

## PLANNING COMMITTEE

25 NOVEMBER 2015

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

### 46. APOLOGIES FOR ABSENCE

None.

### 47. DECLARATIONS OF INTEREST

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

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Scott	50.1 – Land at and south of Holmhurst St. Mary, The Ridge, St. Leonards on Sea	Personal – Grandchildren's other set of grandparents live near the site and Member of East Sussex County Council
Sinden (in the gallery)	50.1 – Land at and south of Holmhurst St. Mary, The Ridge, St. Leonards on Sea	Prejudicial – Objected to the application and lives near the site.
Street on behalf of all Planning Committee members	50.1 – Land at and south of Holmhurst St. Mary, The Ridge, St. Leonards on Sea	Personal – Cllr Sinden is one of the objectors and lives near the site.
Street	50.2 – Land adjacent 99 West Hill Road, St. Leonards on Sea	Personal – David Hancock is a former Councillor and is known to him. They have had no discussions concerning the application.

### 48. MINUTES OF THE MEETING HELD ON 20 OCTOBER 2015

**RESOLVED** – That the minutes of the meeting held on 20 October 2015 be approved and signed by the Chair as a true record.

### 49. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

### 50. PLANNING APPLICATIONS ATTRACTING A PETITION:

50.1 Land at and south of Holmhurst St. Mary, The Ridge, St. Leonards on Sea

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Proposal:	Redevelopment of land to the south of Holmhurst St Mary of up to 208 units with access off of the Ridge
Application No:	HS/OA/15/00077
Existing Use:	Undeveloped
Hastings Local Plan 2004	N/A
Conservation Area:	No
National Planning Policy Framework	Sections 4, 6, 7, 8, 10, 11 and 12
Hastings Planning Strategy	DS1, FA1, SC1, SC2, SC3, SC4, SC5, SC7, EN1, EN2, EN3, EN4, EN6, EN7, EN8, H1, H2, H3, CI1, T3 and T4
Development Management Plan	LP1, DM1, DM3, DM4, DM5, DM6, HN1, HN4, HN7, HN8, HN9 and LRA1
Proposed Submission Version:	N/A
Public Consultation:	48 letters of objection and 1 petition received

The Acting Development Manager reported on an application for outline consent for the redevelopment of over 13ha of land to the south of Holmhurst St Mary, the Ridge, St. Leonards on Sea, of up to 208 units with all matters reserved other than access.

The site was formerly part of the Holmhurst St. Mary estate. The site wraps around the Holmhurst St. Mary building which is now converted to residential, and the more modern properties at Francis Bird Place and Beaulieu Gardens. The area is currently characterised by open fields with densely wooded areas and significant shrub planting. It includes some elements of a former formal garden, old outbuildings and classrooms, old tennis courts, a graveyard and statue of Queen Anne which is a Grade II\* Listed Building. The site is located in a setting comprising residential, commercial, industrial and rural elements. A public Right of Way crosses the site from north to south (Eldridge Way to Welton Rise).

Part of the application site (over half) is allocated for housing in the Hastings Local Plan: Development Management Plan (DMP) but the site is also constrained by a Local Wildlife Site and Ancient Woodland designations. There are also areas of Tree Preservation Orders from the centre of the site southwards and eastwards.

Since the application was originally submitted, the indicative layout has been amended and further information has been provided to address comments made with regard to the second access into the site (now removed), the works to the listed statue,

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development around the listed statue and matters related to the environmental statement chapters on air quality, noise and vibrations and soil, geology and land contamination.

As the proposal is in outline form only, the main consideration is the principle of the development, but to help with that assessment consideration has been given to Policy LRA1 – Holmhurst St Mary allocation; EIA considerations; impact upon the character and appearance of the area and neighbouring amenities; standard of accommodation; highway safety and parking related matters; public footpaths; ecology, impact on protected species and biodiversity (including trees) and open space; flooding and surface water drainage; environmental health matters such as air quality, noise and vibration; land contamination; heritage and archaeology and evidence of community involvement.

