building consent is being sought.

Environmental Health (Food): No adverse comments have been made. The applicant is required to discuss the requirements for foods safety and an informative has been added accordingly.

Environmental Health (Pollution): No objection subject to conditions.
A working hours condition has been added but further conditions with regard to bottle bins/waste collection are not necessary as the premises already operate as a bar.

County Archaeologist: No adverse comments. As the proposed development does not involve any structural works, there should be no impact on the physical structure which would affect the archaeological interest of this Grade II Listed Building.

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".

This is an application for Listed Building Consent and the Hastings Local Plan 2004 is not relevant. However, the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (NPPF), Section 12 apply.

Initial concerns were expressed with regard to the details of the proposed works:

- Tanking of the basement wall
- Replacement of possible original doors
- Fire compartmentation
- Ceiling
- Floor
- Staircase
- New bar
- Services
- Lack of information in the heritage statement

Amended plans and details have been received addressing the above concerns. The details are now considered to be acceptable and the works will not affect the character and appearance of the listed building.

Other considerations

The objections to the application centre around the means of escape and the rear yard. According to the existing licence smoking is prohibited in the rear yard area.

The exit from the emergency fire escape passing over a neighbouring property is not a planning matter but a civil legal issue between the neighbouring properties.

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 Listed Building Consent subject to the following conditions:

1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.
2. The works hereby permitted shall be carried out in accordance with the following approved plans:

nr/801/2015/02 & nr/800/2015/02 Rev. A
3. 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.

4. No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

Detail through floor/ceiling construction to show proposed insulations, fixings and finishes (Scale 1 : 5).

Works shall be carried out in accordance with the details approved.

5. No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

Sectional detail of floor (Scale 1 : 5) to show build up including separating membrane between existing and proposed floor finish. Sectional detail to include any proposed adjustments of existing features such as architraves, skirtings.

Works shall be carried out in accordance with the details approved.

6. No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

Methodology statement for the repair of the stone staircase including 1 : 5 details to show piecing in repairs and joinery details of balustrade and spindles.

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

7. No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

(i) Joinery details of new bar to show form, height and construction details (Scale 1 : 2) to enable assessment in terms of context.

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

8. No works shall take place until samples of the materials and finishes to be used shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

9. No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

Methodology Statement including layout plans and section details through the existing fabric where ducts are formed, joists notched etc to serve new pipework / electrics and to include specification for making good.

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

Reasons:

1. This condition is imposed in accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)
4. To ensure the architectural and historic character of this Grade 2 Listed Building is adequately protected.
5. To ensure the architectural and historic character of this Grade 2 Listed Building is adequately protected.
6. To ensure the architectural and historic character of this Grade 2 Listed Building is adequately protected.
7. To ensure the architectural and historic character of this Grade 2 Listed Building is adequately protected.
8. To ensure the architectural and historic character of this Grade 2 Listed Building is adequately protected.
9. To ensure the architectural and historic character of this Grade 2 Listed Building is adequately protected.

Notes to the Applicant

1. Failure to comply with any condition imposed on this consent 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 Head of Environmental Control of the Regeneration & Planning Directorate must be consulted with regard to the requirements of the Food Safety (General Food Hygiene) Regulations 1995 and the Health and Safety at Work Etc. Act 1974. Please email foodsafety@hastings.gov.uk or call 01424 451078.
4. Please note:

Tanking - works not included within the approval (no longer required)
Replacement of doors - works not included within the approval (original

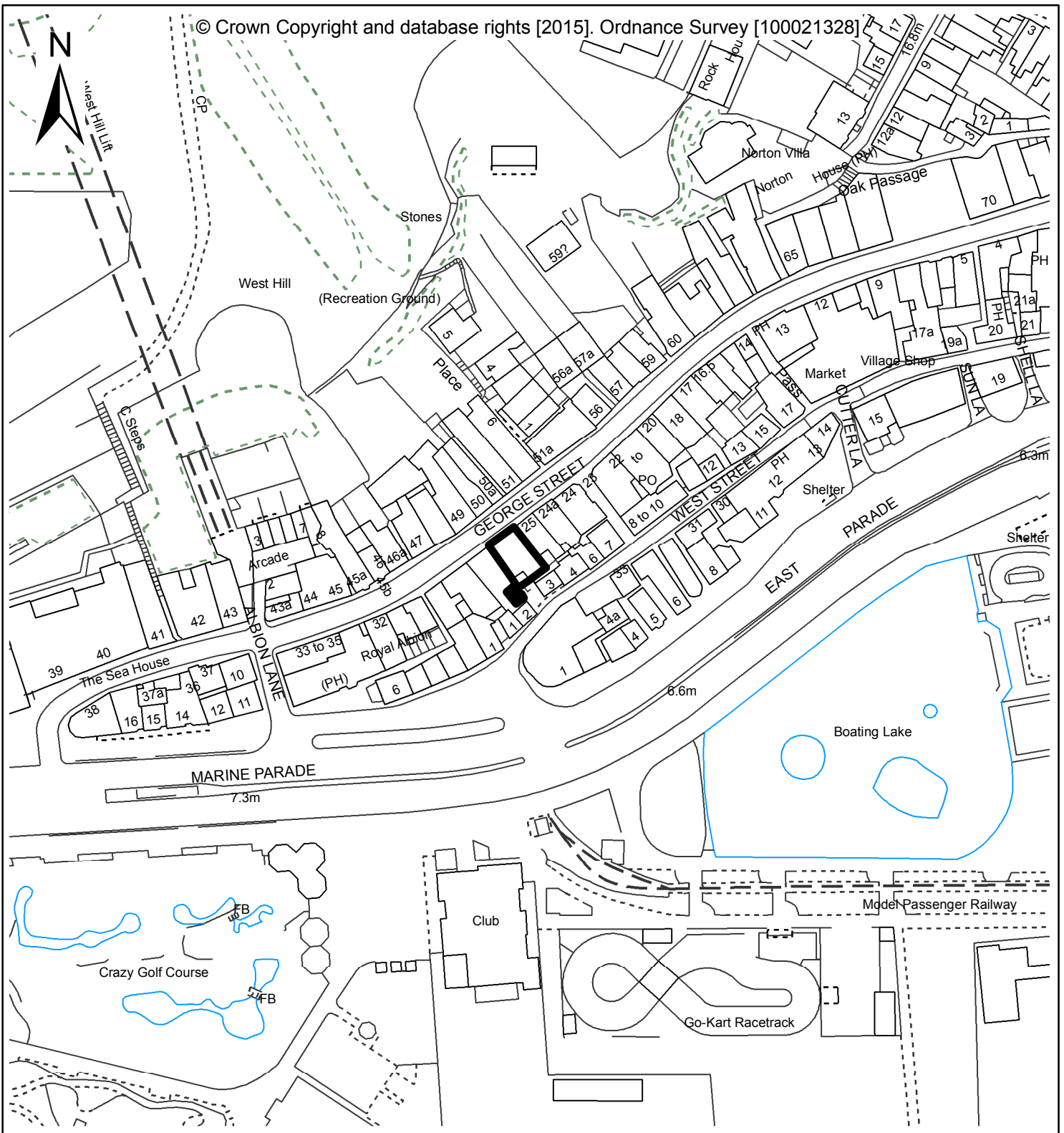
doors to be retained and upgraded).

