

PLANNING COMMITTEE

1 JULY 2015

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

13. APOLOGIES FOR ABSENCE

Apologies for lateness were received from Councillor Beaver.

14. DECLARATIONS OF INTEREST

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

| <u>Councillor</u> | <u>Minute</u> | <u>Interest</u> |
|-------------------|--|---|
| Beaney | 18.1 – 26 Beauharrow Road, St. Leonards-on-Sea | Personal – Acquainted with the owner of the site. |
| Roberts | 20.1 – Little Fish and Chip Shop, Lower Promenade, Warrior Square, St. Leonards-on-Sea | Personal – Lives in close proximity to the site. |

15. MINUTES OF THE MEETING HELD ON 3 JUNE 2015

RESOLVED – That the minutes of the meeting held on 3 June 2015 be approved and signed by the Chair as a true record.

16. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

17. PLANNING APPLICATIONS ATTRACTING A PETITION:

17.1 101 Cambridge Road

Proposal: Change of use from dwellinghouse (C3) to HMO (Sui generis) to provide 8 bedrooms for students together with associated facilities.

Application No: HS/FA/15/00430

Existing Use: Vacant

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| Hastings Local Plan 2004 | H4, DG1, C1, C8 |
| Conservation Area: | Yes – White Rock |
| National Planning Policy Framework | No Conflict |
| Hastings Planning Strategy | SC1, H2, H4 |
| Development Management Plan | |
| Proposed Submission Version: | HC1. DM1, DM3, HN1, HN2 |
| Public Consultation: | 7 letters of objection received and 1 petition received |

The Development Manager reported on a full planning application for the change of use from dwellinghouse (C3) to a house in multiple occupation (Sui Generis) to provide 8 bedrooms for students together with associated facilities at 101 Cambridge Road, Hastings.

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

A similar application for the change of use from dwellinghouse (C3) to a house in multiple occupation (Sui generis) was considered by the planning committee on 7 January 2015 where it was deferred and on 4 February 2015 when it was refused, as it was considered to be contrary to Policy H4 of the Hastings Planning Strategy. The applicant has submitted an appeal against the refusal; however, this has not yet been validated by the Planning Inspectorate.

The submitted floor plan is identical to the previously submitted one, with four bedrooms at ground floor level as well as a living room, kitchen, bathroom and separate WC. Another four bedrooms are on the first floor with an additional kitchen, bathroom and WC. This is identical to the existing floor plan apart from the sub-division of the lounge to create an additional bedroom.

The application differs from the one previously considered in the fact that the accommodation is now intended for students. The applicant has stated that the intention is to lease the bedrooms to students studying at the University of Brighton campus located in Hastings. However, the accommodation will not be managed by the University and it is not a Hall of Residence. As such the use would constitute a House in Multiple Occupation (HMO) outside the use class order (sui generis).

The main considerations of this application were the change of use; impact on residential amenity and character of the area; provision for refuse storage and cycle parking; and fence. The Development Manager recommended the application for

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approval subject to conditions.

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

The petitioner, Mrs Bonett, was present and spoke against the application.

The agent, Mike Pickup, was present and spoke in support of the application.

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

Councillor Beaver was not present at the start of the meeting so sat back from the table and was not involved in the debate or voting.

Members discussed this application at length and added a new recommendation.

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

The meeting was adjourned for 5 minutes to allow Councillor Roger; the Chair and officers to clarify the reasons for refusal.

RESOLVED – by (6 votes to 3) that planning permission be refused subject to the following reasons:-

1. **The conversion of the building would result in the loss of family sized accommodation as there is a current planning permission to convert the building to 3 flats, 2 of which would contain 2 bedrooms and provide suitable accommodation for families, and result in an over intensive use contrary to the amenities of future occupants. The development would therefore conflict with policy H4(a) of the Hastings Local Plan 2004 and policy HC1(a) of the Hastings Local Plan, Development Management Plan Revised Proposed Submission Version which state:**

Policy H4 - Housing Conversions

Planning permission will be granted for the conversion of large residential and other buildings to flats and maisonettes provided than:

- a) **The building can no longer be retained in its entirety for single family housing occupancy in accordance with modern standards.**

2. Policy HC1 – Conversion of existing dwellings

To support the provision of quality homes and dwelling mix, converting all or part of a dwelling to another use or into multiple dwellings will normally be permitted provided that;

