

# Planning Committee Agenda

Wednesday, 25 November 2015 at 6.00 pm

Stade Hall, The Stade, Rock-A-Nore Road, Hastings, East Sussex, TN34 3FJ

For further information, please contact Emily Horne on 01424 451719 or email: ehorne@hastings.gov.uk

	Page No.
1. Apologies for Absence	
2. Declarations of Interest	
3. Minutes of the meeting held on 20 October 2015	1 - 38
4. Notification of any additional urgent items	
5. Planning Applications attracting a petition:	
(a) Land at and south of Holmhurst St. Mary, The Ridge, St. Leonards on Sea <i>(Acting Development Manager)</i>	39 - 60
(b) Land adjacent 99 West Hill Road, St. Leonards on Sea <i>(Acting Development Manager)</i>	61 - 74
6. Planning Appeals and Delegated Decisions	75 - 78
7. Planning Applications:	
(a) Promenade from The Pier to Robertson Street junction, White Rock <i>(Acting Development Manager)</i>	79 - 86

This page is intentionally left blank

# Agenda Item 3 Public Document Pack

## PLANNING COMMITTEE

20 OCTOBER 2015

Present: Councillors Street (Chair), Scott, Beaney, Beaver, Charlesworth, Lee, Roberts, Rogers and Wincott

### 39. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dowling and Edwards. Councillor Webb, the duly appointed substitute for Councillor Dowling, did not attend.

### 40. DECLARATIONS OF INTEREST

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

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Charlesworth	Land on south side of Victoria Avenue	Personal – When Mayor was involved with Speckled Wood
Charlesworth	35 Tower Road, St. Leonards on Sea	Prejudicial – Trustee of Applicant
Charlesworth	Bowling Green, White Rock Pleasure Gardens, Falaise Road	Personal – Attends the Doctors surgery
Rogers	Land 27-28 North Street, St. Leonards on Sea (FA)(LB)	Personal – Architect is a trustee in St. Mary in Castle of which she also Trustee
Scott	35 Tower Road, St. Leonards on Sea	Personal – Member of East Sussex County Council
Street	Land south of Victoria Avenue	Prejudicial – Campaigned against the application.
Wincott	Land south of Victoria Avenue	Personal – Donate webspace for Ore Community Land Trust who campaign to save the site.

### 41. MINUTES OF THE MEETING HELD ON 23 SEPTEMBER 2015

**RESOLVED** – that the minutes of the meeting held on 23 September 2015 be approved and signed by the Chair as a true record.

### 42. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

## PLANNING COMMITTEE

20 OCTOBER 2015

None.

### 43. PLANNING APPLICATIONS ATTRACTING A PETITION:

#### 43.1 Land on south side of Victoria Avenue, Hastings

Proposal:	Outline application for a residential development of 31 houses and 4 flats with garaging, car spaces and community amenity facilities
Application No:	HS/OA/13/00600
Existing Use:	Woodland
Conservation Area:	No
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	DS1, FA5, SC1, SC2, SC3, SC4, SC7, EN2, EN3, EN5, H1, H2, H3, CI1, CI3 and T3
Development Management Plan	LP1, DM1, DM3, DM4, DM5, DM6, DM7, HN7, HN8 and HN10
Public Consultation:	594 original letters of objection received, 2 original petitions and 3 original letters of support received

The Assistant Director, Housing and Built Environment reported on an outline application for a residential development of 31 houses and 4 flats with garaging, car spaces and community amenity facilities at Land on south side of Victoria Avenue, Hastings.

This planning application was previously brought before Planning Committee on 25 February 2014 and was resolved to be approved subject to conditions and a legal agreement. At that time the site was allocated in the local plan for residential development. Following the committee decision the progression of the legal agreement was not straightforward and was delayed due to issues relating to land ownership. Because the agreement has not been signed, no decision notice has been issued.

The delay in the completion of the legal agreement coincided with the progression of the Hastings Local Plan: Development Management Plan (DMP). By February 2015 the legal agreement had still not been completed and the DMP had progressed so much that by this time the Inspector had published his preliminary findings. This moment was a key turning point in considering this proposal as part of the Inspector's preliminary findings included the suggested deletion of the application site as a housing allocation and a proposed requirement that it be subsumed within the adjoining proposed Local Green Space designation - known locally as Speckled Wood.

## PLANNING COMMITTEE

20 OCTOBER 2015

Given this significant change in the status of the site the Council sought legal advice on whether the application should be reconsidered by the Planning Committee given the significant proposed change in planning policy. Counsel advised that the application should be re-determined by the committee as the proposed changes to the DMP were a significant material consideration.

Since this legal advice was received the Inspector has published his final report and the DMP was adopted as part of the development plan by the Council on 23 September 2015. The adopted DMP now shows the application site as part the Local Green Space designation and any development on this site is now subject to policy HN10 – Amenity Green Spaces. This policy protects the land from development unless it can be demonstrated that the site no longer has any value or can be compensated with an area of equivalent size in the local area.

The application site relates to a section of woodland at the northern end of the Ore Valley. The site is known locally as part of a larger wooded area called 'Speckled Wood'.

The site is bounded to the west by Church Street, which is an unmade track providing access to the rear of properties on Greville Road. There used to be houses fronting Church Street, which were demolished in the 1960s.

The site is bounded to the north by Victoria Avenue and to the east by residential dwellings and an un-made lane which serves various dwellings and commercial properties in Old London Road.

To the south of the site is a large similarly wooded area.

There is a mixture of development in the surrounding area, which is typically made up of Victorian semi-detached and terraced dwellings between 2-4 storeys. Some more modern flats and houses are found directly opposite the site from Victoria Avenue. A local shopping centre, Ore Village, can also be found to the east of the site.

The site itself is mainly characterised by its wooded nature and the steeply sloping gradients from the west, north and east, which result in the formation of a natural 'bowl'. The site otherwise has a watercourse flowing from north to south, which is culverted at the northern end.

There has been substantial objection to this application from local residents, particularly regarding the loss of the trees and impact on wildlife. The applicant has previously been able to demonstrate that the impacts on protected species could be mitigated against and that the development would complement and add to the local mix of housing whilst providing a good place to live. However, the change in the designation of the site from housing to Local Green Space cannot be ignored and the applicant has been unable to provide any convincing supporting documentation to outweigh policy HN10 of the DMP.

The proposal will result in the destruction of land that provides visual relief and amenity value to the local area. The land is privately owned but it is known to be used recreationally and although the applicant demonstrated that impacts on protected species could be adequately mitigated, the proposal will nonetheless lead to some habitat destruction. There is no justification for this loss or proposals to provide compensation elsewhere.

Although the proposed development of the site would provide for new housing and could be accommodated without harm to neighbouring residential amenities or impacts on highway safety,

## PLANNING COMMITTEE

20 OCTOBER 2015

the proposal will result in the loss of a protected Local Green Space. The applicant has been unable to demonstrate that the objectives of policy HN10 of the DMP and other policies which relate to protecting local character and green infrastructure should be set aside. These proposals are not considered to comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004. As such the Development Manager recommended that the application be refused.

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

Having raised his prejudicial interest Cllr Street was absent from the Chamber during discussion and voting. Councillor Scott (Vice Chair) took the Chair for this item.

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

The agent had been invited to attend the meeting, but was not present.

Councillor Wincott proposed a motion to refuse the application, with reasons as set out in the resolution. This was seconded by Councillor Roberts.

**RESOLVED** – (unanimously) that the application be refused subject to the following reasons:-

1. **The proposed development will result in the loss of part of an identified amenity space (shown as Local Green Space on the Hastings Local Plan - Development Management Plan Policies Map). The applicant has been unable to demonstrate that the land no longer has any visual, recreational, amenity or ecological value nor have the provided an area of equivalent size and value in the locality as compensation for the identified loss. Because of this loss the proposal is contrary to policy HN10 of the Hastings Local Plan - Development Management Plan, which states:**

***Policy HN10 – Amenity Green Spaces***

***The Council will protect Private Open Space, Allotments and Local Green Spaces used and/or managed by the local community, as identified on the Policies Map. Planning permission will only be granted for development which would result in the loss of an identified amenity green space in the following circumstances:***

- a) ***It can be demonstrated that the land no longer has any visual, recreational, amenity or ecological value; or***
  - b) ***An area of equivalent size and value is provided in the locality in compensation.***
2. **The proposed development would result in the loss of part of the Local Green Space. The loss of part of this asset will harm the appearance**

## PLANNING COMMITTEE

20 OCTOBER 2015

and the character of the area due to the loss of a natural visual break which contributes positively to the townscape and streetscene by providing relief between the otherwise hard urban form of development in the area. The area also provides an opportunity for recreation which if diminished would further harm local character. The proposed development would be contrary to policies FA5 parts (g) and (k), SC1 parts (i) and (k), EN7 and EN8 part (c) Hastings Local Plan - The Hastings Planning Strategy and policies DM1 parts (a) and (e) and DM3 parts (c) and (d), which state:

### ***POLICY FA5: Strategic Policy for Eastern Area***

***In Eastern Area we will also:***

***c) protect, manage and enhance the green network of nature areas and open spaces that include Hastings Country Park Nature Reserve and associated national and international designated wildlife areas such as Hastings Cliffs Special Area of Conservation and Hastings Cliffs to Pett Beach Site of Special Scientific Interest and other significant open spaces at the Ore Valley Development site, the Seafront, Hastings Country Park and West Hill***

***k) encourage local communities to access areas of open space***

### ***POLICY SC1: Overall Strategy for Managing Change in a Sustainable Way***

***Growth and change will be managed so that development meets sustainability objectives, avoids significant vulnerability to the impacts of climate change, improves the quality of the natural environment, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work. This will be achieved through:***

***i) requiring high quality distinctive architecture and urban design which adds to local character and sense of place***

***k) providing an accessible greenspace network and protection and enhancement of biodiversity***

### ***POLICY EN7: Conservation and Enhancement of Landscape***

***The Council will protect and enhance the town's landscape including:***

- the distinctive landscape setting of the town, particularly the structure of ancient gill woodlands, open spaces and the relationship and clear division between the unspoilt coastline of Hastings Country Park Nature Reserve, the surrounding countryside and the built-up area***

## PLANNING COMMITTEE

20 OCTOBER 2015

- *the High Weald Area of Outstanding Natural Beauty*
- *the undeveloped coast*

*The Council will have regard to the High Weald Area of Outstanding Natural Beauty Management Plan as a method of protecting and enhancing the Area of Outstanding Natural Beauty, and will work with Rother District Council to improve access to and management of urban fringe areas, in line with the shared vision for Hastings and Bexhill.*

### ***POLICY EN8: Open Spaces – Enhancement, Provision and Protection***

*The strategic policy direction for the provision and management of the town's open spaces is set out in the Parks and Open Spaces Strategy (2006). The Planning Strategy supports implementation of the Parks and Open Spaces Strategy by:*

- c) *the protection and enhancement of existing open spaces that are of town wide significance through the green infrastructure network (see Policy EN2). These are: Alexandra Park, BOS Field, Church Wood, Gensing Gardens, Hastings Cemetery, Hastings Country Park, Old Roar Gill (part of Alexandra Park), Ponds Wood, St Leonards Gardens, St Helen's Wood, Warrior Square, West Hill, Ore Valley, Summerfields Woods, Tilekiln Playing Fields, Combe Valley Countryside Park, all pedestrian-only streets, the Seafront, Bexhill Road recreation ground, Hornty Park, William Parker Sports College, Sandhurst Recreation Ground and the beach.*

*Private open spaces and allotments will be identified in the Development Management Plan as part of the green spaces network and will be protected from development which would lead to loss of their open character, biodiversity or accessibility.*

*Open space provision will be monitored in line with the Natural England Accessible Natural Greenspace (ANGst) standards, and results will be published in the Local Plan Monitoring Report.*

### ***Policy DM1 – Design Principles***

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

- a) *protecting and enhancing local character; and*
- e) *an assessment of visual impact, including the height, scale, and form of development that should be appropriate to the location, especially given the complex topography of the Borough and the need, in some instances, to consider the visual effect from key*



## PLANNING COMMITTEE

20 OCTOBER 2015

*viewpoints. This is particularly important when there are potential impacts upon areas of heritage and/or landscape value as outlined in the Planning Strategy (this could include a landscape assessment where appropriate).*

*Supplementary Planning Documents provide further detail to this policy.*

### ***Policy DM3 – General Amenity***

*In order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where:*

- c) there is a means of landscaping that contributes to crime prevention; a permeable and legible green infrastructure network of routes and spaces to create a public realm that is attractive, overlooked and safe; and*
- d) considerate design solutions for the spaces between and around buildings are shown. This should respect the character of the surroundings; a well-designed scheme in terms of private, semi-private and public open space, to include, where appropriate, the provision of public art.*

3. The proposed development would result in the loss of part of the Local Green Space. The loss of part of this asset will result in the loss of woodland and natural space that contributes to the Borough's green infrastructure network. The proposed development would be contrary to policies FA5 part (g), SC1 part (k), EN2, EN3 parts (b), (d), (f) and (g), EN7 and EN8 part (c) of the Hastings Local Plan - The Hastings Planning Strategy and policies HN7, HN8 and HN10 of the Hastings Local Plan - Development Management Plan, which state:

### ***POLICY FA5: Strategic Policy for Eastern Area***

*In Eastern Area we will also:*

- e) protect, manage and enhance the green network of nature areas and open spaces that include Hastings Country Park Nature Reserve and associated national and international designated wildlife areas such as Hastings Cliffs Special Area of Conservation and Hastings Cliffs to Pett Beach Site of Special Scientific Interest and other significant open spaces at the Ore Valley Development site, the Seafront, Hastings Country Park and West Hill*