Officer to Contact

Mrs E Collins, Telephone 01424 783278

Background Papers

Application No: HS/LB/15/00210 including all letters and documents



**Shop and Premises, 26 George Street
Hastings
TN34 3EA**

Conversion of basement from ancillary storage to a bar area in connection with the existing premises at ground floor.



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

Date: May 2015

Scale: 1:1,250

Application No. HS/LB/15/00210

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Agenda Item 6

Agenda Item: 6

Report to: Planning Committee

Date: 20 May 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 17 April 2015 and 20 May 2015

Recommendations: That the report be noted

The following appeals have been received:

Nothing to report

The following appeals have been dismissed:

Nothing to report

Type of Delegated Decision	Number of Decisions
Granted	115
Part Granted Part Refused	1
Permission Not Required	2
Refused	13
Raise No Objections	2
Withdrawn by Applicant	3

Background Papers:

Various correspondence with Planning Inspectorate

Report written by:

Charlotte Mewburn - Tel: (01424) 783264

Email: dcenquiries@hastings.gov.uk

Agenda Item 7a

AGENDA ITEM NO: 7 (a)

Report to: PLANNING COMMITTEE

Date: 03 June 2015

Report from: Head of Housing and Planning Services

Application Address: 55 Collinswood Drive, St Leonards-on-sea, TN38 0NX

Proposal: Proposed demolition of existing property and garage and erection of 4 No. dwellings with off-street parking.

Application No: HS/FA/15/00215

Recommendation: Grant Full Planning Permission

Ward: MAZE HILL

File No: CO31055

Applicant: CF Developments Ltd per Elevations Design Ltd
Junction House 1 Sedlescombe Road South
St Leonards on Sea, East Sussex. TN38 0TA

Interest: Owner

Existing Use: Dwellinghouse

Policies

Hastings Local Plan 2004: DG1, DG2, DG3, DG11, DG24 and DG27

Conservation Area: No

National Planning Policy Framework: Sections 6 and 7

Hastings Planning Strategy: DS1, FA1, SC1, SC3, SC4, SC7, EN2, EN3, H1, H2 and T3

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

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 10

Petitions Received: 0

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

Summary

The application site relates to 55 Collinswood Drive, St. Leonards-On-Sea. This is an existing bungalow property which is located to the rear of 49 to 61 (odds) Collinswood Drive and accessed via an access between 53 and 59 Collinswood Drive. The application is for the demolition of the existing property and the erection of 4 houses with off-street parking.

The main issues to consider are the principle of the development, the impact upon the character and appearance of the area, the impact on neighbouring residential amenities, the standard of the accommodation proposed, the impact on highways and parking and the impact upon existing trees.

The development will increase built form to the rear of existing properties but because of the way the development has been designed, it is not considered to have any adverse impacts on neighbouring residential amenities or the character of the area. A good standard of accommodation is proposed and there will be no harm to existing trees. Suitable parking can be provided within the development and the access is considered appropriate. Appropriate mitigation and some further details to ensure a satisfactory development can be secured with the recommended conditions listed below.

I recommend that planning permission be granted subject to conditions.

The Site and its Location

The application site relates to 55 Collinswood Drive, St. Leonards-On-Sea. This is an existing bungalow property which is located to the rear of 49 to 61 (odds) Collinswood Drive and accessed via an access between 53 and 59 Collinswood Drive. The site slopes from northeast to southwest and the existing bungalow sits within the middle of the site built into the slope. The land in the wider area generally slopes in the same direction. As the property is to the rear of other houses, it is surrounded entirely by residential property on Collinswood Drive and Filsham Road. There is a public footpath that runs along the rear (northwestern) boundary of the site.

Collinswood Drive is suburban in character, defined almost exclusively by detached houses. The houses are mixed between bungalow style properties and detached two storey houses. St Leonards Church of England Primary School can be found a short distance to the southeast of the site. The properties to the rear of the site on Filsham Road are also detached two storey dwellings but much grander on scale.

Details of the Proposal and Other Background Information

The applicant engaged in pre-application discussions about developing the site for 5 houses prior to submitting the application. They were advised that the principle of development was acceptable but there were matters that needed to be considered, such as the impact on neighbouring residential amenities and the provision of parking.

Following the pre-application discussions an application was originally submitted for 5 detached houses. The application has since been revised and is now for the demolition of the existing property and the erection of 4 houses with off-street parking.

Previous Site History

HS/OA/88/00300 Erection of detached bungalow and garage
Refused 09 May 1988

HS/FA/59/00063 Erection of detached bungalow and formation of vehicular access
Granted 16 February 1959

Details of Consultations

The **Borough Arboriculturalist** recommends that the development is reduced to 3 dwellings. Whilst he has confirmed that no consequential damage will be caused to trees as part of the development, the Arboriculturalist is concerned that the trees adjacent to plot 3 at the northeast corner of the site will cast shade and as such pressure will be put on these trees for their removal. He also recommends that a landscaping condition is used to mitigate tree loss and provide screening to existing houses.

The **Local Highway Authority** initially raised objections to the development based on a lack of off-street parking. Now that more parking has been provided and the development has been reduced in size they are raising no objection subject to conditions.

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

Southern Water has raised no objection but requires the applicant to make a formal connection to the public sewer. They ask that the Council's technical staff comment on the adequacy of the surface water drainage proposals.

The **Building Control Manager** has raised no objection but mentioned emergency vehicle access and soakaways as possible issues.