Having considered these issues, the responses from objectors and the responses from statutory and non-statutory consultees, the Acting Development Manager considered the proposed development conformed to the development plan and is sustainable development in the context of the NPPF. He felt it will provide much needed residential accommodation and will secure benefits such as affordable housing, public open space and improvements to the Local Wildlife Site. These proposals are also considered to comply with or appropriately address the development plan in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004. The Development Manager recommended that outline consent be granted subject to the following conditions and a S106 legal agreement.

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

The petitioner, Simon Boots, was present and spoke against the application.

The applicant, Steven Carrington (Foreman Homes Ltd), was present and spoke in support of the application.

Councillor Pragnell, Ward Councillor for Conquest, was present and spoke against the application.

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

**RESOLVED – by (6 votes to 4 against) that:-**

**A) That the Development Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure:**

- a financial contribution towards local highway improvements;
- a Travel Plan and associated auditing contribution;
- the provision, maintenance and management of open space and play provision;

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- the maintenance, management and monitoring of trees, protected species and wildlife areas;
- a financial contribution towards Sussex Police and their infrastructure requirements;
- the repair and restoration of the Statue of Queen Anne - a Grade II\* Listed Building;
- financial contributions to schools, libraries and Public Rights of Way; and
- affordable housing

unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the identified development contributions. In the event that the Agreement is not completed, or the viability issue not resolved by 25 May 2016 that permission be refused on the grounds that the application does not comply with the relevant policies (policies H3, CI1, T3, EN3, EN6, EN1, and HN1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan.

**B) Subject to the above, grant Outline Planning Permission subject to the following conditions:**

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

**Indicative Site Layout - Rev K**

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6. Prior to the commencement of development, details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site, shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority. The development shall be carried out in accordance with the approved details;
7. Before house building commences, the new estate road(s) shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Planning Authority in consultation with this Authority;
8. Prior to development, including excavation works, commencing on site a Traffic Management Scheme (TMS) shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include an outline construction schedule, compound areas for plant, machinery, materials, contractor parking; routing of vehicles and details of wheel washing facilities. Given the proximity to local schools, deliveries should avoid peak periods. The development shall be carried out in accordance with the approved TMS;
9. The development hereby permitted shall not commence until details of the layout of the access roads and the specification for the construction of the access which shall include details of footways, surfaces, lighting, parking, cycle parking and emergency access onto Welton Rise, have been submitted to and approved in writing by the Local Planning Authority and the use hereby permitted shall not commence until the construction of the road link has been completed in accordance with the specification to be agreed with the Highway Authority;
10. The new estate road[s] shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway;
11. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with details submitted and approved in relation to condition 1 (reserved matters) above. The turning space shall thereafter be retained for that use and shall not be used for any other purpose;
12. The development shall not be occupied until parking area[s] have been

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provided in accordance with the details which have been submitted and approved in accordance with condition 1 (reserved matters) above. The parking shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles;

- 13. The development shall not be occupied until cycle parking areas have been provided in accordance with the details which have been submitted to and approved in relation to condition 1 (reserved matters) above. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles;**
- 14. The development shall not be brought into use until a Traffic Regulation Order to restrict parking along Eldridge Way or an alternative measures to maintain safe passage of vehicles has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority;**
- 15. (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; and**
  - (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.**
- 16. The details for condition 15 above shall include details of the measures which will be undertaken to protect the public water mains sewers during the course of development;**
- 17. The details required for condition 15 above shall include details of management and maintenance of the SuDS system during the lifetime of the development;**
- 18. The surface water drainage details for condition 15 above shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1**

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**in 100 year (including appropriate climate change allowances) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event;**