## PLANNING COMMITTEE

20 OCTOBER 2015

### ***POLICY SC1: Overall Strategy for Managing Change in a Sustainable Way***

***Growth and change will be managed so that development meets sustainability objectives, avoids significant vulnerability to the impacts of climate change, improves the quality of the natural environment, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work. This will be achieved through:***

- k) providing an accessible greenspace network and protection and enhancement of biodiversity***

### ***POLICY EN2: Green Infrastructure Network***

***By properly valuing nature and the benefits that arise from our natural environment and green spaces, we will establish and protect a green network comprising open space and nature conservation areas, to conserve and enhance priority natural areas, and the connections between them.***

***The green network will ensure that everyone has access to natural, semi-natural and managed open space, and will maximise opportunities to conserve and enhance biodiversity. New development will contribute to this network.***

***The extent of the network will be established in the Development Management Plan, and will be clearly shown on the Policies Map***

### ***POLICY EN3: Nature Conservation and Improvement of Biodiversity***

***The town's biodiversity and geological resources will be protected and enhanced. Priority will be given to:***

- b) ensuring development contributes to the national objective of no net loss of biodiversity by requiring developers to show how their proposals will contribute positively to the natural environment, avoid harm to biodiversity, adequately mitigate for unavoidable damage, or as a last resort, compensate for unavoidable damage.***
- d) improving the integrity and biodiversity of the green infrastructure network,***
- f) meet our obligations to halting the loss of biodiversity and work with our partners to create opportunities for enhancing biodiversity both in and outside the town***
- g) protecting woodland, particularly ancient woodland and veteran trees***

## PLANNING COMMITTEE

20 OCTOBER 2015

***Potential adverse effects on the Hastings Cliffs Special Area of Conservation arising from levels of new development set out in the Planning Strategy will be mitigated through improvements to the existing Broomgrove Local Wildlife Site, Combe Valley Countryside Park and the green spaces network as a whole.***

### ***POLICY EN7: Conservation and Enhancement of Landscape***

***The Council will protect and enhance the town's landscape including:***

- the distinctive landscape setting of the town, particularly the structure of ancient gill woodlands, open spaces and the relationship and clear division between the unspoilt coastline of Hastings Country Park Nature Reserve, the surrounding countryside and the built-up area***
- the High Weald Area of Outstanding Natural Beauty***
- the undeveloped coast***

***The Council will have regard to the High Weald Area of Outstanding Natural Beauty Management Plan as a method of protecting and enhancing the Area of Outstanding Natural Beauty, and will work with Rother District Council to improve access to and management of urban fringe areas, in line with the shared vision for Hastings and Bexhill.***

### ***POLICY EN8: Open Spaces – Enhancement, Provision and Protection***

***The strategic policy direction for the provision and management of the town's open spaces is set out in the Parks and Open Spaces Strategy (2006). The Planning Strategy supports implementation of the Parks and Open Spaces Strategy by:***

- c) the protection and enhancement of existing open spaces that are of town wide significance through the green infrastructure network (see Policy EN2). These are: Alexandra Park, BOS Field, Church Wood, Gensing Gardens, Hastings Cemetery, Hastings Country Park, Old Roar Gill (part of Alexandra Park), Ponds Wood, St Leonards Gardens, St Helen's Wood, Warrior Square, West Hill, Ore Valley, Summerfields Woods, Tilekiln Playing Fields, Combe Valley Countryside Park, all pedestrian-only streets, the Seafront, Bexhill Road recreation ground, Hornty Park, William Parker Sports College, Sandhurst Recreation Ground and the beach.***

***Private open spaces and allotments will be identified in the Development Management Plan as part of the green spaces network and will be protected from development which would lead to loss of their open character, biodiversity or accessibility.***

## PLANNING COMMITTEE

20 OCTOBER 2015

***Open space provision will be monitored in line with the Natural England Accessible Natural Greenspace (ANGst) standards, and results will be published in the Local Plan Monitoring Report.***

### ***Policy HN7 – Green Infrastructure in New Developments***

***Where appropriate, good quality green infrastructure should be integrated into the design of new developments. Development will be permitted where opportunities for green infrastructure and landscaping have been incorporated into the proposals.***

***New green infrastructure provided as part of a development scheme should create safe links for the community and connectivity for biodiversity should be provided as far as practical, within the existing Green Infrastructure Network.***

### ***Biodiversity and green space***

#### ***Policy HN8 – Biodiversity and Green Space***

***Development should result in no net loss of biodiversity or designated green space as defined on the Policies Map. The weight given to the protection of sites will be proportionate to their position in the hierarchy of internationally, nationally and locally designated sites.***

***Development that would affect a designated site will only be permitted where there is an adverse impact on ecological, geological or biodiversity interests of the site if it can be demonstrated that;***

- a) the need for the development would outweigh the nature conservation interests;***
- b) adverse impacts can be satisfactorily minimised through mitigation and compensation measures.***

***An Ecological Constraints and Opportunities Plan (ECOP), completed by a suitably qualified professional, will be required to support planning applications where on-site or nearby ecological constraints are known, or where further information on potential ecological issues is required. This assessment should include:***

- a) information of existing on-site ecology;***
- b) opportunities for connectivity between spaces and improved accessibility to them;***
- c) green space and biodiversity improvements on and off-site as appropriate;***

**PLANNING COMMITTEE**

**20 OCTOBER 2015**

- d) *opportunities for the retention or creation of green infrastructure;*
- e) *measures for the protection and management of ecology, where appropriate;*
- f) *an arboriculture assessment.*

**Policy HN10 – Amenity Green Spaces**

***The Council will protect Private Open Space, Allotments and Local Green Spaces used and/or managed by the local community, as identified on the Policies Map. Planning permission will only be granted for development which would result in the loss of an identified amenity green space in the following circumstances:***

- a) *It can be demonstrated that the land no longer has any visual, recreational, amenity or ecological value; or*
- b) *An area of equivalent size and value is provided in the locality in compensation.*

**Note to the Applicant**

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

**43.2 35 Tower Road, St. Leonards on Sea**

Proposal:	Construction of fourteen apartments comprising 5 x 1, 6 x 2 and 3 x 3 bedrooms.
Application No:	HS/FA/14/00968
Existing Use:	Mixed uses including retail, residential, upholstery, car sales and car repairs
Conservation Area:	No
National Planning Policy Framework	Sections 6 and 7
Hastings Planning Strategy	DS1, FA2, SC1, SC2, SC3, SC4, SC7, H1, H2, H3, E1 and T3
Development Management Plan	LP1, DM1, DM3 and DM4

## PLANNING COMMITTEE

20 OCTOBER 2015

Public Consultation: 42 letters of objection received  
and 1 petition received

The Assistant Director, Housing and Built Environment reported on an application for the construction of fourteen apartments comprising 5 x 1, 6 x 2 and 3 x 3 bedrooms at 35 Tower Road, St. Leonards on Sea.

The application site relates to 35 Tower Road, St. Leonards-On-Sea. This is a wedge-shaped site bounded by Tower Road, St Peters Road and Cornfield Terrace. There are a mixture of buildings on site and a mixture of uses. These uses include an existing shop unit, some flatted accommodation, a small car sales yard, a car repair centre and an upholsterers.

The site is surrounded by mostly residential development (as a mix of houses and flats) in the form of terraced buildings ranging in height from two to three and half storeys. There is a school to the southwest and a public house to the north. Other commercial uses can be found at either end of Tower Road with Bohemia Road being designated as a local shopping area.

This is an application for the demolition of the existing buildings on site and the erection of a flatted block of 14 units as a mix of 5 x 1, 6 x 2 and 3 x 3 bedrooms. The proposed building is a modern flat roof design that is part three and part four storeys tall. The proposal includes 14 undercroft parking spaces (one of which is a disabled parking bay).

Having regard to the principle of the development; impact on the character and appearance of the area, standard of accommodation proposed, impact on neighbouring residential amenities, parking and highway safety matters, and having taken into account the comments and objections of local residents and consultees the Development Manager recommended that planning permission be granted subject to conditions and a Section 106 Agreement to secure affordable housing.

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

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

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

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

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

Councillor Cartwright, Ward Councillor for Gensing, was present and spoke against the application.

Councillor Beaney proposed a motion to approve the application as set out in the report and subject to the extra condition regarding contaminants. This was seconded by Councillor Street. The motion was lost by 2 votes for and 4 votes against with 2 abstentions. Councillor Scott proposed a motion to defer the application as set out in the resolution below. This was seconded by Councillor Rogers.

## PLANNING COMMITTEE

20 OCTOBER 2015

**RESOLVED** – by (7 votes to 1 against) that the application be deferred for a further traffic survey and liaison with East Sussex County Council.

### 43.3 Land rear of 27-28 North Street, St. Leonards on Sea (FA)

Proposal:	Erection of a two bedroom dwelling.
Application No:	HS/FA/15/00299
Existing Use:	Vacant Yard
Conservation Area:	Yes - St. Leonards East
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	H3
Development Management Plan	DM1, DM3, HN1
Public Consultation:	31 letters of objection received, 1 petition and 10 letters of support received

The Assistant Director, Housing and Built Environment reported on an application for the erection of a single family 2 bedroom dwelling house comprising an open plan ground floor living/kitchen space with two bedrooms, a bathroom and shower room on the first floor on land previously used as a builders yard at Land to the rear of 27-28 North Street, St. Leonards on Sea.

Listed Building Consent HS/LB/15/00300 for the works associated with the residential development is reported in minute No. 43d.

The site lies on the north side of North Street. The entrance to the site is via an arched, gated access between numbers 27 & 28 North Street, which are both Grade II listed buildings. The site lies within the East St Leonards Conservation Area and is currently vacant. It was previously used as a builder's yard and is bounded by residential terraced houses/flats in Alfred Street, North Street and Gensing Road.

The building would have a maximum length of 10m, reducing to 7.7m, and a maximum width of 6.7m. The height to the top of the parapet wall around the roof would be 5.8m.

The design is contemporary with rendered walls with timber panels and a flat roof. The windows have been carefully positioned to minimise any overlooking of neighbouring properties, and there would be several roof lights to provide additional light. The ground floor would include a 3 panel sliding door opening out onto a small courtyard.

Outside there would be access to the front of the property through an arch into North Street with a small courtyard to the front of the property. To the side would be a small irregularly shaped courtyard garden between 9.2m and 11.5m in one dimension and 2.1m and 5.5m in the other.

## PLANNING COMMITTEE

20 OCTOBER 2015

This submission follows the withdrawal of a previous application for 2 no. dwellings which was considered unacceptable due to overdevelopment of the site and detrimental impact on neighbouring properties.

The main issues were the potential impacts on neighbouring properties with regard to overlooking and privacy and whether there is any impact on the adjacent listed buildings and the St Leonards East Conservation Area in which the site is located.

The Development Manger felt the proposals will not adversely affect the character or appearance of the area, amenity of neighbouring properties or the parking in the area. Following assessment of the proposal and various amendments including reduction of the amount of development from 2 dwellings to one dwelling, he considered the proposal to be acceptable and therefore recommended approval.

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

Councillors Beaney, Beaver, Charlesworth, Lee, Roberts, Rogers, Scott, Street and Wincott attended an organised site visit prior to the meeting.

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

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

The applicant, Mr Stuart Robinson, was present and spoke in support of the application.

Councillor Rogers proposed a motion to refuse the application. This was seconded by Councillor Lee. The motion was lost by 3 votes to 6 against. Councillor Scott proposed a motion to approve the application as set out in the resolution below. This was seconded by Councillor Charlesworth.

**RESOLVED – by (6 votes to 3 against) 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. **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. a) **Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water**



## PLANNING COMMITTEE

20 OCTOBER 2015

disposal/management have been submitted to and approved in writing by the Local Planning Authority;

- i) Development shall be carried out in accordance with the details approved under (i) and no occupation of the dwelling hereby approved shall occur until those works have been completed; and
  - (iii) No occupation 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.
4. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the 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;
  5. The first floor windows on the south elevation not be glazed other than in obscure glass;
  6. 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 extension or any other external alteration to the property shall take place without the grant of an additional planning permission;
  7. 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 outbuildings shall be erected within the curtilage of the property without the grant of an additional planning permission;
  8. No development shall commence above ground until joinery details, including details of the timber gate, have been submitted to and approved in writing by the Local Planning Authority.  
  
Works shall be carried out in accordance with the details approved and no occupation of the building shall occur until those works have been completed; and
  9. The development hereby permitted shall be carried out in accordance with the following approved plans:

## **PLANNING COMMITTEE**

**20 OCTOBER 2015**

**499-01-E, 499-02-D, 499-03-B, 499-04-C, 499-05-A, 499-133-A, 499-130-L,  
499-131-G, 499-132-M**

### **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;**
- 3. To prevent increased risk of flooding;**
- 4. In the interests of the visual amenity of the area;**
- 5. To safeguard the amenity of adjoining and future residents;**
- 6. To enable the local planning authority to control future development of the site in the interests of the amenities of the area in general and the amenities of neighbouring residents in particular;**
- 7. To enable the local planning authority to control future development of the site in the interests of the amenities of the area in general and the amenities of neighbouring residents in particular;**
- 8. To ensure a satisfactory form of development in the interests of the character and amenity of the area; and**
- 9. 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 proposed building is over or close to a public sewer and consultation with Southern Water Services Ltd. is necessary;**

## PLANNING COMMITTEE

20 OCTOBER 2015

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

### 43.4 Land rear of 27-28 North Street, St. Leonards on Sea (LB)

Proposal:	Existing site to be carefully cleared with all listed elements protected and retained, a single new modern dwelling with two bedrooms to be formed. All existing listed walls will be protected and retained or adapted.
Application No:	HS/LB/15/00300
Existing Use:	Vacant Yard
Conservation Area:	Yes - St. Leonards East
National Planning Policy Framework	Part 12
Hastings Planning Strategy	No conflict
Development Management Plan	No conflict
Public Consultation:	9 letters of objection received and 1 petition

The Assistant Director, Housing and Built Environment reported on an application for listed building consent for works associated with residential development in the yard area at Land Rear of 27/28 North Street, St. Leonards on Sea.