The **Flood Risk Management Team** has raised no objection but notes that the applicant has provided no evidence to support the use of soakaways. Soakaways may not be the most appropriate surface water drainage solution given the underlying geology of the area.

10 objections have been received against the proposed development. Concerns include:

- Proposal is an overdevelopment of the site due to density and overlooking.
- Proposal should be reduced to 2 or 3 houses to allow for better separation from existing houses, adequate parking and better relationship with local character.
- Safety of the access both during construction and post development.
- Increased traffic and impact on highway safety.
- Inadequate parking.
- Problems with surface water and foul drainage.
- Overlooking.
- Noise and disturbance.
- Access for emergency services.
- Impact on trees.

The following are also raised as concerns but are not considered material to the decision making process:

- Damage to neighbouring fencing and hedging.
- Impact on existing retaining wall along boundary with neighbour.

These concerns are considered party wall matters that will need to be resolved between the developer and the adjoining land owners should development go ahead.

Planning Considerations

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

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan

unless material considerations indicate otherwise”.

The main policies/guidance that apply are policies SC1, SC3, SC4, SC7, EN3, H1, H2 and T3 of the Hastings Local Plan: The Hastings Planning Strategy (HPS) and policies DM1, DM3 and DM4 of the emerging Hastings Local Plan: Development Management Plan (DMP). Other policies apply and are listed above.

The main issues to consider are the principle of the development, the impact upon the character and appearance of the area, the impact on neighbouring residential amenities, the standard of the accommodation proposed, the impact on highways and parking and the impact upon existing trees.

Impact upon the character and appearance of the area

The proposed development consists of 4 two-storey detached houses in two different styles. Plots 1 and 2 are proposed to be house type no.2 and plots 3 and 4 are proposed to be house type no.1.

In principle, the development of four houses is considered to have an acceptable relationship with the character of the area. As part of the pre-application discussions, the applicant was advised that 'backland' development would not usually be acceptable, especially in this area, where local character is generally defined by detached properties fronting the road with substantial gardens. However, the existing bungalow is to the 'rear' of houses along Collinswood Drive, therefore, the principle of developing to the rear of properties has already been established. The consideration here is whether redeveloping the site more efficiently is considered acceptable and I believe it is. It must be stressed, however, that this redevelopment is based on the specific circumstances of this site and the fact that there is already development to the rear of existing properties. If granted, it is not considered to set a precedent for further development to the rear of properties along Collinswood Drive or Filsham Road.

As mentioned previously the site currently consists of one bungalow and is to the rear of existing bungalows. Objections to the development have mentioned that two-storey properties would be incompatible with the bungalows in the immediate area but I do not agree. The closest properties on Collinswood Drive may be bungalows but there are two-storey houses close by and the properties on Filsham Road are two-storey. In this context, two storey houses would be compatible. Incompatibility would arise if the properties were very prominent and set an odd backdrop to the existing bungalows especially as development to the rear of properties along Collinswood Drive is not what one would expect to see. However, in this instance, the houses are being set into the ground slightly and would have slightly lower overall ridge heights than typical two-storey houses as the first floor is being set slightly within the roof. I believe that views of the properties would be limited to glimpses between the houses immediately adjacent to the site but that as you moved further along Collinswood Drive the views would lessen. Although more development would be seen this is not too different to the existing situation.

The houses are otherwise proposed to be constructed with facing brick, have weatherboarding detail on the first floor and use concrete roof tiles. Although the weatherboarding is not prevalent in the area brick built houses are typical of the local neighbourhood and I consider that the proposed houses would have an attractive appearance that would complement this existing offer.

The proposed development is not considered to harm the character of the area and is compliant with policies SC1 of the HPS and DM1 of the DMP.

Impact on neighbouring residential amenities

As the development is to the rear of existing properties the main concerns relate to overlooking and whether the development would be overbearing to existing properties. Similar concerns have been raised by local residents.

In terms of overlooking:

- 49 to 61 (odds) Collinswood Drive would bound the side elevations of proposed plots 1 and 4. The side (southeastern) elevation in plot 1 includes no windows so there will be no overlooking. The side elevation of plot 4 would include a bathroom window and stair landing window. Although only the bathroom window is shown as obscure glazed, both of the windows can be obscured which would ensure no overlooking. This can be secured by condition.
- The rear section of the rear garden of 63 Collinswood Drive bounds the northeast boundary of the site. There are rear windows in plots 3 and 4 at first floor that would face towards this section of 63 Collinswood Drive. These windows serve bedrooms and would not be allowed to be obscured. That being said plots 3 and 4 would be built into the sloping site and as such these windows would not appear at first floor level from no.63. Furthermore, because of the level of screening along this boundary (which can be further secured by condition), the distance to the boundary (which is in excess of 10m), and the fact only the rear of the garden would be potentially affected, it is not considered that there will a degree of overlooking that would harm the amenities of no.63.
- The rear section of the rear garden of 47 Collinswood Drive bounds the southwest boundary of the site. There are rear windows in plot 1 and side (southwestern) elevation windows in plot 2 that face towards this section of 47 Collinswood Drive. The bathroom window in plot 1 is the only window proposed to be obscure glazed. The other windows serve bedrooms. Apart from one, these bedrooms are served by second windows so the windows orientated towards the garden of 47 Collinswood Drive could also be obscure glazed. Having been on site, however, I do not consider that these windows need to be obscured. Given the distance of these windows from the boundary (most are in excess of 10m) and because they are orientated to the rear half of the exceptionally long garden of no.47 I do not consider that there will be any adverse harm to amenities from overlooking. One window in plot 1 would be particularly close to the boundary with no.47 - between 4 and 5m. Although close, I do not consider it appropriate to refuse the whole application on this one window. Further protection can be secured with planting along this boundary which would provide some screening to the garden of no.47 but still allow views to the sea from the proposed properties.
- The windows in the northwest elevations of plots 2 and 3 would face towards properties on Filsham Road. The window in plot 3 would be obscure glazed so causes no overlooking. The windows in plot 2 serve bedrooms but given the distances involved, the level of screening along the boundary and the fact that a pathway is in between the application site and the properties on Filsham Road I do not consider that there would harm to neighbouring amenities from overlooking.