- 19. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority;**
- 20. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [1] to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority;**
- 21. Safe access to footpath Hastings 145 is to be maintained at all times during and following completion of the development;**
- 22. Due to the alteration to footpath Hastings 145 the development shall not be brought into use until it has been formally diverted under s257 of the Town and Country Planning Act 1990;**
- 23. The development shall not be brought into use until footpath Hastings 145, from Welton Rise to The Ridge, has been improved to an adoptable standard in accordance with details submitted to and approved in writing by the Local Planning Authority;**
- 24. The landscaping details required by condition 1 above (reserved matters) shall include details of open space and play provision;**
- 25. No development shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details in accordance with the submitted environmental statement, which includes matters such as controlling noise, dust, hours of building work and surface water run-off. Development shall be carried out in accordance with the approved CEMP;**
- 26. The reserved matters details submitted for conditions 1 above shall include 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;**

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- 27. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband;**
- 28. 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;**
- a) Risk assessment of potentially damaging construction activities;**
  - b) Identification of “biodiversity protection zones”;**
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);**
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;**
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;**
  - f) Responsible persons and lines of communication;**
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;**
  - h) Use of protective fences, exclusion barriers and warning signs.**

**The approved CEMP: 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.**

- 30. No development shall take place (including demolition, ground works, vegetation clearance) until an ecological design strategy (EDS) addressing, mitigation, compensation, enhancement, restoration has been submitted to and approved in writing by the Local Planning Authority.**

**The Ecological Design Strategy shall include the following;**

- Review of site potential and constraints;**
- Detailed design(s) and/or working method(s) to achieve stated objectives;**
- Extent and location/area of proposed works on appropriate scale maps and plans;**
- Type and source of materials to be used where appropriate, e.g. native species of local provenance;**
- Timetable for implementation demonstrating that works are aligned**

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with the proposed phasing of development.

- Persons responsible for implementing the works;
- Details of initial aftercare and long-term maintenance and management;
- Details for monitoring and remedial measures;
- Details for disposal of any wastes arising from works.

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

32. The details submitted for condition 1 (reserved matters) above shall include provision of at least 2% of the dwellings to be fully adapted for wheelchair users;
33. The details submitted for condition 1 (reserved matters) above shall include provision of a district heating or combined heat and power system, with possible connections to existing and allocated development, unless otherwise agreed in writing by the Local Planning Authority;
34. The sound insulation measures of the dwellings hereby approved (specifically the glazing and ventilation) should ensure that the internal noise levels in habitable rooms do not exceed 35 dB LAeq,16hr during the daytime and 30 dB LAeq,8hr during the daytime. Internal noise levels in bedrooms at night should also not exceed 45 dB LAmax,F;
35. The CEMP required at condition 25 above shall include an addendum report which provides details of the expected noise levels at existing residential receptors during each phase of the construction process. The significance of the predicted construction noise levels should be assessed against the ABC method detailed within BS 5228-1:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise". Where a significant adverse impact is identified, appropriate noise mitigation measures will be detailed within and will be implemented in accordance with the approved CEMP.

### 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

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**92 of the Town & Country Planning Act 1990;**

- 4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990;**
- 5. For the avoidance of doubt and in the interests of proper planning;**
- 6. In the interests of highway safety;**
- 7. In the interests of highway safety and for the benefit and convenience of the public at large;**
- 8. In the interests of highway safety and to protect neighbouring residential amenities;**
- 9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 10. In the interest of highway safety and for this benefit and convenience of the public at large;**
- 11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 13. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development;**
- 14. In the interests of highway safety;**
- 15. To prevent increased risk of flooding;**
- 16. To prevent increased risk of flooding;**
- 17. To prevent increased risk of flooding;**
- 18. To prevent increased risk of flooding;**
- 19. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework;**