Planning application HS/FA/15/00299 for the dwelling is reported in minute No. 43c.

The site lies on the north side of North Street. The entrance to the site is via an arched gated access between numbers 27 & 28 North Street, which are both Grade II listed buildings. The site lies within the East St Leonards Conservation Area and is currently vacant. It was previously used as a builder's yard and is bounded by residential terraced houses/flats in Alfred Street, North Street and Gensing Road. A number of properties within the vicinity are listed.

The buildings on North street are listed and while the new dwelling itself will not directly affect the

## PLANNING COMMITTEE

20 OCTOBER 2015

listed buildings it will affect their setting, and works are proposed to the historic boundary walls. It is proposed to repair and stabilise the walls around the site, some of which are listed.

The proposed building is contemporary with rendered walls with timber panels and a flat roof. The windows have been carefully positioned to minimise any overlooking of neighbouring properties, and there would be several rooflights to provide additional light. The ground floor would include a 3 panel sliding door opening out onto a small courtyard.

The building would have a maximum length of 10m, reducing to 7.7m, and a maximum width of 6.7m. The height to the top of the parapet wall around the roof would be 5.8m.

Outside there would be access to the front of the property through an arch into North Street with a small courtyard to the front of the property. To the side would be a small irregularly shaped courtyard garden between 9.2m and 11.5m in one dimension and 2.1m and an 5.5m in the other.

The Development Manager considered the works to be acceptable in principle and he recommended that Listed Building Consent be granted subject to conditions to ensure that the detail of the work is acceptable.

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

Councillors Beaney, Beaver, Charlesworth, Lee, Roberts, Rogers, Scott, Street and Wincott attended an organised site visit prior to the meeting.

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

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

The applicant, Stuart Robinson, was present and spoke in support of the application.

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

**RESOLVED – by (8 votes to 0 against, with 1 abstention) 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;**
2. **The works hereby permitted shall be carried out in accordance with the following approved plans:**  
  
**499-01-E, 499-02-D, 499-03-B, 499-04-C, 499-05-A, 499-133-A, 499-130-L, 499-131-G, 499-132-M**
3. **No works shall commence on site until a methodology statement with photographs for works to the boundary wall has been submitted to and**

## PLANNING COMMITTEE

20 OCTOBER 2015

approved in writing by the local planning authority. The method statement shall include:

- a) Documentation of all distinguishable features within the curtilage listed walls in the form of a schedule with comprehensive photographic record identifying each element, whether it is to be retained or removed, the impact the feature has on the significance of the walls -Negative, neutral or positive and proposed making good. Schedule to be cross referenced to block plan;
- b) Specification for the proposed repairs to the curtilage listed walls;
- c) Proposed capping detail for the curtilage listed walls;
- d) Cross section details of the interface between old and new to include constructed in situ planters at the base of the walls, at a scale of 1:5; and
- e) Details of any proposed underpinning, strengthening, or reinforcing of the walls.

Notwithstanding the details as submitted, the existing curtilage walls shall remain structurally independent from the proposed development. No additional loading as a result of the proposed development shall be placed upon these walls; and

4. No works shall commence until joinery details of the proposed gate have been submitted to and approved in writing by the local planning authority. Thereafter the works shall be undertaken in accordance with the approved details.

### 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. To ensure the historic character of the curtilage listed walls is adequately protected; and
4. To ensure the architectural and historic character of the Grade II Listed Building is adequately protected.

### Notes to the Applicant

## PLANNING COMMITTEE

20 OCTOBER 2015

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.

#### 44. PLANNING APPEALS AND DELEGATED DECISIONS

The Assistant Director, Housing and Built Environment reported that three planning appeals that had been received and one appeal which had been approved. All matters had arisen between 14 September to 7 October 2015.

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

#### 45. PLANNING APPLICATIONS:

##### 45.1 42 Beauharrow Road, St. Leonards on Sea

Proposal:	Erection of 8 no. semi detached dwellings. (outline application)
Application No:	HS/OA/14/00901
Existing Use:	Dwellinghouse
Conservation Area:	No
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	DS1, FA1, SC1, SC3, SC4, SC7, EN2, EN3, EN4, EN6, H1, H2, H3 and T3
Development Management Plan	LP1, DM1, DM3, DM4, HN7 and HN8
Public Consultation:	8 letters of objection received

The Assistant Director, Housing and Built Environment reported on an outline application for demolition of an existing house and the erection of 8 semi-detached dwellings (as four semi-detached pairs) at 42 Beauharrow Road, St. Leonards on Sea.

As the application is for outline planning permission the applicant has chosen to seek approval of the access only with appearance, landscaping, layout and scale all reserved matters. The information submitted in respect of these reserved matters is therefore indicative only but it is useful in establishing whether the principle of the development is acceptable.

42 Beauharrow Road is a large, detached, two-storey single dwellinghouse. The site is in an area of town with relatively low density and it has many constraints including levels changes, streams,

## PLANNING COMMITTEE

20 OCTOBER 2015

trees and wildlife areas.

The existing house sits within a very large plot and is set much lower than the unadopted road from which it is served. There is a sloped access from Beauharrow Road into the site and a stream runs along the southwestern boundary which leads into the Hollington Stream to the east of the site. Because of the Hollington Stream, part of the application site falls within an identified Flood Risk Zone.

Aside from the house, access and large turning area, the site remains mostly undeveloped as a mixture of formal private garden space and unkempt natural space. The eastern end of the site transgresses over into a designated Local Wildlife Site and preserved woodland. The site also adjoins a designated Ancient Woodland.

Given the lower level of the site compared with its surroundings and its relatively natural secluded character the site is well screened.

There have been no recent planning permissions for the site with the last application being submitted in 1980s.

The applicant is only seeking approval of the access of the development so the main considerations were the suitability of the access and whether the proposal is acceptable in principle. In order to assess these matters consideration has been given to the impact on the character of the area, the impact upon neighbouring residential amenities, parking and highway matters, impact on protected species and ecological designations, impact on trees and flood risk.

Taking all of the above matters into account the Development Manager felt the proposed development was considered acceptable and he therefore recommended that planning permission be granted subject to conditions and the completion of a 106 Agreement to secure provision of an affordable housing contribution.

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

Councillor Beaver proposed a motion to approve the application as set out in the resolution below and subject to the insertion of Reason 7 which was missing from the Report. This was seconded by Councillor Rogers.

**RESOLVED** – (unanimously) that outline planning permission be granted subject to:-

- A) The Development Manager be authorised to issue planning permission upon completion of a S106 Agreement to secure an affordable housing contribution unless it has been conclusively shown that the development would not be viable if a contribution were made. In the event that the Agreement is not completed, or the viability issue not resolved, by 20 January 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 2011-2018.**

## PLANNING COMMITTEE

20 OCTOBER 2015

### B) Subject to A) above:

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, in terms of the access only, be carried out in accordance with the following approved plans:  
  
4630/200
6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the improvement of Beauharrow Road between the Battle Road junction and the proposed access to the site. Such scheme shall include details of the construction of the road to an acceptable standard, details of the drainage of the road and it will provide for the timing of the improvement works in relation to the implementing of the development. The development shall be implemented in accordance with such timing before any of the dwellings are occupied;
7. No development shall take place until the measures outlined in the submitted arboricultural statements and reports (Arboricultural Report by The Mayhew Consultancy Ltd, dated December 2014, ref AR/34014), 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 arboricultural statements and reports is otherwise first



## PLANNING COMMITTEE

20 OCTOBER 2015

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as may be subsequently amended or re-enacted no development shall take place without the grant of an additional planning permission within the areas identified as 'construction exclusions zones' in the drawing attached at appendix B of the submitted Arboricultural Report by The Mayhew Consultancy Ltd (dated December 2014 and ref AR/34014);
9. No dwelling hereby approved shall be occupied until details of external storage space for refuse bins has been submitted to and approved in writing by the Local Planning Authority. The refuse storage space shall be provided prior to any occupation of the dwellings;
10.
  - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management (that have taken into account the recommendations of the Flood Risk Assessment by Hemsley Orrell Partnership dated June 2015 and referenced 14633/1/500) have been submitted to and approved in writing by the Local Planning Authority;
  - (xi) 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.
11. The details submitted with condition 10 above shall include details of 'flow paths' to direct surface water flows away from the buildings towards the existing stream channels at lower elevations;
12. The details submitted with condition 10 above shall included details of the measures which will be undertaken to divert the public sewers crossing the site;
13. The reserved matters details submitted in accordance with conditions 1 & 2 above shall include details of the proposed finished floor levels of the dwellings hereby approved taking into account the recommendations of the Flood Risk Assessment by Hemsley Orrell Partnership (dated June 2015 and referenced 14633/1/500);

**PLANNING COMMITTEE**

**20 OCTOBER 2015**

- 14. The reserved matters details submitted for conditions 1 & 2 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;**
- 15. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband;**
- 16. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:**
  - 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; and**
  - h) Use of protective fences, exclusion barriers and warning signs.**

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

- 17. The reserved matters details submitted in accordance with conditions 1 & 2 above shall included details of biodiversity enhancements in accordance with the recommendations of the Preliminary Ecological Appraisal by The Mayhew Consultancy Ltd (dated December 2014 and referenced EA/34014);**
- 18. 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.**

## PLANNING COMMITTEE

20 OCTOBER 2015

The development shall be carried out in accordance with the approved scheme;

19. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-  
  
08.00 - 18.00 Monday to Friday  
08.00 - 13.00 on Saturdays  
No working on Sundays or Public Holidays.
20. The reserved matters details submitted with conditions 1 & 2 above shall include measures for the installation of an acoustic fence along the boundary with 44 Beaurharrow Road taking into account the need to retain trees and hedging were appropriate.

### Reasons:

1. The application is in outline only;
2. The application is in outline only;
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990;
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990;
5. For the avoidance of doubt and in the interests of proper planning;
6. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety;
7. To protect trees and features of recognised nature conservation importance;
8. To protect trees and features of recognised nature conservation importance;
9. To ensure a satisfactory form of development in the interests of the character and amenity of the area;
10. To prevent increased risk of flooding;
11. To prevent increased risk of flooding;
12. To prevent increased risk of flooding;
13. To prevent increased risk of flooding;

## PLANNING COMMITTEE

20 OCTOBER 2015

14. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy;
15. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy;
16. To protect features of recognised nature conservation importance;
17. To enhance features of recognised nature conservation importance;
18. In the interests of vehicular and pedestrian safety;
19. To safeguard the amenity of adjoining residents; and
20. To safeguard the amenity of adjoining 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. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended);
4. The developer is advised to contact the matters of diverting the public sewer further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk);
5. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk);
6. All works to trees should be carried out by a competent tree surgeon;
7. This permission does not override the rights of the owners of trees whose consent must also be obtained to carry out works to those trees;
8. Nothing in this permission, aside from the access, shall be construed as giving approval to the details shown on the plans accompanying the

## PLANNING COMMITTEE

20 OCTOBER 2015

application hereby approved. Such plans have been treated as being indicative only; and

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

### 45.2 Mayfield J, Land south of Mayfield Lane, St. Leonards on Sea

Proposal:	Erection of 35 two and three bedroom houses together with access, parking and open space.
Application No:	HS/FA/15/00039
Existing Use:	Vacant Agricultural Land
Conservation Area:	No
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	DS1, SC1, SC2, SC3, SC4, EN3, H1, H2 and H3
Development Management Plan	DM1, DM3, DM4 and GH4
Public Consultation:	4 letters of objection received

The Assistant Director, Housing and Built Environment reported on an application for the erection of 35 two and three bedroom houses together with access, parking and open space at Mayfield J, Land south of Mayfield Lane, St. Leonards on Sea.

The application site (approx 0.78ha) is an expanse of triangular shaped open land located between Mayfield Lane, Robsack Community Centre and Bodiam Drive to the north and the wide roadside margin adjacent Crowhurst Road/Queensway to the west. The rear of residential properties in Etchingham Drive, Mayfield Heights lie to the east.

This is an application for full planning permission. The proposal comprises the erection of 24 X 2

## PLANNING COMMITTEE

20 OCTOBER 2015

bed and 11 X 3 bed houses, car parking for 48 allocated spaces and 13 visitor spaces and a new access off Mayfield Lane. All properties will be semi detached apart from one which will be detached.

Outline permission was granted in February 2014 for 20 houses and 16 apartments to East Sussex County Council who were the owners of the site at the time. The permission is still extant, although the reserved matters have not been submitted. This proposal therefore represents an alternative scheme for the site.

The new development will form a cul de sac directly off Mayfield Lane. The dwellings will be two storey with a rear garden of at least 10 metres in length. Materials will vary from house to house and will include brick, weatherboarding and various colour roofing tiles.

This is a full planning application for the erection of 35 houses on a site allocated within the Hastings Local Plan (Policy GH4) for a capacity of 36 dwellings. This application follows an outline approval for 20 houses and 16 apartments in February 2014. The outline approval is a material consideration to be balanced alongside other planning related issues.

The main issues were the impacts on the highways, traffic and parking provision, affordable housing, ecology – mitigation for protected species, trees and residential amenity.

The Development Manager did not consider that the residential amenity of neighbouring properties will be detrimentally affected given the distances between dwellings and boundary treatments proposed. The need for housing within the Borough is a priority for the Council and as this is an allocated site he recommended the application be approved subject to a S106 Agreement to secure provision of an affordable housing contribution.

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

Councillor Beaver proposed a motion to approve the application as set out in the resolution below, subject to the addition of condition and reason No.23 and the reworded Condition 18.. This was seconded by Councillor Roberts.