During pre-application discussions and the site visit as part of the application it was noted that plot 1 would be particularly close to 51 and 53 Collinswood Drive and plot 4 would be close to 59 and 61 Collinswood Drive. The applicant was advised that these properties would have an adverse impact on existing neighbours because they would likely be overbearing. As a result the applicant has slightly lowered these properties into the site, moved them further away from the boundary and changed the roof shape from gable to hip ends. All of these changes lessen the bulk of the building and as such the proposed development is not considered to cause harm to neighbouring amenities by being overbearing. None of the other neighbouring properties are considered to be affected by the proposed development by it

being overbearing.

Objections have also raised concerns about noise and disturbance. The driveway will certainly be in use more as a result of the proposed development and, to reduce the impact of car movements the applicant proposes to use sound proof fencing along the boundary. The development is otherwise not considered to cause harm as it is residential in nature.

The proposed development is not considered to harm neighbouring residential amenities and is compliant with policies SC1 of the HPS and DM3 of the DMP.

Standard of accommodation

Policy DM3 of the DMP requires 4 bedroom/6 person properties to have a minimum floor area of 106m². House type 1 falls short of this by just under 10m² but house type 2 exceeds the requirement by over 20m². House type 2 is clearly acceptable but I also find house type 1 acceptable. Although there is a shortfall, the layout of house type 1 shows one double bedroom. The reality is that this would be a 5 person property at most which allows for some flexibility in the minimum floorspace requirement - the policy refers to a 4 bedroom, 6 person house. House type 1 otherwise includes a decent layout with sufficient bathroom and toilet provision and separate kitchen and dining facilities. It is clear that the layout is not being 'squeezed' to accommodate more and as such is considered acceptable.

Each house otherwise provides for a decent rear garden, each being a minimum of 10m long and in the case of plots 1 and 2, also includes a decent sized side garden area. Properties would provide for decent levels of natural daylight and sunlight and would provide adequate parking. It is noted that 2 additional parking spaces are required by the Local Highway Authority for visitors but there is sufficient space within the development for these and they can be secured by condition.

The supporting information submitted with the application makes no reference to policy SC3 and SC4 of the HPS. These policies require the development to demonstrate green and sustainable design in order to mitigate against climate change. These design measures should be incorporated into the fabric of the building first before renewable energy generation, such as solar panels, is considered. These improvements can be secured by condition.

The proposed development is considered to provide a decent standard of accommodation and is compliant with policies SC1 of the HPS and DM3 of the DMP.

Parking and highway safety matters

Concerns have been raised by local residents about the amount of parking, safety of the access and movement of traffic along Collinswood Drive. I understand these concerns but, following revisions to the scheme, mostly resulting in additional off-street parking being provided, the Local Highway Authority have raised no objection to the proposed development subject to conditions. Sufficient parking has been provided which should ensure that additional parking on-street is kept to a minimum, the access is being constructed to ESCC standards and the vehicular movements created by the development will not increase substantially and as such will not result in detriment to highway safety.

The proposed development is considered to provide sufficient parking and will not be a detriment to highway safety. It is compliant with policies SC1 and T3 of the HPS and DM4 of the DMP.

Trees

The Borough Arboriculturalist has recommended that the development is reduced to 3 dwellings. Whilst he has confirmed that no consequential damage will be caused to trees as part of the development, he is concerned that the trees adjacent to plot 3 at the northeast corner of the site will cast shade and as such pressure will be put on these trees for their removal.

The important matter here is that the development is not considered to cause physical harm to mature trees. The comments regarding shade casting are interesting but I do not consider that the concerns the Arboriculturalist identifies are so harmful that the development should be further reduced. The layout of the development, which is south of the trees mentioned, will mean that for the majority of the day, for the majority of the year, plot 3 will receive adequate levels of daylight and sunlight. I do not agree with the Arboriculturalist's comments and have not asked the developer to reduce the development further.

The proposed development is not considered to harm trees and adequate landscaping can be secured by condition. It is compliant with policies EN3 of the HPS and HN8 of the DMP.

Other

Planning permission was refused in 1988 for a new dwelling in the garden of no.55 as it was 'backland' development and the site was of inadequate size to accommodate a dwelling. In comparison this proposal is for more development than that applied for in 1988. To many this would automatically mean that the proposed development is unacceptable but, as I have explained above the applicant has considered the impact of the development on neighbours and the character of the area and I am satisfied that the development works.

The surface water drainage proposals have been flagged up as being unacceptable. To ensure that adequate provision is made for drainage a condition for further details is recommended.

The development will not result in any harm to protected species. The submitted ecology report makes recommendations for protecting species during construction and enhancing biodiversity post construction. These elements can be secured by condition.

Conclusion

Considering the above discussion these proposals are considered to comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and I recommend that planning permission be granted subject to conditions.

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

Recommendation

Grant Full Planning Permission subject to the following conditions:

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

the following approved plans:

15.639/01B

3. 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.
4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
5. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. No development 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.
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. (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.

9. No development shall take place until the measures outlined in the submitted Preliminary Ecological Appraisal by The Mayhew Consultancy Ltd, dated March 2015 (ref EA/35615) 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.

10. No development shall take place until the measures outlined in the submitted Arboricultural Report by The Mayhew Consultancy Ltd, dated March 2015 (ref AR/35615) 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.

11. The reconstructed access shall be in the position shown on the submitted plan (drawing no. 15.639/01B) and all works undertaken shall be executed and completed to the satisfaction of the Local Planning Authority prior to any occupation of the development.

12. The development shall not be occupied until parking area have been provided in accordance with the approved plans and details to submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

13. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the submitted plan (drawing no. 15.639/01B) and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

14. Prior to the commencement of development a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. This shall include the size of

vehicles, routing of vehicles and hours of operation.

15. 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.
16. Before the development hereby approved is occupied provision shall be made in each property for connection to fibre-based broadband infrastructure.
17. 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.
18. The following windows shall be glazed in obscure glass and non-opening at all times:
 - Plot 1 - Rear (southwest) elevation first floor bathroom window.
 - Plot 2 - Rear (northwest) elevation first floor bathroom window.
 - Plot 3 - Side (northwest) elevation first floor bathroom window.
 - Plot 4 - Side (southeast) elevation first floor en-suite and stair landing windows.
19. Any new window installed on an upper floor of any elevation of the dwellings hereby approved shall be:
 - i) obscure-glazed; and
 - ii) non-opening unless parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

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 visual amenity and to protect neighbouring residential amenities.
5. In the interests of the visual amenity and to protect neighbouring residential amenities.