- a) **The building can no longer be retained in its entirety for single family housing occupancy.**

17.2 26 Beauharrow Road, St. Leonards on Sea

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| Proposal: | Erection of three detached houses and garages |
| Application No: | HS/FA/15/00071 |
| Existing Use: | Domestic curtilage |
| Hastings Local Plan 2004 | DG1, DG2, DG3, DG4, DG11, NC7, NC8, NC9 |
| Conservation Area: | No |
| National Planning Policy Framework | No Conflict |
| Hastings Planning Strategy | FA1, SC1, EN2, EN3, T3 |
| Development Management Plan | |
| Proposed Submission Version: | DM1, DM3, HN7, HN8 |
| Public Consultation: | 3 letters of objection received and 1 petition received |

The Development Manager reported on a full planning application for the erection of three x five bedroom detached houses and garages within the garden area of 26 Beauharrow Road, St. Leonards on Sea.

The site consists of the garden area of 26 Beauharrow Road which is accessed via a private drive leading southwards from Beauharrow Road. The site adjoins 28 Beauharrow Road to the north-west which has recently been developed with 7 houses now known as The Russets. The area to the rear is designated as ancient woodland and the area to the south-east is designated as Local Wildlife site. Part of the site is designated as a Wildlife Corridor. The area opposite the site is currently vacant but has planning permission for a single dwelling (HS/FA/14/00590). The land opposite also forms part of a wider site and an appeal for the refusal of a scheme of 4 houses on that site has recently been submitted (HS/FA/14/01026).

The area is predominantly residential and consists of a variety of detached houses, bungalows and some semi-detached dwellings.

The proposed detached dwellings each have a width of 10.5 metres, a maximum depth of 10.95 metres and maximum height of 9 metres. Each dwelling would have a new driveway which would form access to the new dwellings. Each of the new properties will have a detached garage. Each will have a width of 6.2 metres, a depth of 6.2 metres and a maximum height of 5.1 metres.

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

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The Development Manager felt the proposal had 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 will help to provide additional family size accommodation in this part of the Borough. The Development Manager considered the scheme represented sustainable development and he therefore recommended the application be approved.

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

The petitioner had been invited to attend but was not present.

The agent, Mike Pickup, was present and spoke in support of the application.

Councillor Scott moved the recommendation, as amended, with an additional condition as set out in condition and reason No. 22. This was seconded by Councillor Roberts.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
2. Construction traffic must not damage the through routes to the site. Any reinstatement works required must be approved in writing and carried out to the satisfaction of the Local Planning Authority;
3. No development shall take place until the recommended measures outlined in the submitted ecological and arboricultural statements and reports (Tree Survey Arboricultural Impact Assessment & Tree protection Plan Land at 26 Beauharrow Road St Leonards on Sea TN37 7BL by The Mayhew Consultancy Ltd Dated June 2014 and Ecological Appraisal Land at 26 Beauharrow Road St Leonards on Sea TN37 7BL by The Mayhew Consultancy Ltd Dated June 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 time scales contained therein or;
 - (ii) unless the scheme(s), or programme(s) of measures contained within the ecological and arboricultural statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

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4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development (in accordance with BS5837 2012: Trees in relation to design, demolition and construction – Recommendations). New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme;
5. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;
6. No development shall take place until 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;
7. The development hereby permitted shall be carried out in accordance with the following approved plans: 14.582/01F; 02B;
8. 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;
9. 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

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- 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;
- 10. 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;**
 - 11. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority;**
(ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings hereby approved shall occur until those works have been completed;
(iii) No occupation of any of the dwellings hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
 - 12. The reconstructed access road shall be in the position shown on the submitted plan (drawing no. 14.582/02 B) and all works undertaken shall be executed and completed to the satisfaction of the Local Planning Authority prior to any occupation of the development;**
 - 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. 14.582/02B) 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;**