### **RESOLVED – by (8 votes to 1 against) that:-**

**A) That the Development Manager be authorised to issue planning permission upon completion of a S106 Agreement to secure an affordable housing contribution. In the event that the Agreement is not completed by 20 January 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 2011-2018.**

**B) Subject to A) above to 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;**

**PLANNING COMMITTEE**

**20 OCTOBER 2015**

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

**4307/14/LBP/A, 4307/14/1/B, 4307/14/2, 4307/14/3, 4307/14/4, 4307/14/5, 4307/14/6, 4307/14/7, 4307/14/8/A, 4307/14/9/A, 4307/14/10/A, 4307/14/11/A, 4307/14/12/A, 4307/14/13, 4307/14/14, 4307/14/15, 4307/14/16, 4307/14/17, 4307/14/18, 4307/14/19, 4307/14/20/A & 1405781/201**

- 4. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to or made available on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;**

- 5. (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; 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.**

- 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 refuse or other storage units, signs lighting etc);**

## PLANNING COMMITTEE

20 OCTOBER 2015

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. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme;
9. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;
10. No development shall take place above ground until full details of all boundary fences, walls or enclosures have been submitted to and approved in writing by the Local Planning Authority. All such boundary fences, walls or enclosures shall be erected before the building to which it relates is occupied;
11. No development to be commenced on site until a Construction Management Plan setting out mitigation measures to protect against disruption caused during construction has been submitted to and approved in writing. All development shall thereafter be carried out in accordance with the approved plans;
12. No development shall take place within the application site 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;
13. 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



## PLANNING COMMITTEE

20 OCTOBER 2015

Investigation approved under Condition 10 to the satisfaction of the Local Planning Authority;

14. 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 BSI 5837 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;
15. All ecological measures and/or works shall be carried out in accordance with details contained within the submitted report Mayfield J, South of Mayfield Lane Report seeking discharge of Conditions 17 to 20 Planning Consent HS/OA/07/00895 by the Ash Partnership January 2015;
16. The new access shall be in the position shown on the submitted plan and laid out in accordance with details to be submitted to and approved by the Local Planning Authority prior to commencement of development. All work shall be completed in accordance with the approved plans;
17. The new estate road shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with ESCC standards with a view to its subsequent adoption;
18. Prior to the commencement of development a desktop study for the presence of contaminants, methane and carbon dioxide in soil shall be undertaken and the results submitted to and approved in writing by the local planning authority

If the desktop study indicates that there may be contaminants, methane and carbon dioxide present in soil.

- i) A detailed site investigation for the presence of contaminants, methane and carbon dioxide in soil shall be submitted to and approved by the Local Planning Authority prior to the commencement of construction works on site. Details of the investigation shall be approved by the Local Planning Authority prior to investigative works commencing. Such investigation and assessment should be carried out by suitably qualified personnel in accordance with current Government, Environment Agency and British Standard Guidance. Should any significant risks be identified by such an investigation, a remediation scheme including suitable monitoring and verification methodologies shall be agreed in writing by the Local Planning Authority; and
- ii) The remediation scheme, as agreed by the Local Planning

## PLANNING COMMITTEE

20 OCTOBER 2015

Authority, shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The remediation scheme is to include considerations and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.

19. No development shall be commenced until a scheme for the provision of a Sustainable Urban Drainage System (SUDS) has been submitted to and approved in writing by the Local Planning Authority. Details shall include proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and discharge of surface water from the highway onto the site. These surface water works shall be completed in accordance with the approved plans;
20. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads;
21. The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the 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; and
22. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
23. 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:

## PLANNING COMMITTEE

20 OCTOBER 2015

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;
2. To safeguard the amenity of adjoining and future residents;
3. For the avoidance of doubt and in the interests of proper planning;
4. In the interests of the visual amenity of the area;
5. To prevent increased risk of flooding;
6. To safeguard the amenity of adjoining residents;
7. To safeguard the amenity of adjoining residents;
8. In the interests of the visual amenity;
9. To ensure a satisfactory form of development in the interests of the visual amenity;
10. In the interests of the visual amenity of the area;
11. To protect the amenities of local residents;
12. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework;
13. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework;
14. In the interests of the health of the trees and to protect the visual amenity;
15. To protect features of recognised nature conservation importance;
16. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;
17. In the interest of public safety;
18. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination;
19. To prevent increased risk of flooding;
20. In the interests of highway safety;
21. To ensure the safety of persons and vehicles entering and leaving the

## PLANNING COMMITTEE

20 OCTOBER 2015

access and proceeding along the highway; and

22. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
23. In the interests of highway safety and for the benefit and convenience of the public at large.

### 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 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);
4. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards;
5. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended);
6. Highway works associated with this development proposal will need to be secured through a Legal Agreement between the applicant and East Sussex County Council; and
7. Consideration should be given to the provision of a domestic sprinkler system.

### 45.3 Bowling Green, White Rock Pleasure Gardens, Falaise Road

Proposal:

Variation of condition 1 of Planning Permission HS/FA/13/00745 – To extend temporary permission granted for 2 years for further 2 years. The original premises, Marlborough House, was badly damaged by fire & water and is yet to be repaired.

## PLANNING COMMITTEE

20 OCTOBER 2015

Application No:	HS/FA/15/00742
Existing Use:	Disused Bowling Green/ Temporary Doctors Surgery and Pharmacy
Conservation Area:	No – Adjacent to Old Town
National Planning Policy Framework	
Hastings Planning Strategy	FA2, SC1, EN1
Development Management Plan	DM1, DM3 and HN1
Public Consultation:	1 letter of objection received

The Assistant Director, Housing and Built Environment reported on an application for the variation of condition 1 of Planning Permission HS/FA/13/00745 to extend the temporary permission for approval of buildings on the bowling greens to remain for a further 2 years at White Rock Pleasure Gardens, Falaise Road, Hastings.

The application site is one of two previously disused bowling greens, west of Falaise Road. Although the site is not within a Conservation Area, it is within an area identified as a Historic Park and Garden. The site is adjacent Falaise Indoor Bowls Club. The site has been the location of the temporary Doctor's Surgery since November 2013.

The temporary buildings consist of three 'portakabins' linked together providing a pharmacy with consulting room and kitchenette, doctors surgery with 6 consulting rooms, 3 nurse rooms, one minor operations room, associated administration rooms and WC facilities.

The Warrior Square and Carisbrooke doctor's surgeries, and pharmacy were originally located in Marlborough House, Warrior Square. Following a major roof fire on 29 July 2013, which resulted in water damage to the lower floors, the building has been completely vacated until repair works have been finalised. It was originally estimated that the repairs would take a minimum of eighteen months and the temporary buildings would be on site for two years. Due to the level of time taken to commence repairs on the site and adverse weather conditions, a significant mould and bacteria infestation has occurred. As a result of this, since September 2014 no person has been allowed to enter Marlborough House without full personal protective equipment (PPE). As a result of this the Marlborough House site is clearly presently unfit for purpose as a Doctor's surgery and pharmacy.

This application seeks to vary condition 1 of planning permission HS/FA/113/00745 which states the following:

*'The permission shall be for a limited period of two years from the date hereof and on or before the expiration of such period the building hereby permitted shall be removed and the use hereby permitted shall be discontinued and the site shall be restored to the condition in which it was before such building was erected and such use was commenced and left in a clean and tidy condition'.*

## PLANNING COMMITTEE

20 OCTOBER 2015

This application was granted on the 28th October 2013 and is due to expire on the 28th October 2015.

The main issues were the impact on the historic parks & gardens; the street scene/design and the impact on parking and access.

The Development Manager felt that although the essence of this application remained unchanged, the overall impact of the structures on the historic park and garden could not be ignored.

Taking this in to account he was of the opinion that although the use of the site provides a critical service to local residents, it should only be allowed to continue for a maximum of 2 further years. He therefore recommended approval of the extension to time subject to conditions.

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

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

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

- 1. This permission shall be for a limited period of two years from the date hereof and on or before the expiration of such period the building hereby permitted shall be removed and the use hereby permitted shall be discontinued and the site shall be restored to the condition in which it was before such building was erected and such use was commenced and left in a clean and tidy condition; and**
- 2. The development hereby permitted shall be carried out in accordance with the following approved plan: P040-PL01**

### Reasons:

- 1. In the interests of the character and amenity of the White Rock Gardens and the area in general; 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 permission 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.**

**PLANNING COMMITTEE**

**20 OCTOBER 2015**

(The Chair declared the meeting closed at. 8.00 pm)

This page is intentionally left blank



# Agenda Item 5a

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

**Report to:** PLANNING COMMITTEE

**Date:** 25 November 2015

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** Land at and South of Holmhurst St Mary, The Ridge, St Leonards-on-sea

**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

**Recommendation:** Grant Outline Planning Permission

**Ward:** CONQUEST

**File No:** R110729V

**Applicant:** Foreman Homes Ltd Unit 1 Station Industrial Park Duncan Road Park Gate, Southampton, Hampshire. SO31 1BX

**Interest:** House building developer

**Existing Use:** Undeveloped

## Policies

**Conservation Area:** No

**National Planning Policy Framework:** Sections 4, 6, 7, 8, 10, 11 and 12

**Hastings Local Plan - The Hastings Planning Strategy:** DS1, FA1, SC1, SC2, SC3, SC4, SC5, SC7, EN1, EN2, EN3, EN4, EN6, EN7, EN8, H1, H2, H3, CI1, CI3, T3 and T4

**Hastings Local Plan - Development Management Plan:** LP1, DM1, DM3, DM4, DM5, DM6, HN1, HN4, HN7, HN8, HN9 and LRA1

## Public Consultation

**Adj. Properties:** Yes

**Advertisement:** Yes - General Interest

**Letters of Objection:** 48

**Petitions Received:** 1

**Application Status:** Not delegated - Petition of objection received

## Summary

The application relates to over 13ha of land to the south of Holmhurst St Mary to the north of the Borough.

This is an outline planning application for the provision of up to 208 dwellings with all matters,

other than access, reserved.

The proposal has been accompanied by indicative plans and an Environment Statement to help explain why the proposal is acceptable.

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 the impact on the character and appearance of the area, the standard of the accommodation proposed, the impact on neighbouring residential amenities, highway safety and parking related matters, the impact on protected species and biodiversity (including trees), flooding and surface water drainage issues, air quality, noise and vibration, land contamination, heritage and archaeology.

Having considered these issues, the responses from objectors and the responses from statutory and non-statutory consultees, I consider the proposed development conforms to the development plan and is sustainable development in the context of the NPPF. I recommend that planning permission be granted subject to conditions and a s106 legal agreement.

## **The Site and its Location**

The application site relates to over 13ha of land in the north of the Borough. Part of the land was formerly part of the Holmhurst St Mary estate but the site otherwise extends to the boundary with St Anne's House and the Conquest Hospital to the east, the housing developments branching from Little Ridge Avenue and Harrow Lane to the south (i.e. Welton Rise, Chalvington Drive, Fairfield Road, etc.), and Harrow Lane playing fields to the west. The site wraps around the Holmhurst St Mary building, which is now converted to residential, and the more modern properties at Francis Baird Place and Beaulieu Gardens. Across The Ridge to the north of the site is Beaulieu Farm which is included within the High Weald Area of Outstanding Natural Beauty (AONB).

The site is irregular in shape and is set at an elevated position with a slight slope to the south-east. Access to the site is currently available from Eldridge Way via The Ridge. The site 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 a statue of Queen Anne which is a Grade II\* Listed Building.

The site has a Public Right of Way crossing it 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 site southwards and eastwards.

The site is located in a setting comprising residential, commercial, industrial and rural elements.

## **Details of the Proposal and Other Background Information**

This is an outline planning application for the provision of up to 208 new dwellings. As this is an outline planning application, the main consideration is the principle of the development as the applicant has requested that matters of appearance, landscaping, layout and scale are reserved matters and details of these will be submitted at a later date should outline planning

permission be granted. The developer has requested that access is approved at this stage and a single point of access is shown (following negotiations to remove a second access) on the indicative layout plan submitted with the application. The access would utilise the existing Eldridge Way. The proposal includes the demolition of existing buildings on site.

As mentioned above, part of the application site, most of the land the applicant proposes to develop on, is currently allocated for housing in the DMP. This allocation is carried forward from the previous Hastings Local Plan 2004 (HLP). In the HLP the site was a 'reserved' allocation which meant the site was intended to come forward towards the end of the last local plan period. This is because the site is a substantial greenfield site and it was appropriate for other brownfield sites to be developed first. The applicant was advised prior to submitting this application that it was considered that the site was ready to come forward for development.

Since this advice and following the submission of the application, the Council has now adopted the DMP. In the DMP the site is no longer a 'reserved' site and can come forward for development at anytime subject to normal planning considerations. The main reason for this is that the Borough has to meet an ambitious housing target up until 2028 and with limited opportunities for developing housing in the Borough, this site needs to be built in order for the Council to achieve its Local Plan objectives.

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, 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.

This application follows a planning application from 2008 for the development of the site. As explained, at that time the application was a reserved site in the HLP and the application was refused as it was considered premature. It was also refused due to concerns about moving the Statue of Queen Anne, traffic, and the lack of a legal agreement to secure development contributions.

## **Previous Site History**

HS/FA/08/00657 Development of land at Holmhurst St Mary comprising: demolition of existing derelict and dilapidated classrooms; demolition of former staff accommodation at 731 The Ridge; construction of new access roads served from The Ridge, via Eldridge Way; formation of new bus access/emergency vehicle link between the application site and Welton Rise (to south); construction of 173 dwellings, of which 52 are affordable homes, with associated hard and soft landscaping and parking; dismantling, re-positioning and works to Grade II\* Listed statue of Queen Anne (subject of separate Listed Building Consent application) and landscaping, planting and enhancement of the Holmhurst St Mary Site of Nature Conservation Importance (SNCI) including provision of an environmental play area.