6. In the interests of the visual amenity and to protect neighbouring residential amenities.
7. In the interests of the visual amenity and to protect neighbouring residential amenities.
8. To prevent increased risk of flooding.
9. To protect features of recognised nature conservation importance.
10. In the interests of the health of the trees and the visual amenity of the area.
11. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
12. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
14. In the interests of highway safety and for the benefit and convenience of the public at large.
15. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.
16. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
17. To safeguard the amenity of adjoining residents.
18. In the interests of the amenity of the neighbouring residential occupiers.
19. In the interests of the amenity of the neighbouring residential occupiers.

Notes to the Applicant

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

Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/FA/15/00215 including all letters and documents



**55 Collinswood Drive
St Leonards-on-sea
TN38 0NX**

Proposed demolition of existing property and garage and erection of 4 No. dwellings with off-street parking.



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

Date: May 2015

REVISED

Scale: 1:1,250

Application No. HS/FA/15/00215

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Agenda Item 7b

AGENDA ITEM NO: 7 (b)

Report to: PLANNING COMMITTEE

Date: 03 June 2015

Report from: Head of Housing and Planning Services

Application Address: 29 Magpie Close, St Leonards-on-sea,
TN38 8DY

Proposal: Approval of reserved matters following the
granting of outline planning consent for
the erection of detached two-storey
dwelling house.

Application No: HS/DS/15/00315

Recommendation: Approve Reserved Matters

Ward: WEST ST LEONARDS
File No: MA10029, FI25500T
Applicant: Mr Williams per Pump House Designs Pump
House Yard The Green SEDLESCOMBE,
East Sussex. TN33 0QA

Interest: Freeholder
Existing Use: Residential curtilage

Policies

Hastings Local Plan 2004: DG1, DG2, DG3, DG11
Conservation Area: No
National Planning Policy Framework: No Conflict
Hastings Planning Strategy: FA1, SC1, H1, H2, T3
Hastings Local Plan, Development
Management Plan, Revised
Proposed Submission Version: DM1, DM3, DM4, DM6

Public Consultation

Adj. Properties: Yes
Advertisement: No
Letters of Objection: 5
Petitions Received: 0

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

Summary

This application is for reserved matters following the approval of an outline application (HS/OA/13/00208) for the erection of a detached dwelling (No. 29A Magpie Close).

The principle of a dwelling on this plot has been agreed at the outline stage, but access,

appearance, landscaping, layout and scale are all to be determined at this stage.

The dwelling is to have a separate garden and parking area. The main issues are the impact of the proposal on the character of the area, the amenity of neighbouring residents and highway safety. After considering all matters the proposal is considered to be acceptable.

The Site and its Location

The site consists of the garden area of 29 Magpie Close which is located in the south western corner of the estate. The site adjoins 30 Magpie Close to the north and 28 Magpie Close to the east. The site also adjoins a nature reserve to the west. Boundaries are indicated by closeboard fences and hedges. The ground level slopes from north to south with the rear of the site being lower than the road level and the adjoining dwellings.

The area is typical of a modern suburban housing estate and consists of mainly semi-detached dwellings built of facing brick/UPVC cladding. The estate has an 'open' feel due to the spacing of the dwellings and its proximity to the nature reserve and other open countryside areas.

Details of the Proposal and Other Background Information

This application seeks approval for the reserved matters of outline permission HS/OA/13/00208. The outline permission was granted permission at planning committee on the 23rd May 2013.

The matters previously reserved include;

- Access
- Appearance
- Landscaping
- Layout
- Scale

Previous Site History

Number here	Description, decision and date here
HS/OA/12/00825	Creation of building plot and development of a pair of semi-detached two storey dwellings within existing garden. Refused 12 December 2012
HS/OA/13/00208	Erection of detached two-storey dwelling house within existing garden. Granted 23 May 2013

Details of Consultations

As part of this application, 30 neighbouring properties were consulted. 5 letters of objection were received in response. The main issues included in these letters include the loss of privacy, impact on parking, impact on daylight, impact on wildlife and impact on the streetscene.

No formal consultations with other parties were carried out as part of this application as they were carried out under the outline application.

Planning Considerations

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

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

Character and appearance

The dwelling by virtue of its size, scale, bulk and design would appear in keeping with the existing neighbouring dwellings. Following on from the advice contained in the previous officer's report, the dwelling has been moved further to the northeast of the site and as a result the overall impact on the streetscene is considered acceptable.

Highway Safety and Parking

In considering the outline application the Highways Authority stated that *'in accordance with the East Sussex County Council's adopted parking guidance this development proposal should be provided with 2 parking spaces. The turning space for the development should be laid out in accordance with the plans as submitted and the area shall be retained for that use and shall not be used other than for the use of vehicle turning'*

The parking area on proposed plan 4735/2/B shows a shared access to parking areas for both No. 29 Magpie Close and the proposed dwelling. These parking areas are large enough for 2 vehicles each. There also appears to be an ample turning area to the side of the proposed dwelling to satisfy the requirement of the Highways Authority.

The materials of the proposed parking/turning area have not been provided however this can be dealt with through the hard landscaping condition attached to the outline permission.

Living Environment

The proposal is located between two existing dwellings where it would not interfere with outlook or result in overshadowing of these two properties. The adjoining properties do not have side facing windows which will ensure that future occupants of the dwelling are not overlooked.

However, it should be noted that an application has recently been submitted for works at No. 30 Magpie Close. These works include the creation of a window at first floor level in the side elevation facing towards No. 29. There are no windows proposed in side of the new dwelling being considered here, and I would suggest that if permission is granted for the changes at number 30 a condition is imposed to ensure that no additional openings can be created to that property without prior written approval from the Council. Taking these factors into account I am of the opinion that the privacy of the two adjoining properties will be maintained.

Due to the proposed dwelling being located further back in the site, the rear garden falls below the 10 metre requirement at one end, but extends to up to about 14m into the corner at one point. Due to the overall size of the garden space to the side and rear I am of the opinion that a good quality of living environment will be achieved.

Although some planting and soft landscaping has been indicated on the submitted plans, a landscaping condition was attached to the outline planning permission which still needs to be

discharged.

Unacceptable levels of noise and disturbance from the proposal are highly unlikely as the proposal is for residential development in a residential area. Noise and disturbance during the construction phase can be controlled through the condition restricting the hours of building works attached to the outline permission.

Ecology

The ecology assessment was carried out as part of the outline permission and a condition was imposed accordingly. That condition will still need to be discharged before development can commence

Flooding and Drainage

The flooding and drainage assessment was also carried out as part of the outline permission and a condition was imposed. Again this will need to be discharged before works can commence on site.