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- 20. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework;**
- 21. To maintain Public Rights of Way;**
- 22. To maintain Public Rights of Way;**
- 23. In the interests of pedestrian safety;**
- 24. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 25. In the interests of the amenity of the neighbouring residential occupiers;**
- 26. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy;**
- 27. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy;**
- 28. To protect features of recognised nature conservation importance;**
- 29. To prevent the spread of invasive non-native species;**
- 30. To prevent the spread of invasive non-native species;**
- 31. In the interests of the health of the trees and the visual amenity of the area;**
- 32. To comply with condition LRA1 of the Hastings Local Plan, Development Management Plan;**
- 33. To comply with condition LRA1 of the Hastings Local Plan, Development Management Plan;**
- 34. To protect the amenity of future occupiers;**
- 35. In the interests of the amenity of the neighbouring residential occupiers.**

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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. **The developer's attention is drawn to the committee report and the consultation responses received as part of the application. Both include comments which will be necessary to take on board when developing a detailed submission;**
4. **Consideration should be given to the provision of a domestic sprinkler system; and**
5. **This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).**

### 50.2 Land adjacent 99 West Hill Road, St. Leonards on Sea

Proposal:	Erection of detached house with two parking spaces
Application No:	HS/FA/15/00511
Existing Use:	Residential Curtilage
Hastings Local Plan 2004	N/A
Conservation Area:	Yes – Grosvenor Gardens
National Planning Policy Framework	Paragraphs 14, 47, 50, 60
Hastings Planning Strategy	EN1, FA2, DS1, SC1, SC2, SC3, SC4, SC6, EN3, EN6, H2, H3, T3
Development Management Plan	DM1, DM3, DM4, DM5, HN1, HN8
Proposed Submission Version:	N/A
Public Consultation:	28 letters of objection and 1 petition and 1 letter of support received

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The Acting Development Manager reported on an application for the creation of a 4 bedroomed, detached single storey earth sheltered house set down within the site with two parking spaces at land adjacent 99 West Hill Road, St. Leonards on Sea.

The site is located within the Grosvenor Gardens Conservation Area on the south side of West Hill Road and is currently included within the residential curtilage of No. 99 West Hill Road and has been since approximately 1991. Within the site there is currently a conservatory, which it is proposed to remove as part of this application. To the south of this site are the former sea cliffs which form the southernmost boundary line. To the east of the site there is an area of open space which belongs to the properties on the north side of the road.

The proposal involves the creation of a single storey, four bedroomed detached dwelling, set below the existing ground level. To facilitate the erection of this dwelling it is proposed to remove the existing conservatory which serves No. 99 West Hill Road and separate the existing curtilage to create a new plot. The proposed dwelling is shown to have a grass roof at a similar level to the existing pavement along West Hill Road with a small bank of solar panels facing seawards. To provide adequate light to the rooms at the rear of the property it is proposed to install rooflights and create an open courtyard between the kitchen and dressing room. To the front on the site (sea facing) it is proposed to install full height sliding bi-folding doors to ensure adequate levels of light enter the front of the property. It is proposed to screen the development from the road with boundary hedging encompassing the site; this is also proposed to ensure an acceptable level of privacy is retained. It is also proposed to create two parking spaces to the side of No. 99 West Hill Road with the prime function of serving the new dwelling.

The main issues are the impacts on the amenity of the neighbouring properties; the impact on the Grosvenor Gardens Conservation Area; the impact on the character and appearance of the area; the stability of the cliffs and the living environment; character of the area, highways; ecology, drainage; sustainable development; affordable housing and local listing.

After considering these matters, the Acting Development Manager recommended the proposal for approval subject to conditions.

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

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

The applicant's architect, Ken Davis, was present and spoke in support of the application.

Councillor Charlesworth, Ward Councillor for Maze Hill, was present and spoke against the application.

Councillor Lee proposed a motion to refuse the application. This was seconded by

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Councillor Beaver. The motion was lost by 3 votes for and 7 votes against.

Councillor Scott proposed a motion to approve the application subject to the addition of Condition 14 and Reason 14 as set out in the resolution below. This was seconded by Councillor Roberts.