Refused 23 December 2008

Appealed but appeal withdrawn 04 August 2009

## **Details of Consultations**

**Rother District Council** has raised no objection.

The **County Archaeologist** has raised no objection subject to conditions to secure the investigation of archaeological interest.

The **Environment & Natural Resources Manager** has provided comments combining all of his team's specialism, which includes ecology, trees, play areas and open space. No objection to the development has been raised but various issues have been raised which will need to be resolved in any detailed submission, by condition or through a s106 legal agreement. Matters include maintenance and management of the undeveloped spaces, appropriate landscaping, protection of trees and ecology.

The **Forestry Commission** has raised no objection.

The **High Weald AONB Unit** has raised no objection.

**Natural England** has raised no objection to the proposed development and considers that there will be no harm to the Marline Valley Woods Site of Special Scientific Interest (SSSI). They otherwise provide some advice on protected landscapes, trees and ecology.

The **Assistant Director Regeneration & Culture**, subject to meeting the policy requirement of the adopted Local Plan, supports this application in view of the contribution and significant boost this site will make to the supply of market and affordable homes in the short term.

The **Environment Agency** has raised no objection subject to a condition regarding a surface water drainage scheme for the site which must be based on sustainable drainage principles. This is to ensure that surface water run-off for the site does not exceed that of the current undeveloped site.

**Southern Water** has raised no objection to the development. They have flagged up issues with capacity in the sewerage network and the water mains and sewers crossing the site, but these issues and details of the new drainage infrastructure for the site can be secured by condition.

**Sussex Police** has raised no objection but advises on the detail that would be required if a reserved matters application were to be submitted. They also require a financial contribution towards policing infrastructure in the Hastings area.

The **Arts & Cultural Development Officer** has raised no objection and welcomes the proposals for the statue of Queen Anne. He recommends that the statue become a public feature for all to enjoy.

**Hastings & Rother Building Control Partnership** has raised no objection but has flagged up potential issues for the applicant to consider.

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

The **Assistant Director Environment & Place** is responsible for the Environmental Protection Team who would usually provide feedback on the matters in this application relating to air quality, noise and vibrations, and ground conditions. Given the scale of the development proposed and the issues raised within the application submission, the Assistant Director sought the advice of an environmental consultancy (ACCON UK) to review the application on behalf of the Council.

The consultant's initial review concluded that:

- The assessment of noise impacts is not considered to have been carried out adequately. The applicant will need to address the matters raised.
- The air quality assessment has not included relevant baseline data from nearby diffusion tubes and no verification has been undertaken. The consultant advised that the assessment should be updated and verified to better reflect local pollutant concentrations.
- The consultant made various comments about the ground conditions assessment. No serious concerns but recommends that Environmental Statement (ES) is updated. Also recommends conditions.

The **County Public Rights of Way Officer** has raised no objections subject to conditions to maintain the footpath through the site during construction, to divert the footpath to reflect its new alignment and to ensure the footpath is brought up to an adoptable standard. These conditions will also address the concerns raised by the Ramblers' Association.

The **County Strategic Economic Infrastructure Team Manager** has raised no objection subject to financial contributions for schools, libraries and Public Rights of Way. These can be secured by s106 legal agreement.

**UK Power Networks** has raised no objection.

**Southern Gas Networks** has raised no objection.

The **Housing Needs & Enabling Manager** has raised no objection but has commented on the affordable housing requirement which is 40% of the total development. This would likely be as a mixture of affordable rent and shared ownership with a percentage of the properties being for wheelchair users.

The **Local Highway Authority** has raised no objection with regard to the western access from Eldridge Way, the indicative layout of the development or the impact on the local highway network but insisted on the removal of the second access, which was closer to St Anne's. Now that this has been removed from the scheme they recommend a number of conditions and matters to secure by s106 legal agreement to ensure highway safety, improve the local highway network and to enhance sustainable means of transport.

**Stagecoach** has raised no objection to the proposed development. Whilst they would have liked a bus link through to Welton Rise they consider this impractical given the design of the highway along Welton Rise. Instead they recommend that a link be made possible through future development at the Harrow Lane playing fields site. Such a link is obviously possible but Stagecoach's other suggestion is that the road be widened to a minimum of 6m. Whether this is possible will be considered at the detailed design stage and it will need to be weighted up against the comments of the Local Highway Authority who consider the site to be adequately served by Public Transport. Stagecoach also request improvement to bus stops and travel packs for new houses which are likely to be secured as part of the financial contribution and travel plan requested by the Local Highway Authority.

**Historic England** initially raised concerns about the setting of the statue being harmed by the new access road at the western end of the site and the close proximity of proposed houses. As the western access has been removed from the scheme and the houses in close proximity to the statue have been removed, Historic England no longer raised any objection to the proposed development. Historic England note that the indicative plans are still not completely acceptable in terms of the layout and the setting of the statue - particularly the position of the proposed flatted block - but they are satisfied that this matter can be resolved as part of any reserved matters application.

The **Ramblers' Association** has objected to the application. However, this objection is a technicality as it relates to the lack of any formal legislative agreement being in place to secure the necessary changes to the Public Right of Way which runs through the site. This can be dealt with by condition.

The **Licensing Manager** has raised no objection.

There has been a petition of objection with **10 signatories** and **49 individual objections** received against the development proposals. Concerns include:

- Traffic generation and congestion
- Road safety
- Insufficient parking
- Impacts of Bexhill to Hastings Link Road (BHLR) on The Ridge
- Restrictions to emergency vehicles
- Impacts on heritage including gardens and statue
- Impact on the environment
- Harm to ecology
- Loss of trees and hedges
- Conflicts with planning policy
- Development on greenfield land rather than brownfield
- Quantum of development too high
- Land instability
- Presence of Japanese Knotweed and other invasive species
- Protection of the graveyard previously linked to the former convent
- Impact on local schools
- Loss of recreation areas and green space
- Impact on health and social services
- Lack of consultation
- Risk of flooding
- Lack of local facilities
- Harm to ancient woodland
- Air pollution
- Further use of natural resources
- Design and use of materials

The following matters have also been raised but are not considered material to determining the planning application:

- Ownership of the land and sale of the land
  - Loss of sports field - this site does not include a sports field so it is presumed that the concerns relate to adjacent Harrow Lane Playing fields which are not part of this proposal
- Poor grammar in the description of the development - the description is as listed by the applicant on their application form.

## **Planning Considerations**

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

"If regard is to be had to the development plan for the purpose of any determination to be

made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

In this instance the main policies of the development plan include policies SC1, SC7, EN1, EN2, EN3, EN4, EN6, EN7, EN8, H1, H2, H3, CI1, CI3, T3 and T4 of the Hastings Local Plan: The Hastings Planning Strategy (HPS) and policies LRA1, DM1, DM3, DM4, DM5, DM6, HN1, HN4, HN7, HN8 and HN9 of the DMP. Others apply and are listed above.

As explained above this is an outline planning application for the provision of up to 208 new dwellings. As this is an outline planning application, the main consideration is whether the principle of the development is acceptable as the applicant has requested that matters of appearance, landscaping, layout and scale are reserved matters and details of these will be submitted at a later date should outline planning permission be granted. The developer has requested that access is approved at this stage and a single point of access is shown (following negotiations to remove a second access) on the indicative layout plan submitted with the application. The access would utilise the existing Eldridge Way. The proposal includes the demolition of existing buildings on site.

In order to establish whether the principle of development is acceptable, the applicant has provided an indicative drawing showing the layout of the development and the design of the houses. Given the size of the development and its potential impact, the application has also been accompanied by an Environmental Statement (ES), in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Between the indicative drawings and the ES an assessment can be made on the main issues, which include, the impact on the character and appearance of the area, the standard of the accommodation proposed, the impact on neighbouring residential amenities, highway safety and parking related matters, the impact on protected species and biodiversity (including trees), flooding and surface water drainage issues, air quality, noise and vibration, land contamination, heritage and archaeology. These considerations will help determine whether the development is acceptable in principle as well as whether the proposed access is appropriate.

### **Policy LRA1 - Holmhurst St Mary allocation**

As mentioned above part of the allocation site - the majority of the part proposed to be developed for housing - is allocated for residential development in DMP. This allocation forms part of policy LRA1. This policy is the first consideration in establishing the principle of developing the site for residential. As the site is allocated, significant weight can be given to residential development and this is particularly true given that the DMP has been recently adopted. This means that the allocation and the suitability for development can be considered up-to-date.

Development in accordance with policy LRA1 requires a number of policy criteria to be met. As this is an outline planning application, explicit detail of the policy criteria has not been provided but where detail is lacking this could form part of any later detailed planning application or could be secured by condition. Considering this, I consider that the proposed development is generally in conformity with policy LRA1 but the table below summarises this in a bit more detail:

#### **Policy LRA1 criteria**

a) include 40% affordable housing	The applicant has not contested this requirement although they have stated in their design and access statement that the site could currently provide for 30% affordable housing. The requirement remains at 40% and is currently expected to be provided. It should be
-----------------------------------	---

	secured by a legal agreement.
b) 2% of homes to be adapted for wheelchair users	No details but this matter can be dealt with at any reserved matters stage.
c) sustain and enhance the significance and setting of the Queen Anne statue	This will be achieved and is subject to a separate listed building consent application. The works will be secured by a legal agreement.
d) provide an Ecological Constraints and Opportunities Plan (ECOP), consider the impact to the LWS and provide access to LWS	The application does not include a document specifically referenced as an ECOP but the ecology reports, tree reports and the landscaping information between them identify the constraints of the site. The ecological matters have also been considered and are discussed in more details below.
e) provide a landscape buffer	Landscaping details are listed as reserved matters. That being said the indicative plans show plenty of opportunity for landscape buffering.
f) provide an arboricultural report explaining how trees will be incorporated into the development	Landscaping and layout are reserved matters but the application has been accompanied by an arboricultural report and landscape masterplan and the indicative plans show how trees can be incorporated within the development. This is discussed in further detail below but I am satisfied with the impact on trees. There will be some loss but there is also opportunity for enhancement which is a good balance.
g) include a Flood Risk Assessment (FRA) and drainage details	The applicant has been accompanied by an FRA and has been considered by the Environment Agency. Subject to appropriate conditions there will be no flooding issues.
h) investigate the feasibility of district heating	This is not covered within the application but I am satisfied that such details could be included within any reserved matters application.
i) contribute to existing play facilities	The proposal will include its own play facilities which is considered a suitable alternative.
j) include walking and cycling links	These are either shown indicatively or can be secured by condition. Final details will be included in any reserved matters application.
k) be supported by a transport assessment and travel plan	The proposal has been accompanied by these documents. The matters have been considered by the Local Highway Authority, which is discussed in further detail below, and the recommendations have been incorporated into the proposal. Conditions and contributions have been requested by the LHA.



l) provide connections to the sewerage and water supply systems	As this is an outline application, full details of this have not been provided. Southern Water have also flagged up concerns about capacity in the network. These matters can be addressed by condition.
---	--

As can be seen from this summary the proposal currently demonstrates compliance with this policy or the matters can be addressed by condition. This compliance offers support for the development of the site and significant weight is attached to this.

### **EIA considerations**

An EIA has been undertaken in accordance with the relevant legislation. The scope of the EIA was agreed with the Local Planning Authority prior to the submission of the application. The application has been accompanied by an ES which summarises the overall effects of the development including the cumulative impact in association with the development of the allocated sites. The findings are as follows:

- The proposed development and its impact upon the highway network has been assessed both with and without the BHLR in place. Even taking the worst case scenarios into account the development is considered to have a neutral impact in terms of highway related issues.
- The overall impact on air quality is considered to be negligible both during construction and following completion of the development. This is because the pollutant levels will remain well below relevant objective levels.
- During the construction phase the impact on local residents from noise and vibrations is considered to be minor adverse. Mitigation measures are suggested to help address this which will be secured via a construction environmental management plan by condition.
- Once completed the proposed development is considered to have a negligible effect in terms of noise and vibrations due to the proposed uses, the design and mitigation proposed.
- Overall the development is considered to be of benefit in terms of landscape and visual issues. There will be some negative impact in terms of views from neighbouring properties and loss of trees but ultimately the development will have no impact on the AONB, will provide restoration of the statue and will provide significant improvements to open space which will be formally and legally publicly accessible.
- In terms of ecology and nature conservation a range of impacts are considered. These range from negligible impacts to potential significant harm. This assessment includes harm to trees and designated wildlife areas, as well as impacts on specific protected species. Through appropriate mitigation, enhancement and management, many of these impacts have been reduced to negligible levels or even of benefit - particularly the maintenance and management of the LWS.
- The overall impact of the development in terms of water quality, hydrology and flood risk is considered negligible to minor adverse. This is based on the implementation of various mitigation measures during construction and once the development is completed.
- Minor adverse impacts are considered in terms of soils, geology and contamination both during construction and once the development is completed. Subject to mitigation most of these impacts are reduced to negligible or even beneficial impacts.
- The impact of the development on archaeological interest both during construction and after development is considered to be negligible. This is based on appropriate assessments being completed and work being carried out in accordance with good archaeological practice.

Following consultation with statutory and non-statutory consultees, I concur with the findings of the EIA. With appropriate mitigation being agreed and secured via conditions the proposed development will be acceptable and many of the issues remain uncontentious. It is acknowledged that the proposal includes some significant issues and these are discussed in further detail below.

### **Impact upon the character and appearance of the area, standard of accommodation and impact on neighbouring residential amenities**

The proposed development is for up to 208 new units. The applicant has provided indicative drawings of how this may be accommodated on site. Members should be reminded that none of the details, other than access are being approved at this stage, but generally speaking, the development fits quite comfortably on site. The layout is comparable with development along Harrow Lane and Little Ridge Avenue and so is consistent with the prevalent character of the area. Densities and housing mix are also in accordance with current planning policies. The entrance to the site will remain undeveloped which will help with the transition to the AONB north of The Ridge and the proposal includes the creation of a large public open space which is a significant achievement in place-making terms.