Conclusion

Having reviewed the proposed submission, it is considered that the reserved matters are acceptable. 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

Approve Reserved Matters subject to the following condition:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 4735/1/B(planning), 4735/LBP/A & 4735/2/B(planning)

Reason:

1. 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 maximum gradient of the private drive should not exceed 1 in 9.
4. Consideration should be given to the provision of a domestic sprinkler system.
5. The applicant is reminded that the conditions of outline planning permission HS/OA/13/00208 still apply and need to be complied with.

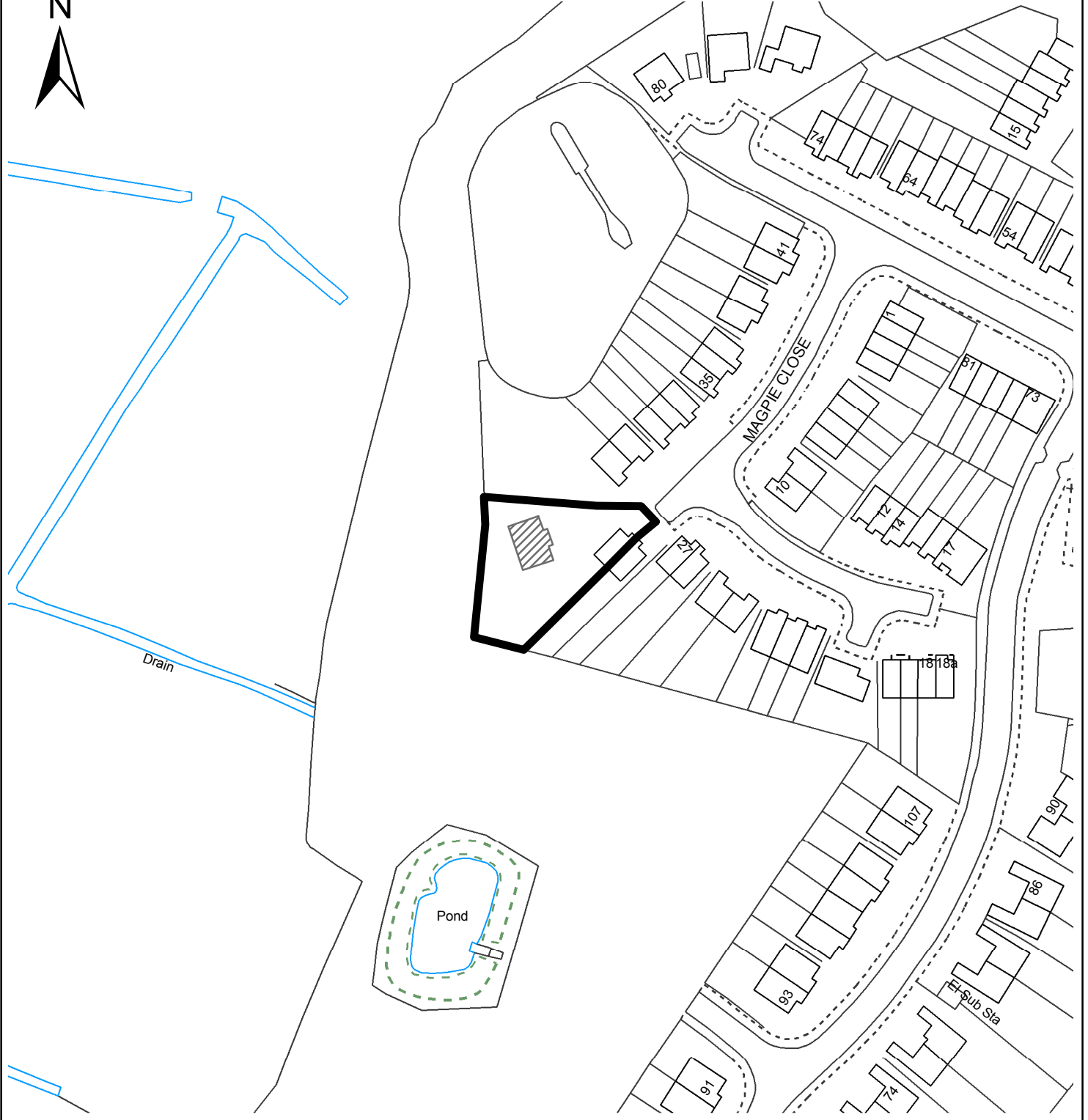
Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/DS/15/00315 including all letters and documents

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**29 Magpie Close
St Leonards-on-sea
TN38 8DY**

Approval of reserved matters following the granting of outline planning consent for the erection of detached two-storey dwelling house.



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

Date: May 2015

Scale: 1:1,250

Application No. HS/DS/15/00315

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Agenda Item 7c

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

Report to: PLANNING COMMITTEE

Date: 03 June 2015

Report from: Head of Housing and Planning Services

Application Address: **815-817 The Ridge, St Leonards-on-sea, TN37 7PX**

Proposal: **Erection of 3 dwellings**

Application No: **HS/FA/15/00237**

Recommendation: **Grant Full Planning Permission**

Ward: ASHDOWN
File No: RI70817/815
Applicant: Mr & Mrs Connolly per Pump House Designs
Pump House Yard The Green
SEDLSCOMBE, East Sussex. TN33 0QA

Interest: Freeholder
Existing Use: Residential curtilage

Policies

Hastings Local Plan 2004: H2, DG1, DG2, DG3, DG11
Conservation Area: No
National Planning Policy Framework: No Conflict
Hastings Planning Strategy: DS1, SC1, H1, H2,
Hastings Local Plan, Development
Management Plan, Revised
Proposed Submission Version: DM1, DM3, DM4

Public Consultation

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

Application Status: Not delegated, applicant is a member of staff within a politically restricted post.

Summary

This application is for the erection of three dwellings within the rear garden space of numbers 815-817 The Ridge. The main issues are the impacts on the amenity of neighbouring residents, the character and appearance of the area and highway safety. After considering all matters, I recommend the proposal for approval subject to conditions.

The Site and its Location

The site is located to the South of the Ridge and consists of the rear garden of 817 The Ridge and a portion of the rear garden of 815.