**RESOLVED** – by (7 votes to 3 against) that:

**A) That the Development Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure a financial contribution towards the provision of off-site affordable housing, unless it has been conclusively shown that the development would not be viable if a payment were made. In the event that the Agreement is not completed or the viability issue not resolved by 25 February 2016 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2028.**

**B) Subject to the above, grant full planning permission subject to the following conditions:-**

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;**
- 2. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the proposed dwelling 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;**
- 3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme;**
- 4. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development,**

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whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

5. 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 (e.g. furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant;
6. The development shall not be occupied until the 2 parking areas have been provided in accordance with the submitted plan (Drawing No.DRWG/DH/03). Thereafter the parking areas shall be retained for that use and shall not be used other than for the parking of motor vehicles;
7. The development shall not be occupied until cycle parking areas have been provided in accordance with the submitted plan (Drawing No. DRWG/DH/04);
8. No development shall take place until the investigations outlined in paragraph 6.1 of the submitted Land Stability Assessment by GabrielGeo Consulting, dated 5th October 2015 have been carried out and the resulting report and/or plans submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved report/plans;
9. 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.**

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10. During the construction phase the following Ecology requirements shall be adhered to:

### Mammals

- Gaps should be left beneath any perimeter fencing to allow free access for foraging mammals.
- Any trenches left open overnight should incorporate a ramp – such as a scaffolding plank – to allow any trapped wildlife to escape.

### Nesting birds

- The timing of any construction activity should recognise the possibility that nesting birds might be present. Disturbance should therefore be avoided during the recognised bird nesting season which ranges from the beginning of March to the end of July.

### Reptiles

- All vegetation should be regularly maintained at a short height – or removed - to prevent the development of habitat which is favourable to reptiles.
- Site clearance of vegetation should be done with care, and in such a way as to enable any reptiles that might be present to be safely driven towards retained or adjacent habitat.
- Piles of debris, including logs, tiles, rubbish and vegetation all have the potential to be colonised by reptiles; such material should not be allowed to accumulate. If such debris does appear it should be removed off site by dismantling it carefully by hand, which will then allow any reptiles that may be present to escape.
- Compost heaps, or piles of vegetation waiting to be burnt, can provide a favourable habitat, particularly to hedgehogs and slow worms. Any dismantling of such heaps should be done by hand and with care, to ensure that any animals or reptiles they may contain are not injured. If possible, alternative compost heaps should be established elsewhere on the site to ensure that a continuity of habitat is retained.

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 dwelling hereby approved shall occur until those works have been completed; and

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- (iii) No occupation of any of the dwelling 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 surface water management proposals formulated for the detailed design stage should be supported by detailed hydraulic calculations showing 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;
13. The development hereby permitted shall be carried out in accordance with the following approved plans and details: DRWG/DH/01, 02, 03, 04, 05. JC/KD/01A and Land Stability Assessment carried out by GabrielGeo Consulting dated 5th October 2015; and
14. 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. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;
2. To ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area;
3. To ensure a satisfactory form of development in the interests of the visual amenity;
4. To ensure a satisfactory form of development in the interests of the visual amenity;
5. To ensure a satisfactory form of development in the interests of the visual amenity;
6. In the interests of the amenity of the neighbouring residential occupiers;

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7. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development;
8. To protect future residents and users of the development in the interests of Health and Safety;
9. To safeguard the amenity of adjoining residents;
10. In the interests of the safety and wellbeing of potential wildlife on the site;
11. To prevent increased risk of flooding;
12. To prevent increased risk of flooding;
13. For the avoidance of doubt and in the interests of proper planning; and
14. In the interests of the amenity of the neighbouring residential occupiers and to ensure the safety of pedestrians and vehicular traffic.

### 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. East Sussex County Council, must be consulted regarding the provision of a vehicular pavement crossing to Highway Authority's standard of specification and construction and at the applicant's expense.  
Contact: [highways@eastsussex.gov.uk](mailto:highways@eastsussex.gov.uk) 0345 6080 193;
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](mailto:developerservices@southernwater.co.uk);
5. In the event that any sewers are found within the site the applicant is

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advised to contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Telephone 01962 858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk); and

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

### 51. PLANNING APPEALS AND DELEGATED DECISIONS

The Acting Development Manager reported that three appeals had been received and two that had been allowed. One appeal against conditions had also been received. He reported on a number of delegated decisions. All matters had arisen between 9 October 2015 and 13 November 2015.