The homes appear to be of decent size, include off-street parking and have adequately-sized gardens. The developer has taken care to show that the new properties are either back-to-back with existing properties or are suitably distanced and include landscape buffering to ensure that there will be no harm to neighbouring residents.

The indicative design of the houses is also mostly acceptable, although I agree with some of the local residents who have objected to the application, that better quality will have to be provided closer to the Holmhurst St Mary listed buildings and the statue of Queen Anne. These details will form part of any detailed application.

As the full details have not been submitted at this stage, any issues with regard to the size of the properties, garden provision, issues with the layout and how it impacts on character, relationship with neighbouring properties, etc. can be addressed at the detailed stage. It could mean a reduction in unit numbers but as the proposal is for up to 208 units this would be acceptable.

Details of the green and sustainable design in accordance with policies DC3 and DC4 of the HPS can be secured by condition and submitted as part of the detailed application.

In principle the proposed development is compliment with policy SC1, EN1, EN7, H1 and H2 of the HPS and policies DM1, DM3, HN1 and HN9 of the DMP and will not have an adverse impact on local character or neighbouring amenities and homes will be built to an appropriate standard.

### **Highway matters and public footpaths**

The impact on local highways and more specifically The Ridge, is the most contested issue. Amongst others, many concerns have been raised about increased traffic, congestion, the impact of the opening of the BHLR and the safety of the access at the Eldridge Way/The Ridge junction. All of these objections have been seriously considered, although I consider some of the concerns raised in objections that have been submitted are very general or anecdotal. With that in mind, I am left to consider the information submitted by the applicant and the comments of the Local Highway Authority.

As explained above the LHA very early on objected to the creation of a second access near

to the entrance with St Anne's House for strategic as well as safety concerns. This access has now been removed from the scheme and as such resolves some of the submitted objections.

The LHA have highlighted deficiencies within the submitted Transport Assessment but are satisfied that information produced by the County Council itself in relation to traffic, improvements along The Ridge and improvements in relation to allocated development sites covers any concerns they may have had. In that respect, the proposed development is considered acceptable subject to conditions and a s106 legal agreement to secure the necessary improvements.

The LHA, or the County Public Rights of Way Officer, acknowledge many of the concerns residents have raised including access along Eldridge Way, parking, cycle routes, footpaths; all of these matters can be dealt with by condition. For example traffic restrictions can be put in place along Eldridge Way to prevent unsafe congestion of the road and they have advised on the amount of parking that is likely to be required when a detailed application comes forward.

The LHA also make certain recommendations in relation to emergency access (such as a restricted access way to Welton Rise) and how the development may improve sustainable transport modes such as cycling, walking and public transport.

Overall the proposed development is considered to be acceptable in terms of policies CI1 and T3 of the HPS and policy DM4 of the DMP.

### **Ecology, trees and open space**

The planning application has been accompanied by appropriate reports in terms of ecology. The reports identify a number of activities on site in relation to protected species and explains how these can be dealt with. It should be noted that the proposal is in outline form so exact details of the impact on ecology and any mitigation will be agreed later but the applicant has provided sufficient information to explain that harm will be limited and in some cases there will even be benefits and enhancements.

As mentioned above the proposed development does encroach into a designated LWS and in this respect policy EN6 of the HPS states:

#### *POLICY EN6: Local Wildlife Sites (LWS)*

*Development proposals within or adjacent to Local Wildlife Sites (LWS) will only be permitted where there is a local need which outweighs any harm to the nature conservation interest.*

*The Council may attach conditions to any planning permission and/or may seek to enter into agreement(s) to minimise the harm and/or secure the protection, enhancement and management of the nature conservation interest*

In this particular case, the applicant has shown that the encroachment is very small - around 6% - but I consider that the realisation of the housing designation as well as the provision of a well managed public open space and ecological area are substantial public benefits meaning that, in the long term there may actually be improvements to the LWS. The proposal also includes no development around the listed statue and at the entrance to the site which will further enhance ecology, landscape and open space provision.

There will be some tree loss but a significant amount would remain as well as some

additional planting. The benefits of this scheme are considered to outweigh the small loss of trees.

No objection has been raised by Natural England in terms of the Marline Valley SSSI.

Subject to appropriate conditions and a legal agreement, the impacts of the development in terms of ecology are considered acceptable. The proposals adequately address policies EN2, EN3, EN4, EN6 and EN8 of the HPS and HN7 and HN8 of the DMP.

### **Flooding and drainage**

The application has been accompanied by a Flood Risk Assessment that advises of minimal risks. The Environment Agency has considered this information and appropriate conditions can be put in place to ensure that any detailed application includes a design that considers appropriate sustainable drainage methods for the site.

Southern Water have noted concerns about capacity in the water supply and sewerage network but again these matters can be dealt with by condition.

The proposed development addresses policy SC7 of the HPS.

### **Environmental Health matters**

The proposed environmental statement includes chapters on air quality, noise and vibrations and land contamination. Following some initial feedback, these particular chapters were updated to include more robust information.

This information has been considered by a specialist consultant on behalf of the Environmental Protection Team and they have confirmed that the submitted information is an appropriate assessment and that the development, subject to certain conditions to control environmental issues during construction and post development, will not result in any concerns.

The proposed development addresses policies DM5 and DM6 of the DMP.

### **Heritage and archaeology**

The applicant has assessed the heritage of the site, taking into account the adjacent listed buildings at Holmhurst St Mary, the Grade II\* listed statue of Queen Anne within the site, the sites archaeological potential and the general historic landscaping which includes remnants of a former formal garden for the Holmhurst estate and a nun's graveyard.

This information has been considered by the County Archaeologist and Historic England.

The County Archaeologist has recommended conditions to ensure that archaeology is dealt with appropriately during construction.

Historic England were initially concerned about the impact on the setting of the statue and I raised concerns about the relationship of the development to Holmhurst St Mary. This led to amendments to the indicative layout. The changes show improvements but, like Historic England, I still believe improvements can be made. I am satisfied that a later detailed submission will address remaining concerns about layout and the design of specific buildings.

The specific details of the restoration of the statue are being considered as part of a separate

listed building consent application but the restoration of the statue will be secured by legal agreement.

The applicant has confirmed that the nun's graveyard will remain untouched but the old gardens will be remodelled in order to deliver the development. The gardens have no formal heritage designation so I do not consider that they benefit from any protection.

The scheme has considered heritage impacts appropriately and is acceptable in terms of policy EN1 of the HPS and policies HN1 and HN4 of the DMP.

## **Other**

The presence of invasive species on site and how they will be dealt with can be controlled by condition.

This is an allocated housing site and its impacts on infrastructure are considered in the Borough's Infrastructure Delivery Plan. Matters like road improvements and the impact on schools can be addressed by the financial contributions required but it is not considered that the development needs to provide for health or social related services.

## **Evidence of Community Involvement**

The applicant engaged in a Pre-Application Forum and undertook some of their own public consultation. This dialogue with the local community has helped inform the planning application

## **Conclusion**

Considering the above discussion the proposed development is considered to be sustainable development in accordance with the NPPF. It will provide for much needed residential accommodation and 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 Human Rights considerations have been taken into account fully in balancing the planning issues.

## **Recommendation**

**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;**
- **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

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 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.

- (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 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.
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 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 LAm<sub>ax</sub>,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 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.
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.

### **Notes to the Applicant**

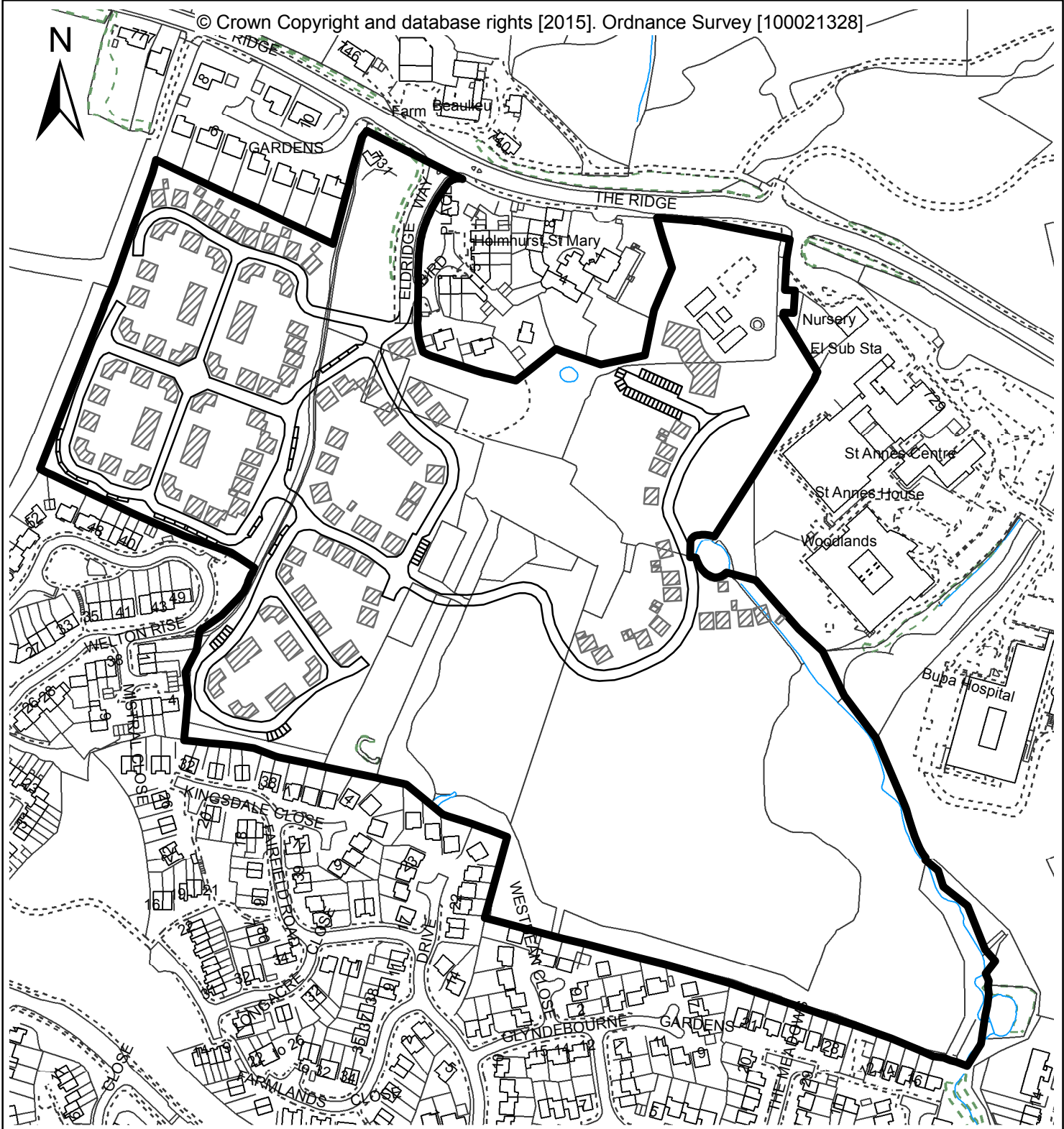
1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
  2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, 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.
  5. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
- 

### **Officer to Contact**

Mr S Batchelor, Telephone 01424 783254

### **Background Papers**

Application No: HS/OA/15/00077 including all letters and documents



**Land at and South of Holmhurst St Mary  
The Ridge  
St Leonards-on-sea**

Redevelopment of land to the south of Holmhurst St Mary of up to 208 units with access off of The Ridge



Acting Development Manager,  
Hastings Borough Council,  
Aquila House, Breeds Place,  
Hastings, East Sussex TN34 3UY  
Tel: 01424 451090  
email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)

Date: NOV 2015

Scale: 1:3,000

Application No. HS/OA/15/00077

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to Ordnance Survey.

This page is intentionally left blank

# Agenda Item 5b

AGENDA ITEM NO: 5 (b)

**Report to:** PLANNING COMMITTEE

**Date:** 25 November 2015

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** 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

**Recommendation:** Grant Full Planning Permission

**Ward:** MAZE HILL

**File No:** WE72076V

**Applicant:** Mr Hancock per Past Systems 129 Old Roar Road St Leonards on Sea TN37 7HD

**Interest:** Freeholder

**Existing Use:** Residential Curtilage

**Policies**

**Conservation Area:** Yes - Grosvenor Gardens

**National Planning Policy Framework:** Paragraphs 14 ,47, 50, 60

**Hastings Local Plan - The Hastings Planning Strategy:** EN1, FA2, DS1, SC1, SC2, SC3, SC4, SC6, EN3, EN6, H2, H3, T3

**Hastings Local Plan - Development Management Plan:** DM1, DM3, DM4, DM5, HN1, HN8

**Public Consultation**

**Adj. Properties:** Yes

**Advertisement:** Yes - Conservation Area

**Letters of Objection:** 28

**Petitions Received:** 1

**Letters of Support:** 1

**Application Status:** Not delegated - Petition received

## Summary

This application is for the creation of a 4 bedroomed, single storey earth sheltered house set down within the site.

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 and the stability of the cliffs.

After considering these matters, I recommend the proposal for approval subject to conditions.

## **The Site and its Location**

The site in question is located 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. The site boundary is currently depicted by hedging. 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 site is located within the Grosvenor Gardens Conservation Area but is not an area of Outstanding Natural Beauty. To the south of the site there is a Designated Local Wildlife Site (policy HN8 of the DM Plan) however, this falls outside of the application site boundary. It should also be noted that this site is not a designated area of open space.

## **Details of the Proposal and Other Background Information**

This is a fully detailed application. 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.

