

# PLANNING COMMITTEE

29 JULY 2015

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

Apologies for absence were noted for Councillor Beaver

## 20. DECLARATIONS OF INTEREST

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

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Dowling	22.1 – 56 Alma Terrace, St Leonards on Sea	Prejudicial – he is close friends with a number of the petitioners
Roberts	22.1 – 56 Alma Terrace, St Leonards on Sea	Prejudicial – he is close friends with a number of the petitioners
Scott	22.1 – 56 Alma Terrace, St Leonards on Sea	Prejudicial – he is close friends with a number of the petitioners

## 21. MINUTES OF THE MEETING HELD ON 1 JULY 2015

**RESOLVED** – that the minutes of the meeting held on 1 July 2015 be approved and signed by the Chair as a true record

## 22. PLANNING APPLICATIONS ATTRACTING A PETITION:

### 22.1 56 Alma Terrace, St. Leonards on Sea

Proposal:	Proposed demolition of chalet bungalow and garage and construction of 10 No. new dwellings with associated off-street parking.
Application No:	HS/OA/15/00211
Existing Use:	Single dwellinghouse
Hastings Local Plan 2004	NC8, NC9, DG1, DG2, DG3, DG11, DG24 and DG27
Conservation Area:	No
National Planning Policy Framework	Sections 4, 6, 7, 10 and 11

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Hastings Planning Strategy	DS1, FA2, SC1, SC2, SC3, SC4, SC7, EN1, EN2, EN3, H1, H2, H3 and T3
Development Management Plan	
Proposed Submission Version:	LP1, DM1, DM3, DM4, DM6, HN7 and HN8
Public Consultation:	68 letters of objection received and 2 petitions received

Councillors Dowling, Roberts and Scott, having declared a prejudicial interest in this application, left the Council Chamber while the matter was considered.

The Development Manager reported on an outline planning application with all matters reserved for the demolition of chalet bungalow and garage and construction of 10 No. new dwellings with associated off-street parking at 56 Alma Terrace, St. Leonards on Sea.

The site incorporates a detached bungalow within substantial grounds and a small flat roofed garage in the western corner of the site. The site is addressed as Alma Terrace, which is to the west of the site, but it also bounds Burry Road to the north with an access on this side. The site otherwise bounds 100 Burry Road to the north-east (another detached bungalow with a substantial garden), properties on Vale Road to the south-east (on the other side of a small natural valley) and 55 Alma Terrace to the south-west.

The local area is made up of residential properties which vary in type and size including terraced houses, bungalows, detached two-storey houses and semi-detached properties.

Alma Terrace is a cul-de-sac leading straight to the application site, but with a pedestrian access only. The site is otherwise served by Burry Road which has a high volume of on-street parking and this leads on to Alma Villas which is a very narrow road.

The applicant has submitted indicative drawings to show that the development can be adequately achieved on site whilst providing sufficient parking, garden space and drainage amongst other considerations. The applicant has amended their indicative layout plan to show that the development can be moved further from trees along the south-eastern boundary and how they can accommodate more parking. The application has been assessed on these amendments.

Specific issues such as the appearance of the buildings, the implementation of green and sustainable design or the final drainage details will be dealt with as part of a detailed submission if and when they receive outline planning permission.

The main considerations of this application were the impact on the character and appearance of the area; standard of accommodation proposed, impact on neighbouring residential amenities, highway safety and parking, biodiversity and trees, flooding and drainage and pollution.

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The Development Manager considered the applicant had adequately demonstrated that a development of 10 houses could be achieved on site and that these proposals are considered to comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004. Therefore, the Development Manager recommended the application for approval subject to conditions and a S106 legal agreement.

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

Councillors Beaney, Charlesworth, Edwards, Dowling, Lee, Roberts, Rogers, Street and Wincott attended a site visit prior to the meeting.

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

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

Councillor Colin Fitzgerald, Ward Councillor, was present and spoke against the application.

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

**RESOLVED** – by (4 votes to 3 against, with 1 abstention, the Chair having used his casting vote) that the Development Manager be authorized to issue outline planning permission upon completion of a S106 Agreement to secure a financial contribution towards cycle route improvements:-

1. **Approval of the details of the layout, scale and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced;**
2. **Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved;**
3. **Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;**
4. **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;**

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5. **Details of the proposed means of foul sewerage and surface water disposal/management shall be submitted with the details required in connection with conditions 1 above.**
  - (B) **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;**
6. **Before the development hereby approved is commenced a maintenance and management plan for the entire drainage system shall be submitted to and approved in writing by the Local Planning Authority. The plan should clearly state who will be responsible for managing all aspects of the surface water drainage system. The development shall be carried out in accordance with the approved plan;**
7. **Before the development hereby approved is commenced details of the measures to protect the public sewers during construction shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be undertaken in accordance with the approved details;**
8. **No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:**
  - (i) **Risk assessment of potentially damaging construction activities.**
  - (a) **Identification of “biodiversity protection zones”.**
  - (b) **Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).**
  - (c) **The location and timing of sensitive works to avoid harm to biodiversity features.**
  - (d) **The times during construction when specialist ecologists need to be present on site to oversee works.**