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

### 52. PLANNING APPLICATIONS:

#### 52.1 Promenade from The Pier to Robertson Street junction, White Rock

Proposal:	Promenade improvements at White Rock Baths and Hastings Pier including kiosk, beach access, stage and pergola.
Application No:	HS/FA/15/00620
Existing Use:	Promenade
Hastings Local Plan 2004	N/A
Conservation Area:	Yes – White Rock
National Planning Policy Framework	Section 12
Hastings Planning Strategy	FA6, EN1, T3
Development Management Plan	DM1, DM4, HN1
Proposed Submission Version:	N/A
Public Consultation:	15 letters of objection and 2 letters of support received

The Acting Development Manager reported on an application to carry out improvement works to the existing promenade at White Rock Baths and Hastings Pier (between Robertson Street and the Pier), including a kiosk, beach access, stage and pergola.

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The site comprises a stretch of promenade on the south side of the A259 between Robertson Street and the Pier. It covers the area of White Rock above the White Rock Baths and part of the promenade above the Carlisle underground car park.

The site is within White Rocks Conservation Area and is considered to be in the setting of a number of listed buildings including Palace Court and premises on White Rock (A259) and the Grade II Listed Boer War Monument on the promenade.

The application for full planning permission was submitted in July 2015 and included a number of elements:

Decked timber platform 300mm above the existing promenade  
Small stage centred on, and cantilevered over, the existing water feature  
Projected beach viewing platform  
Kiosk  
Seating  
8 X 5m high Palm trees  
Pergola

Following comments from the Planning Authority and representations from local residents, amendments were submitted. The proposed amendments have omitted the stage and relocated the pergola further west of the listed memorial.

The main issues were use/need; highways/access/cycle path; impact on listed memorial, conservation area, residential amenity and evidence of community involvement.

Having balanced the need to preserve the character of the Conservation Area and setting of the listed buildings/memorial with the objectives of the Local Plan and Seafront Strategy, the Acting Development Manager considered that the proposed works and installation of a new kiosk will provide a welcome addition to the visitor offer in Hastings/St Leonards. As such the Acting Development Manager recommended approval subject to the following 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 subject to the addition of Note 3, as set out in the resolution below. This was seconded by Councillor Beaver.

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

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;**
- 2. No development shall take place until samples/details of the materials to be used in the construction of all external surfaces hereby permitted have**

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been submitted to/made available on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;

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

**45\_003, 453\_100\_1, 453\_100\_2, 453\_101, 453\_102, 453\_103, 453\_104, 453\_105, 453\_106, 453\_107, 453\_108, 453\_109, 453\_111, 453\_112, 453\_113, 453\_114, 453\_115, 453\_116, 453\_200\_1 Rev A, 453\_201 Rev A, 453\_202, 453\_203 Rev A, 453\_204 Rev A, 453\_205, 453\_206, 453\_207 Rev A, 453\_209 Rev A, 453\_211, 453\_212 Rev A, 453\_213 Rev A, 453\_214 Rev A, 453\_215, 453\_216, 453\_302, 453\_303, 453\_304 Rev A, 453\_305 Rev A, 453\_420; and**

- 4. No development shall take place until details of any flues/extract/mechanical equipment used in connection with the proposed kiosk 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.**

### **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 character and amenity of the White Rock Conservation Area;**
- 3. For the avoidance of doubt and in the interests of proper planning; and**
- 4. In the interests of the character and amenity of the White Rock Conservation Area.**

### **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;**

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**and**

- 3. The applicant is advised that a management and maintenance plan should be in place for the promenade improvements hereby approved to maintain a well-kept appearance and to ensure they remain safe.**

(The Chair declared the meeting closed at. 8.20 pm)