## **Previous Site History**

HS/FA/91/00137	Erection of 14 Lock-up garages with access to West Hill Road Refused - 05/04/1991
HS/FA/91/00259	Erection of 14 Lock-up garages with access to West Hill Road Refused - 30/05/1991
HS/OA/87/00093	Erection of a pair of semi-detached houses with garages Refused - 30/03/1987
HS/OA/84/00542	Erection of six flats on two storeys with new vehicular access and parking Refused - 27/11/1984



## **Details of Consultations**

As part of this application 29 neighbouring properties were consulted, a site notice was displayed and an advert was placed in the local paper. In response to these 28 letters of objection, 1 letter of support and 2 petitions were also received.

Southern Water have provided comments indicating that a formal application for connection to the public sewerage system is required. They have also made reference to the applicants SuDS submission.

Having discussed the submitted wildlife survey with the Council's Environment and Natural Resources Manager it has been agreed that there would be no impact on biodiversity as a result of the development.

The County Council as Lead Local Flood Authority (LLFA) have requested that a condition is imposed requiring that details of the surface water management proposals to be submitted to the Council prior to commencement of the development.

## **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 Hastings Development Management Plan requires that dwellings with 4 bedrooms require a minimum internal floor area of 106m<sup>2</sup>. Having reviewed the floor plan of the proposed dwelling it is apparent that the proposals exceed this requirement.

The Department for Communities and Local Government also recently produced technical guidance for space standards. Having assessed the proposed plans against these additional criteria, I am satisfied that the proposed new dwellings also meet these requirements and the resultant living accommodation is acceptable.

The proposed dwelling is shown to have a useable rear garden space of approximately 11 metres in length. The curtilage of the property is shown to extend a further 14.5 metres to the boundary line. However, due to the topography of the site this additional area of land would be impractical to use as residential garden.

Due to the positioning of the proposed dwelling it is apparent that there would be an impact on the existing amenity space currently enjoyed by the residents at No. 99 resulting in only a small yard area to the rear of the property. Although this is a concern, having visited the site and walked along the rear of these of properties it is apparent that this small rear yard is already present at No. 101 West Hill Road. Several of the other properties along this stretch of West Hill Road also have no rear amenity space to speak of. It should also be taken into account that the use of this plot of land has only been in conjunction with No. 99 West Hill Road since 1991. In light of this I am of the opinion that although the proposal would result in a smaller amenity space for the residents of No. 99 the resulting space would relate to the character and history of the property and would not have an overriding detrimental impact.

## Land Stability

Concerns have been raised by local residents in relation to potential land instability due to the continual movement of the cliffs. Policy DM5 of the DM Plan relates specifically to ground conditions. This policy states that *'on land potentially subject to instability (such as steeply sloping sites or in areas with a history of land instability), convincing supporting evidence (from a relevant and suitability qualified professional) must be supplied before development takes place. This evidence is to show that any actual or potential instability can be overcome through appropriate remedial preventative or precautionary measures'*. As part of the supporting information accompanying this application a land stability assessment carried out by Gabriel Geo Consulting has been submitted. This assessment was carried out to assess the stability of the former sea cliff and the likely implications for the proposed development. As part of this assessment it states that *'a ground investigation will be required before development proceeds in order to assess the site's geology, geotechnical parameters and the possible presence of perched groundwater, and thereby enable appropriate design of the retaining walls and foundations'*. The report concludes by saying that *'In summary, it is considered extremely unlikely that the proposed house would come under threat of instability from cliff erosion within its design lifetime'*.

Taking these points into account I am of the opinion that with detailed investigation and careful planning the concerns regarding the cliff stability can be overcome. Therefore in line with Policy DM5 I would suggest that additional information about the extent of remediation and/or mitigation measures should be submitted by condition and agreed by the Council prior to the commencement of development.

## Highways

Having carried out the necessary calculations using the East Sussex County Council parking demand tool it is apparent that, due to the size of the dwelling proposed, there is a car parking requirement for 2.5 car parking spaces and 2 cycle spaces on site. Having reviewed the proposed plans, it is clear that the cycle parking space within the garden store is ample, however, there are only two car parking spaces provided on site. Although this falls below the East Sussex County Council requirement I am of the opinion that there is alternative parking available on street. There are also several bus stops within close proximity which provide an alternative, more sustainable mode of transport in line with Policy T3 of the Hastings Planning Strategy.

## Character of the Area

As stated above, the site is located within the Grosvenor Gardens Conservation Area. Policy EN1 of the Hastings Planning Strategy states that importance will be placed on new development making a positive contribution to the quality, character, local distinctiveness and sense of place of historic buildings and areas.

Having reviewed the proposed plans it is apparent that this is not a 'run of the mill' residential development. However, the Council have a duty to assess each application in a pragmatic manner. Within the Hastings DM Plan, it states that, when development takes place it is important that it has regard for local character and achieves a good standard of design. Allowing some flexibility in the form a development might take can sometimes however, result in a more imaginative and innovative scheme being built.

I take into account the concerns raised by the local residents in relation to the proposed design of the dwelling and its relationship to the existing architectural character of the Conservation Area. However, I am of the opinion that the proposed dwelling, due to its

distinctiveness and architectural quality would positively contribute to the Conservation area. I have also discussed the proposal with the Council's Conservation Consultant who has advised that, on balance, the proposed development would not have an unacceptable impact on the special character of the Conservation Area.

## **Ecology**

This application is supported by a Wildlife/Ecology Survey carried out by Mr. D Wise. This statement concludes that there is no sign of badgers on site, however there is clear fox activity. It has also been concluded that there is no bat activity and due to the lack of water deposits on site, it is believed that there are no native reptiles and/or amphibians on site.

As stated above, due to the proximity of the site to the Caves Road Cliffs, the Council's Environment and Natural Resources Manager was consulted on this application and the resultant opinion was that there would be no impact on biodiversity as a result of the development. Taking this into account, I am of the opinion that the proposed development would not have an unacceptable impact on the ecology on site, however, I would recommend that the proposed development is carried out in accordance with the following requirements;

### Mammals

- During the construction phase gaps should be left beneath any perimeter fencing to allow free access for foraging mammals
- During the construction phase 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.

## **Drainage**

As part of the proposed development the new dwelling is shown to have a planted roof. The rain run-off from this roof will be collected and reused for irrigation and to flush the toilets within the house. This is seen to be a sustainable resource and should reduce the overall load of the development on the existing foul and surface water sewerage systems.

The advice provided by Southern Water has indicated that a formal application to the public sewer would be required in order to service the development.

As stated above, the LLFA have reviewed the submitted drainage information. They have acknowledged that the applicant has made efforts to incorporate SuDS features within the development to reduce the overall water demand of the property in the form of a green roof and rainwater harvesting. However, whilst they support the use of rain water harvesting, it has been indicated that this is not typically considered as a flood risk management measure because there is no guarantee that the system would have available capacity during an extreme rainfall event. Similarly, a green roof would reduce, but not eliminate, runoff from a rooftop. Therefore, it is considered that, in practice, there would still be runoff from the proposed development during extreme rainfall events (e.g. the 1 in 100 year, including climate change, event). As a result of this the LLFA have requested that a condition be imposed requiring that additional information to be submitted prior to commencement of development.

Southern Water have also made reference to the applicant proposed SuDS provision. SW have stated that under current legislation and guidance SuDS rely upon facilities which are not adopted by sewerage undertakers. Therefore, the applicant will need to ensure that the arrangements exist for the long term maintenance of the SuDS facilities. They go on to state that it is critical that the effectiveness of these systems is maintained in perpetuity.

## **Sustainable Development**

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 the neighbouring properties and, as mentioned above, the dwelling is shown to be 4 bedrooms and has an adequate size garden which makes the dwelling suitable for a family. Included within the proposal are both photo-voltaic and water solar panels, rainwater harvesting and an air source heat pump.

Taking these factors into account I am of the opinion that the proposal does represent sustainable development and that it will help achieve the aims of both local and national planning policy.

## **Affordable Housing**

In November 2014 the Government announced that affordable housing should no longer be sought for developments of 10 or fewer houses. For 11 units or more, local planning authorities would still be able to apply their affordable housing policies. In light of this the Council stopped applying this policy to smaller developments. However, more recently a High Court Challenge determined that the Government's decision was unlawful so we are again able to apply Policy H3 in full. Having discussed this requirement with the applicant an agreement in principle has been made to the Council confirming that a financial contribution will be made in line with the requirement of this Policy.

## **Local Listing**

It should be noted that, during the consideration process of this application, an alternative application has been submitted to the Planning Policy Department seeking to have the area

of land along this portion of West Hill Road listed as a non-designated heritage asset. The site identified as part of this local listing application does include the application site at No. 99 West Hill Road. Having discussed the local listing process with the Planning Policy Team, it is apparent that the process itself is still evolving but the Panel will likely sit for assessment early in the new year. The Panel's recommendation would then be taken to Cabinet shortly after. In light of this, it is unlikely that a decision on the local listing would be issued before January/February 2016. It should also be noted that if the local listing of this site is granted it would not render the site undevelopable. Taking this into account, I am of the opinion that it would be unreasonable of the Council to delay the determination of this application in lieu of the decision on the local listing.

## **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.

## **Recommendation**

**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, 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.
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.
  - (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.

## **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.
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.

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

---

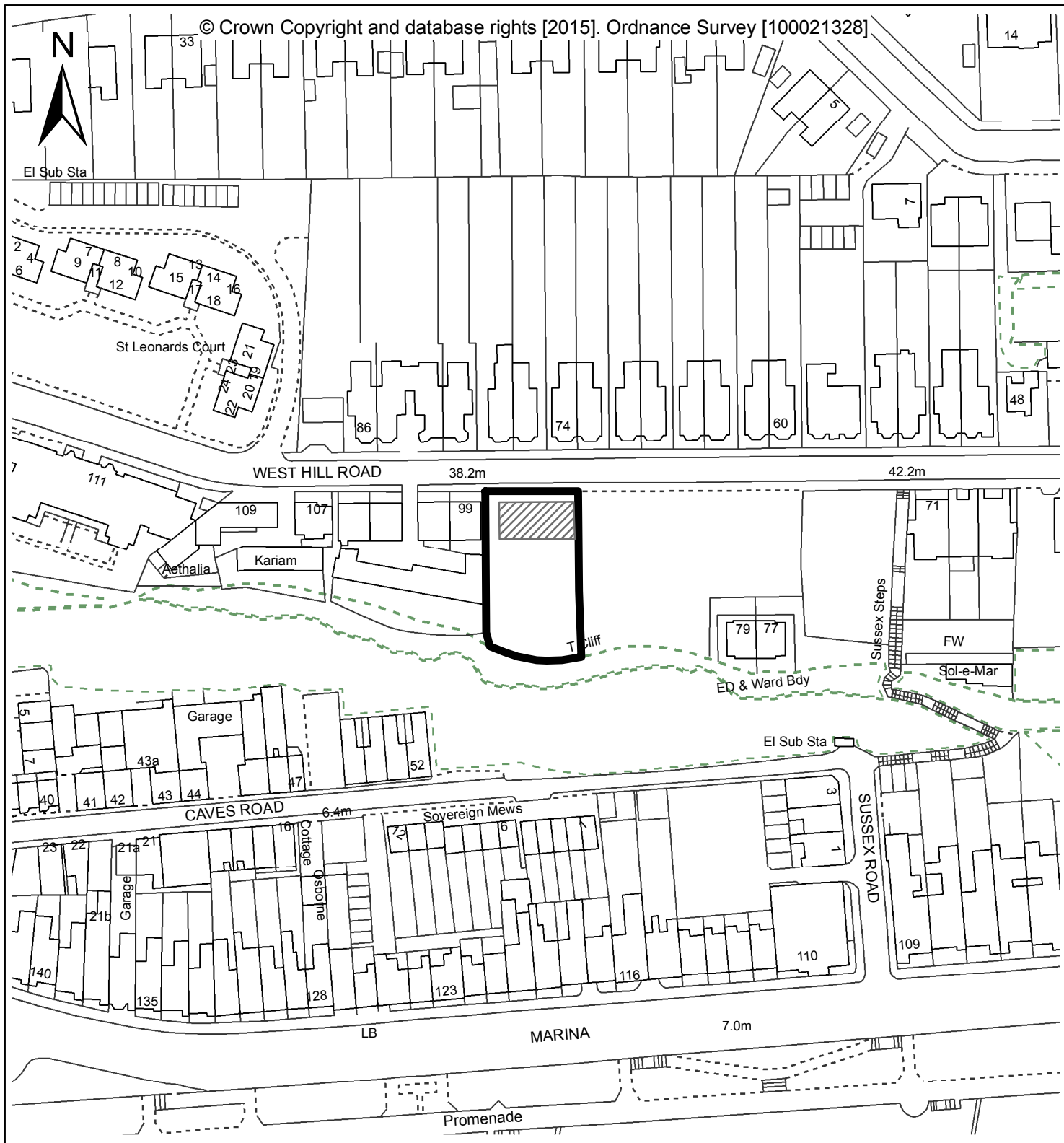
### **Officer to Contact**

Mrs E Meppem, Telephone 01424 783288

### **Background Papers**

Application No: HS/FA/15/00511 including all letters and documents

This page is intentionally left blank



**Land adjacent**  
**99 West Hill Road**  
**St Leonards-on-sea**

Erection of detached house with two parking spaces



Acting Development Manager,  
 Hastings Borough Council,  
 Aquila House, Breeds Place,  
 Hastings, East Sussex TN34 3UY  
 Tel: 01424 451090  
 email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)

Date: NOV 2015

Scale: 1:1,250

Application No. HS/FA/15/00511

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-licence, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to Ordnance Survey.