The existing property at 817 The Ridge is set back from the highway with an access driveway which runs southwards between 815 and 821 The Ridge. The existing dwelling is of a chalet bungalow style with the front and rear facing dormer windows. The existing garden areas to the rear of 815-817 are large. The rear boundary adjoins the Dunelm/Pets at Home stores at a lower level and the rear garden of 815 The Ridge. At the present time, all boundaries are indicated mainly by vegetation or fences.

The existing property at 815 The Ridge is also a chalet bungalow style detached dwelling but is not set back from the road. A drive runs to the rear of 815 The Ridge which leads to a single storey garage and garden area further to the south. This garden area adjoins the retail premises to the south and the rear boundaries of 813 The Ridge, 221 Harrow Lane, 219 Harrow Lane and a telephone exchange building. The boundaries surrounding the site are indicated by mature vegetation and fences.

The area has a varied character being defined by a mixture of uses and different size buildings including a two storey shop, two storey public house, bungalows, detached properties and two storey terraced houses.

Details of the Proposal and Other Background Information

This is a fully detailed application. The proposal involves the erection of a pair of semi-detached and one detached dwelling to the rear of 815-817 The Ridge. It is proposed to utilise a portion of the rear garden space of No. 815 to allow for the creation of a driveway which would form the access to the new dwellings.

The semi-detached properties are shown to have a combined width of 10.7 metres, a depth of 12.3 metres and a maximum height of 9.5 metres. The detached property has a width of 5.5 metres, a depth of 12.3 metres and a maximum height of 9.5 metres.

Limited information has been submitted regarding the materials however, this can be dealt with by condition.

Previous Site History

HS/OA/03/00872 Proposed building plot.
Refused. 04/12/03.

HS/FA/05/00532 Erection of single dwelling.
Withdrawn. 05/08/05.

HS/FA/05/00617 Erection of single dwelling.
Refused. 29/04/05.

HS/FA/06/00004 Erection of single dwelling.
Granted. 06/03/06.

HS/OA/06/00986 Demolition of existing dwellings and outbuildings and redevelopment of site including road junction improvements, new site access road, 7 x dwellings and associated off road parking.

Resolved to grant subject to a S106 agreement. 28/02/07.

HS/FA/08/00818 Renewal of planning approval HS/FA/06/00004 for erection of single dwelling.
Granted. 16/02/09.

HS/FA/12/00772 Erection of two detached houses
Granted 06/12/2012

Details of Consultations

As part of this application 29 neighbouring properties were consulted and a site notice was displayed. One comment was submitted.

Southern Water have provided comments on the layout of the sewerage and the need for investigation prior to development. This can be dealt with by pre-commencement condition.

The Council's Arboriculturalist has stated that trees on site affected by the development are of insignificant landscape value. It has been suggested that a landscaping condition be imposed.

The Highways Authority have suggested conditions be imposed relating to the width and layout of the access way and the parking and turning areas

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".

Living Environment

Policy DM3 of the Development Management Plan requires that dwellings with 3 bedrooms require a minimum internal floor area of 93sq.m. Having reviewed the floor area of the proposed dwellings it is clear that the proposals exceed this requirement.

Concerns have been raised by the neighbouring residents in relation to the potential noise from the proposed driveway. Having reviewed the submitted plans the distance between the existing dwelling at 219 Harrow Lane and the proposed driveway exceeds 20 metres. I take into account that the furthest point of the rear garden of No. 219 would only be approximately 3 metres from the driveway however, with a robust planting scheme I am of the opinion that potential noise impact can be adequately addressed.

The proposed dwellings are shown to have 3 bedrooms and suitable gardens measuring at least 10 metres in length. The remaining garden space for 815 & 817 The Ridge also exceeds 10 metres. This will ensure that a good quality of living environment will be retained. The proposed dwellings have been orientated east to west across the site to limit any potential loss of privacy to the existing dwellings. On the proposed elevation facing towards No. 817 The Ridge there are two windows proposed. These windows are shown to serve a hallway and a bathroom (obscure glazed). In the front and rear elevations there are additional windows which face towards the properties in Harrow Lane and the car park of the adjoining retail units. Having visited the site I am of the opinion that due to the distances

between the existing and proposed properties, the proposal would not result in unacceptable levels of overlooking and that the situation remains similar to existing.

Impact on street scene/design

This area of The Ridge is, in the majority, of non-uniform properties made up of a mixture of building types or varying sizes, heights and designs. It is considered that the proposed dwellings are of a size and scale which is in keeping with other properties found in the area. The proposed residential use is also in keeping with the variety of uses found in the area and will ensure that the proposal remains in keeping with the character of the area.

With regard to the appearance, the site is set back from The Ridge and would not form part of the streetscene. The proposed properties, due to their positioning, will almost be almost entirely hidden from view and as such have no impact on the existing street scene.

Highways and Transport

The proposed parking provision on site is two spaces per unit. Although this falls short of the East Sussex County Council requirement, the Highways officer has stated that the addition of a visitor parking bay in the space adjacent to the driveway serving units 1-3 would be considered acceptable. Although this space is not currently shown on the proposed plan, I am of the opinion that the layout of this additional parking area can be dealt with by condition.

Drainage

The advice provided by Southern Water has requested that the exact location of the existing public foul sewer be identified on site. In accordance with Southern Water's recommendation, it is felt that a condition should be imposed requiring these details be submitted for approval.

Sustainable Development

The current application follows on from the grant of planning permission: HS/FA/12/00772 and HS/FA/06/00004. Both of these applications were for a smaller number of dwellings on site. The NPPF sets a presumption in favour of sustainable development (paragraph 14), which aims to boost significantly the supply of housing (paragraph 47) and encourages local planning authorities to identify the type and tenure of housing required (paragraph 50). Following on from this guidance the Planning Strategy identifies that there is need for additional family size dwellings across the Borough which has an unusually high number of flats (paragraphs 8.3 - 8.8, Policy H2).

In this case the proposal has been designed to minimise the impact on neighbouring properties and, as mentioned above, the dwellings are 3 bedroom, and have adequate sized gardens which makes them suitable for families. It is therefore considered that the proposal does represent sustainable development and that it will help achieve the aims of both national and local planning policy.

Conclusion

The proposal has been designed to ensure that a good quality living environment is created for future occupants without impacting on the amenity of neighbouring residents. The scheme is considered to be in keeping with the character and appearance of the area and helps provide additional family size accommodation in this part of the Borough. It is

therefore considered that the scheme represents sustainable development and is acceptable. I therefore recommend the proposal for approval subject to conditions.