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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 windows in the first floor side elevations of the proposed dwellings shown serving bathrooms or an en suite 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;**
19. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building works within the rear garden areas (for example outbuildings) shall take place without the grant of an additional planning permission;**
20. **No development shall take place above ground until full details of all boundary treatments including any fencing, walls or enclosures have been submitted to and approved in writing by the Local Planning Authority. All such boundary treatments shall be erected before the building to which it relates is occupied;**
21. **Drawing no. 14.582/02 B does not match the footprint of 2 of the proposed dwellings with drawing no. 14.582/01, specifically the dwellings located furthest away from the existing northern boundary line. No development shall take place above ground until these details have been amended, submitted to and approved in writing by the Local Planning Authority; and**
22. **During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Local Planning Authority, to prevent contamination and damage to the adjacent roads.**

Reasons:

1. **This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
2. **To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hasting Local Plan 2004 - Policy DG1);**
3. **To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9);**
4. **To ensure a satisfactory form of development in the interests of the**

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- visual amenity;**
- 5. To ensure a satisfactory form of development in the interests of the visual amenity;**
 - 6. To protect features of recognised nature conservation importance and the character and appearance of the area;**
 - 7. For the avoidance of doubt and in the interests of proper planning;**
 - 8. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1);**
 - 9. In the interests of the visual amenity and to protect neighbouring residential amenities;**
 - 10. In the interests of the visual amenity and to protect neighbouring residential amenities;**
 - 11. To prevent increased risk of flooding;**
 - 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. To protect the wildlife corridor;**
 - 20. To safeguard the amenity of adjoining residents; and**
 - 21. To correct the existing anomaly between drawing nos. 14.582/02 B and 4.582/01.**
 - 22. In the interests of highway safety and for the benefit and convenience of the public at large.**

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Notes to the Applicant

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

18. PLANNING APPEALS AND DELEGATED DECISIONS:

The Development Manager reported that no planning appeals had been received or dismissed. One enforcement notice appeal had been received. He reported on a number of delegated decisions. All matters had arisen between 21 May 2015 and 19 June 2015.

RESOLVED – that the report be noted.

19. PLANNING APPLICATIONS:

19.1 Little Fish and Chip Shop, Lower Promenade, Warrior Square, St. Leonards on Sea

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| Proposal: | Painted advertisement on roof. |
| Application No: | HS/AA/15/00392 |
| Existing Use: | Fish and Chip kiosk |
| Hastings Local Plan 2004 | DG16 |
| Conservation Area: | Yes – Warrior Square |

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| National Planning Policy Framework | Para 67 |
| Hastings Planning Strategy | SC1, EN1 |
| Development Management Plan | |
| Proposed Submission Version: | DM3 |
| Public Consultation: | 4 letters of objection and 1 letter of support received |

The Development Manager reported on an application for retrospective consent for the painted advertisement on the roof of the fish and chip shop/kiosk on the Lower Promenade in Warrior Square.

The site is located on the Lower Promenade within Warrior Square. The site does not adjoin any neighbouring properties, but is within close proximity to purpose built beach shelters. The site is within the Warrior Square Conservation area and the Central St. Leonards Cultural Quarter.

The advertisement is located on the north facing roof slope of the existing kiosk. Due to the differing levels from the Lower Promenade and the Upper Promenade the roof slope of the kiosk displaying the advertisement is clearly visible within the street scene of Warrior Square.

The main issues were the impacts on the Warrior Square Conservation Area and the character and appearance of the area; amenity and public safety. Having considered all the matters, the Development Manager considered that the placement of advertisements on roofs within a Conservation Area would not generally be supported and would not be encouraged, on balance, in this instance, due to the lack of suitable alternatives he felt the advert was acceptable. The Development Manager recommended that Advertisement Consent be granted subject to conditions.

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

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

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

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

- 1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission;**

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- 2. No advertisement shall be sited or displayed so as to—**
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);**
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or**
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.**
- 3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site;**
- 4. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity; and**
- 5. The period of consent lapses at the expiration of five years from the date of issue.**

Reasons:

- 1. In accordance with the Town & Country Planning (Control of Advertisements) Regulations 2007;**
- 2. In the interests of safeguarding the amenities of the area;**
- 3. In the interests of safeguarding the amenities of the area;**
- 4. In the interests of safeguarding the amenities of the area; and**
- 5. To comply with regulation 14(5) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Any advertisement may continue to be displayed after this date, subject to the same conditions as set out in the Consent and the power of the District Planning Authority to require discontinuance of the display under Regulation 8.**

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**

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paragraphs 186 and 187 of the National Planning Policy Framework.

(The Chair declared the meeting closed at. 7.15 pm)