This page is intentionally left blank

# Agenda Item 6

**Agenda Item:** 6

**Report to:** Planning Committee

**Date:** 25 November 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, appeals against conditions, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 09 October and 13 November 2015

**Recommendations:** That the report be noted

---

<b>Address</b>	<b>Proposal</b>	<b>BPO's Rec.</b>	<b>Where the decision was made</b>	<b>Type of Appeal</b>
----------------	-----------------	-------------------	------------------------------------	-----------------------

**The following appeals against conditions have been received:**

Flat 5, Croft Hall, Croft Road, Hastings, TN34 3BF	Proposed creation of a door on the southwest facing elevation of a ground floor and lower mezzanine apartment	Grant Permission	Delegated	Planning
---	---	---------------------	-----------	----------

**The following appeals have been received:**

2 Speckled Wood, Hastings, Tn35 5AH	Single storey rear extension (full application)	Refuse Permission	Delegated	Planning
2 Speckled Wood, Hastings, Tn35 5AH	Single storey rear extension (listed building application)	Refuse Permission	Delegated	Planning
30 The Broadway, Hastings, TN35 5EH	New dwelling	Refuse Permission	Delegated	Planning

**The following appeals have been allowed:**

Town Hall, Queens Road, Hastings, TN34 1QR	Siting of the historic statue of Prince Albert (formerly part of the Albert Memorial Clock Tower in Hastings Town Centre) alongside Hastings Town Hall. New notice board A2 size, to be installed alongside Statue installation for displaying information on Statue.	Grant Permission	Planning Committee	Planning
Sunnyheights, 105 Old Roar Road, St Leonards-on-	Demolition of existing dwelling erection of four detached dwellings with associated garages,	Refuse Permission	Delegated	Planning

Sea, TN37 7HD	parking and associated works (Outline application)			
---------------	--	--	--	--

Type of Delegated Decision	Number of Decisions
Granted	73
Refused	11
Raise No Objection	1
Withdrawn by Applicant	9

**Background Papers:**

Various correspondence with Planning Inspectorate

**Report written by:**

Naiomi Sargant - Tel: (01424) 783264 Email: [dconquiries@hastings.gov.uk](mailto:dconquiries@hastings.gov.uk)

This page is intentionally left blank



# Agenda Item 7a

AGENDA ITEM NO: 7 (b)

**Report to:** PLANNING COMMITTEE

**Date:** 25 November 2015

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** Promenade from The Pier to Robertson Street junction, White Rock, Hastings

**Proposal:** Promenade improvements at White Rock Baths and Hastings Pier including kiosk, beach access, stage and pergola

**Application No:** HS/FA/15/00620

**Recommendation:** Grant Full Planning Permission

**Ward:** CASTLE

**File No:** FO35220T

**Applicant:** Hastings Borough Council per NCA Neil Choudhury Architects 170 North Street Brighton East Sussex BN1 1EA

**Interest:** Hastings Borough Council

**Existing Use:** Promenade

## Policies

**Conservation Area:** Yes - White Rock

**National Planning Policy Framework:** Section 12

**Hastings Local Plan - The Hastings Planning Strategy:** FA6, EN1, T3

**Hastings Local Plan - Development Management Plan:** DM1, DM4, HN1

## Public Consultation

**Adj. Properties:** Yes

**Advertisement:** Yes - Conservation Area

**Letters of Objection:** 15

**Petitions Received:** 0

**Letters of Support:** 2

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

## Summary

This application is for full planning permission to carry out improvement works to the existing promenade between Robertson Street and the Pier. 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, I consider that the proposed works and installation of a new kiosk will provide a welcome addition to the visitor offer in Hastings/St

Leonards. I therefore recommend approval.

## **The Site and its Location**

The application 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.

## **Details of the Proposal and Other Background Information**

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.

## **Previous Site History**

There is no relevant, specific history to this stretch of promenade. However, the use of the White Rock Baths as a BMX facility (change of use not required) and the ongoing works to the Pier are of particular relevance.

## **Details of Consultations**

There have been 15 letters of objection and 2 letters of support in response to neighbour consultation, a site notice and notice in the local newspaper. Following the submission of amended plans, there have been no further representations.

Reasons for objections include:

- Loss of cycle path
- Access to stage/noise
- Lack of planting
- Additional building unnecessary
- Litter
- Competition for existing businesses and the Pier
- Obstruction on promenade
- Decking/viewing platform
- Kiosk unnecessary
- Palm trees inappropriate

- Antisocial behaviour
- Seating will encourage street drinkers
- Signage

The East Sussex Transport Development Control Officer has no objection to the proposals provided the width of the shared surface is a minimum of 3 metres.

## **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".

### **Use/Need**

Planning Strategy Policy FA6 : Strategic Policy for the Seafront states:

#### **POLICY FA6: Strategic Policy for The Seafront**

**Along the Seafront, we will:**

- a) **encourage the regeneration of key landmark sites along the seafront, from the Stade to West Marina, supporting development that builds on the Seafront's distinctive heritage and attractiveness as a destination for leisure and recreational activity**
- b) **take forward key projects and proposals in the Seafront Strategy to contribute to a co-ordinated plan for the Coastline in Hastings and Bexhill**
- c) **implement the strategic network of cycle routes along the Seafront to connect with the strategic open spaces, nature conservation areas and community facilities in the rest of the town**
- d) **support leisure and residential development to create an appealing destination at West Marina**
- e) **continue to lobby and support the delivery of the Hastings - Bexhill Link Road to relieve congestion along the A259**
- f) **support proposals for bringing the White Rock Baths building back in to use, or intermediate proposals for leisure at this site**
- g) **encourage new visitor accommodation along the Seafront and in Hastings Town Centre**
- h) **support a sustainable future for Hastings Pier**
- i) **encourage the development of all year round tourist attractions to provide permanent jobs**
- j) **install a seafront playground, other smaller play spaces, and a trail of fitness equipment at key locations**

The works proposed for this part of the promenade are designed to improve the public realm, thereby attracting more visitors to this part of the seafront. Paragraph b) of the above policy is of particular relevance as, at present, this part of the promenade is considered to be underutilised, and the Seafront Strategy focuses on improving footfall to this area. The proposed works are designed to attract more visitors to this stretch of promenade whilst complementing the proposed facilities on the Pier and the BMX/skateboarding facility at White Rock Baths.

The proposed kiosk will provide an added destination/stopping point for those visiting the pier

and travelling west along the seafront. Although some objectors have concerns with regard to existing business in the White Rock area, the new kiosk is intended to add to the existing offer and attract new business not to be in direct competition with existing businesses. The initial signage proposed for the kiosk, which was objected to, has been removed from the scheme.

The Seafront Strategy Chapter 7 states:

## **7.a Rebalancing**

### **Objective:**

**Ensure activity takes place along the whole seafront, by improvements and investment at White Rock and the St Leonards seafront. The seafront as a whole continues to suffer from the weakness of imbalance, with an over-reliance on the visitor economy in the Rock-a-Nore, Stade and Old Town hotspots.**

It is clear from the policies within the Local Plan and objectives in the Seafront Strategy that the proposed works along this stretch of the promenade are needed.

### **Highways/Access/Cycle Path**

This stretch of promenade is currently marked out as a cycle path. The proposals show a shared promenade without demarcation for cyclists and pedestrians. The narrowest stretch of promenade remains at least 5 metres in width, which is 2 metres wider than the minimum width of 3 metres advised by ESCC Highways.

Disabled access to the raised decking has been raised as a concern. However, ramped access is provided at a gradient of 1:15.

### **Impact on Listed Memorial**

The Grade II Listed Boer War Memorial is located within the application site. It was erected in 1903 and is a memorial to the men of Hastings who died in the South African War. It is a 5.4m high, pink granite column resting on an octagonal base on a rectangular base.

The application/improvement scheme has evolved over the last 12 months. Initially, proposals showed the memorial in close proximity to new timber benches and the pergola. It was considered that the memorial should provide an area of quiet reflection and respect, and therefore inappropriate to have such a cluttered area which could have the potential to be unnecessarily noisy and cluttered.

The submitted amended plan incorporates 3 X stone benches in an arch shape, set back from the memorial. The pergola has been minimised from 7 bays to 6 and moved further west so as to avoid a crowded area behind the memorial. I consider this to be an acceptable compromise.

### **Conservation Area**

The site lies largely within the White Rock Conservation Area but also straddles Eversfield Place and Town Centre Conservation Areas. It is also overlooked by listed properties in White Rock, on the north side of the A259 road.

Policy EN1 of the Planning Strategy and Policy HN1 of the Development Management Plan seek to protect the significance and setting of heritage assets. The promenade, engineered

by Sidney Little currently enjoys relatively unimpeded views but although the kiosk will be a new addition, it is not considered that the proposed works will interrupt these views. The north side of the road includes a mix of different architectural styles with an eclectic mix of shopfronts.

Although the proposed timber decking is in contrast to the predominant concrete, it will lead to the newly refurbished pier, which is of a similar good quality timber to that proposed within these works. It must also be said that seaside towns are evolving in order to stay viable and as such, a deviation from historic materials is not to be disregarded, so long as the design and quality of the proposed scheme is an acceptable addition.

### **Residential Amenity**

The stage has now been removed from the scheme and will therefore have no further impact on the residents on the north side of the A259 (White Rock and Marina). Although objections have been raised regarding loss of views, this is not a planning consideration.

### **Evidence of Community Involvement**

In April and May stakeholders were approached and their comments considered.

A Public meeting was held on 11th June 2015 at the White Rock Hotel.

### **Conclusion**

On balance, I consider the proposals to be acceptable and I therefore recommend approval.

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

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

### **Recommendation**

#### **Grant Full Planning Permission subject to the following conditions:**

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

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.
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.

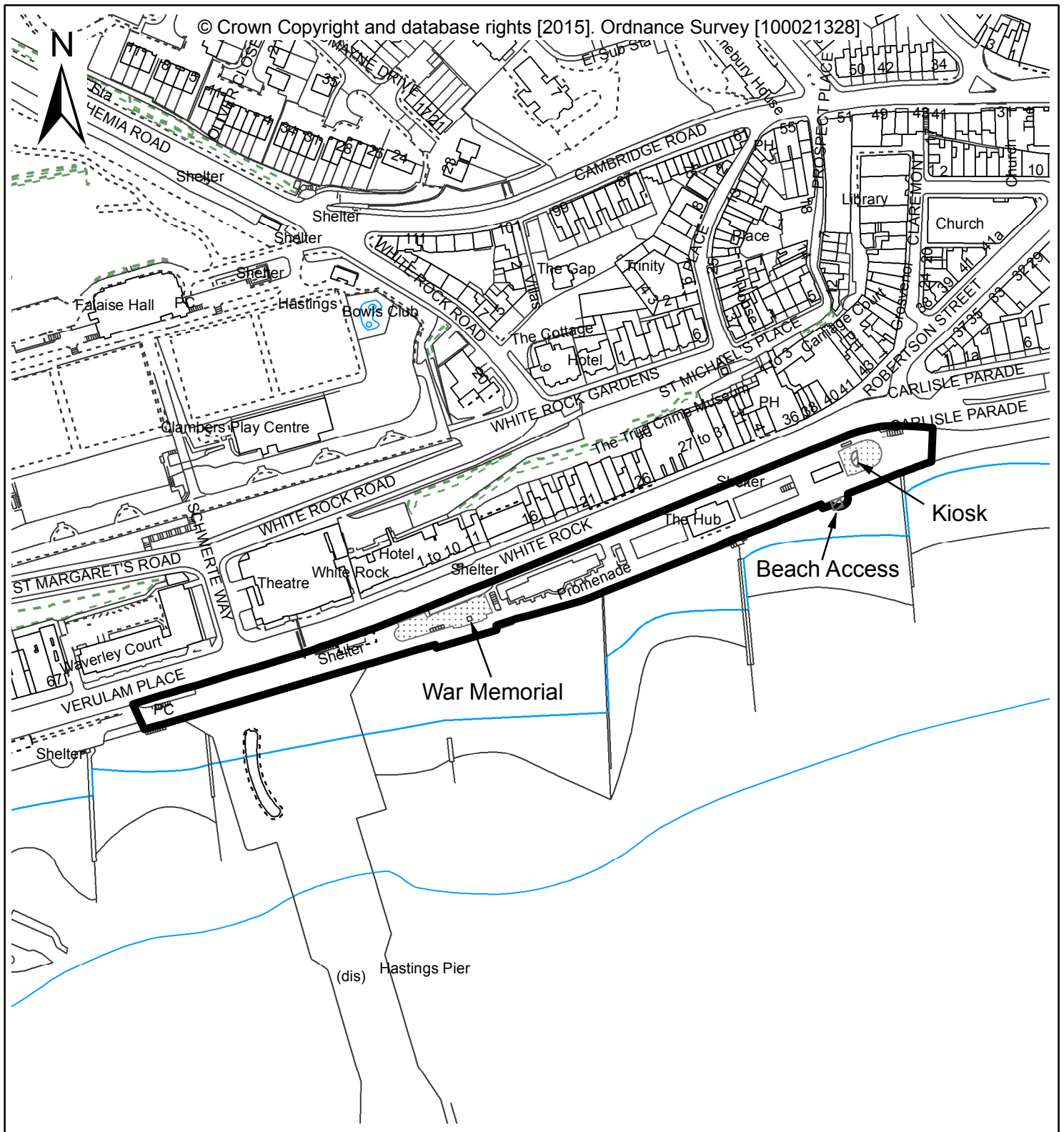
---

**Officer to Contact**

Ms K Phillips, Telephone 01424 783250

**Background Papers**

Application No: HS/FA/15/00620 including all letters and documents



**Promenade from The Pier  
to Robertson Street junction  
White Rock  
Hastings**

Promenade improvements at White Rock Baths and Hastings Pier including kiosk, beach access, stage and pergola



Acting Development Manager,  
Hastings Borough Council,  
Aquila House, Breeds Place,  
Hastings, East Sussex TN34 3UY  
Tel: 01424 451090  
email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)

Date: Nov 2015

Scale: 1:2,500

Application No. HS/FA/15/00620

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-licence, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to Ordnance Survey.

This page is intentionally left blank