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- (e) Responsible persons and lines of communication.**
- (f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.**
- (g) Use of protective fences, exclusion barriers and warning signs.**

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

- 9. The details required by condition 1 above shall include details of the suggested biodiversity enhancements measures outlined in the submitted ecological statements and reports (Preliminary Ecological Appraisal, dated February 2015 by the Mayhew Consultancy Ltd - ref EA/35215). The development shall be carried out in accordance with the approved details;**
- 10. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-**  
  
**08.00 - 18.00 Monday to Friday**  
**08.00 - 13.00 on Saturdays**  
**No working on Sundays or Public Holidays.**
- 11. Before the development hereby approved is commenced a construction and traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan.**

### **Reasons:**

- 1. The application is in outline only;**
- 2. The application is in outline only;**
- 3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990;**
- 4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990;**
- 5. To prevent increased risk of flooding;**
- 6. To prevent increased risk of flooding;**

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7. To prevent increased risk of flooding;
8. To protect features of recognised nature conservation importance;
9. To enhance features of recognised nature conservation importance;
10. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4); and
11. In the interests of highway safety and to prevent disturbance to local residents though noise or other types of pollution during the construction of the development.

### Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;
3. The drainage details required by condition 5 should take into account the following comments from the Lead Local Flood Authority:
  - (h) The proposed surface water discharge rate for the site and connection point to the existing sewer should be agreed with Southern Water.
  - i) The surface water management proposal formulated for the detailed design stage should be supported by detailed hydraulic calculations. These calculations should take into account the connectivity of the different drainage features. They should show a 'like for like' discharge rate between the existing and proposed scenarios during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. If it is not practical to limit the runoff volume to the existing, the excess volume during a 6 hours 1 in 100 years storm should be discharged at a rate of 2l/s/ha.
4. In developing their detailed scheme the applicant should refer to the consultation response from Southern Water, dated 19 March 2015 (ref PLAN-009200); and
5. Consideration should be given to the provision of a domestic sprinkler system.
23. PLANNING APPEALS AND DELEGATED DECISIONS:

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The Development Manager reported that three planning appeals had been received and two had been dismissed. He reported on a number of delegated decisions. All matters had arisen between 22 June 2015 and 17 July 2015.

**RESOLVED – that the report be noted.**

### 24. **PLANNING APPLICATIONS:**

#### 24.1 **Lower ground floors, 19 and 21 West Hill Road, St. Leonards on Sea**

Proposal:	Proposed conversion of existing 1 No. four bed flat (19 West Hill Road) and 1 No. 5 bed flat (21 West Hill Road) into 3 No. two bed flats and 1 No. one bed flat on Lower Ground Floors at 19 and 21 West Hill Road.
Application No:	HS/FA/15/00408
Existing Use:	Residential flats
Hastings Local Plan 2004	H4, DG1, DG2, DG3, C1
Conservation Area:	Yes – Grosvenor Gardens
National Planning Policy Framework	
Hastings Planning Strategy	DM1, FA2, SC1, EN1, H2, T3
Development Management Plan	
Proposed Submission Version:	DM1, DM3, DM4, HC1, HN1
Public Consultation:	3 letters of objection received

The Development Manager reported on an application for the conversion of the existing lower ground floor flats of 19 and 21 West Hill Road from 1 x 4 bed and 1 x 5 bed to 3 x 2 bed and 1 x 1 bed flats.

The site is located on the lower ground floor of both Nos 19 and 21 West Hill Road. These properties form part of a Victorian terrace of six units all up to four storeys in height. To the side and rear of the buildings, there is a public footpath leading down to St. Leonards Parish Church on the Marina. Opposite the site is a registered residential care home and some 20m from the application site is the junction with Archery Road.

The use of the site as residential is not for consideration, as the use already exists.

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No major internal alterations are proposed as part of this development as the amended layout of the lower ground floors can be achieved, in the majority, by the use of partitions.

The main issues were the impacts on the living environment; impact on the street scene/design, residential amenity and character of the area, parking and highways and sustainable development.

Having considered all the matters, the Development Manager considered that the proposal would result in further flatted development however, due to the nature of the building, the applicant is limited to that form of residential use. When taking into account the overall size of the units and the access to outside space the Development Manager felt the units would be suitable for family use. Furthermore, he believed the proposal represented sustainable development which will help achieve the aims of both national and local planning policy. As such, the Development Manager recommended the application be granted subject to conditions.

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

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

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

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
- 2. The bathroom window shown serving flat 1 in No.21 West Hill Road shall be obscure glazed and remain as such at all times**
- 3. The development hereby permitted shall be carried out in accordance with the following approved plans: 15.665/01A and 15.665/02A**

### **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 privacy of the residential occupiers. (Hastings Local Plan 2004 Policy DG1)**
- 3. For the avoidance of doubt and in the interests of proper planning.**

### **Notes to the Applicant**

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- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.**
- 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.**
- 3. The applicant should consult the Building Control Section of the Regeneration & Planning Directorate with regard to the provision of adequate means of escape in case of fire and necessary fire precaution works.**

(The Chair declared the meeting closed at. 7.16 pm)