Other considerations

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

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. 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.
4. The development shall not be occupied until parking and turning areas have been provided in accordance with the submitted plan (Drawing No. 4178/15/1), along with one additional off street parking space for visitors. Thereafter the parking areas be retained for that use and shall not be used other than for parking and turning of motor vehicles.
5. The access shall be widened to 4.5m for a distance of 10m from the carriageway and all work shall be undertaken and completed by the applicant to the satisfaction of the Local Planning Authority prior to occupation of the development hereby permitted.
6. There shall be no obstruction to visibility (over 0.8 metres above the level of the adjoining footway) in either direction onto The Ridge within splays of 2.4metres x 43metres.
7. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of

cycles.

8. The windows in the side elevations of the proposed dwellings shown serving bathrooms shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.8 metres from finished floor level.
9. No development shall commence on site until full details of the measures to be undertaken to divert the public sewers which are known to cross the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
10. No development shall take place until details of the exact location of the public foul sewer on the site have been submitted to the local planning authority. No development or tree planting shall be located within 3m either side of the centreline of the public sewer, and no soakaways shall be located within 5m of the sewer without the prior written consent of the local planning authority.
11. 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.
12. 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.
13. No development shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials.
14. 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.

15. The dwellings hereby permitted shall be carried out in accordance with the following approved plans: 4178/15/LBP, 4178/15/3, 4178/15/1 & 4178/15/2.

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 residents. (Hastings Local Plan 2004 - Policy DG4).
3. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
4. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
5. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
6. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
7. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
8. To protect the amenities of adjoining residential properties
9. To ensure a satisfactory standard of development.
10. To ensure the public sewer is adequately protected.
11. To ensure a satisfactory form of development in the interests of the visual amenity.
12. To ensure a satisfactory form of development in the interests of the visual amenity.
13. To ensure a satisfactory form of development in the interests of the visual amenity.
14. To ensure a satisfactory form of development in the interests of the visual amenity.
15. 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. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH

(Telephone 01962 858688) or www.southernwater.co.uk

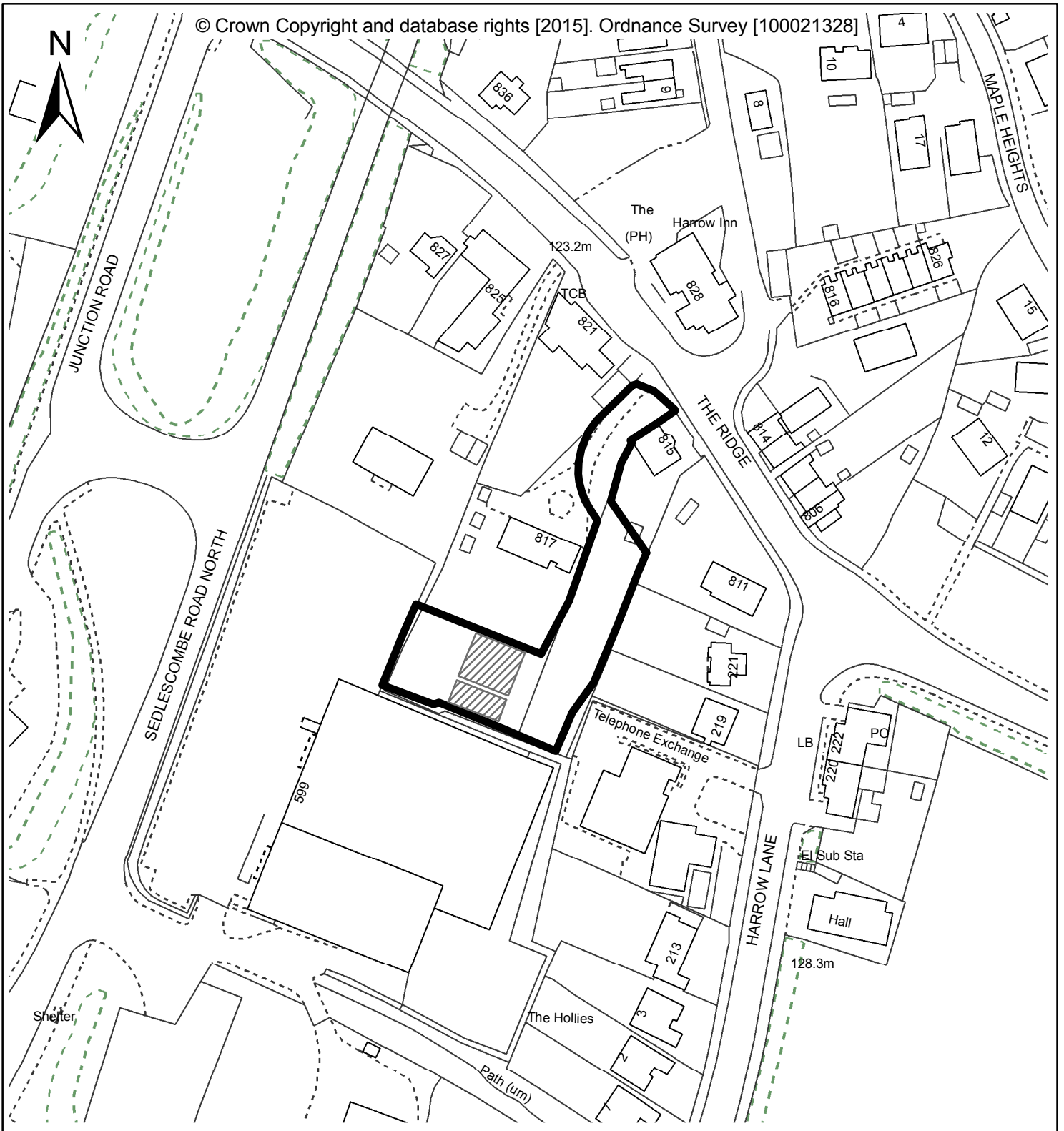
3. In the event that any sewers are found within the site the applicant is advised to contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Telephone 01962 858688) or www.southernwater.co.uk.
4. With regard to conditions 4, 5, 6 & 7, the applicant's attention is drawn to the comments of the Highways Authority dated 27 March 2015.
5. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/15/00237 including all letters and documents



815-817 The Ridge
St Leonards-on-sea
TN37 7PX

Erection of 3 dwellings



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

Date: May 2015

Scale: 1:1,250

Application No. HS/FA/15/00237

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