

Planning Committee Agenda

Wednesday, 27 January 2016 at 6.00 pm

The Sussex Hall - White Rock Theatre, White Rock, Hastings, East Sussex,
TN34 1JX

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 meetings held on 15 December 2015 and 23 December 2015	1 - 36
4.	Notification of any additional urgent items	
5.	Planning Applications attracting a petition:	
(a)	3 & 4 Linton Road, Hastings <i>(Development Manager)</i>	37 - 50
6.	Planning Appeals and Delegated Decisions <i>(Development Manager)</i>	51 - 52
7.	Planning Applications:	
(a)	Land off, Robert Tressell Close, Hastings <i>(Development Manager)</i>	53 - 64

This page is intentionally left blank

Agenda Item 3

PLANNING COMMITTEE

15 DECEMBER 2015

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

Also in attendance: Tezel Bahcheli - Planning Consultant; Stephen Morgan - Barrister; Graham Parry - ACCON UK Ltd; Kal Peglar - Highways, ESCC; Murray Davidson - Environment & Natural Resources Manager; and Sam Batchelor - Acting Development Manager.

53. APOLOGIES FOR ABSENCE

None.

54. DECLARATIONS OF INTEREST

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

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Rogers	56.1 – Proposed Queensway Gateway Road (land between Queensway and Sedlescombe Road North), St. Leonards on Sea	Personal – Attended a meeting last week with the Lead Petitioner, Andrea Needham, plus Anthony Bradnum; Godfrey Daniel (ESCC); the Principal Solicitor and Committee Administrator. Listened but did not engage in any dialogue.
Street & Wincott	56.1 – Proposed Queensway Gateway Road (land between Queensway and Sedlescombe Road North), St. Leonards on Sea	Personal - Attended a public meeting and listened to the points raised.
Lee	56.1 – Proposed Queensway Gateway Road (land between Queensway and Sedlescombe Road North), St. Leonards on Sea	Personal – Met with residents 2½ months ago at the Town Hall. Listened to concerns but did not prejudice himself.

PLANNING COMMITTEE

15 DECEMBER 2015

55. PLANNING APPLICATIONS ATTRACTING A PETITION:

55.1 PROPOSED QUEENSWAY GATEWAY ROAD (LAND BETWEEN QUEENSWAY AND SEDLESCOMBE ROAD NORTH), ST. LEONARDS ON SEA

Proposal:	Construction of a new road linking Sedlescombe Road North (A21) with Queensway (B2092)
Application No:	HS/FA/14/00832
Existing Use:	Undeveloped
Conservation Area:	No
National Planning Policy Framework	Achieving Sustainable Development and Sections 1, 4, 11 and 12
Hastings Local Plan – The Hastings Planning Strategy	DS2, FA1, FA6, SC1, SC2, SC4, SC7, EN1, EN2, EN3, EN4, EN6, EN7, E2, T1, T2 and T3
Hastings Local Plan – Development Management Plan	LP1, DM1, DM3, DM4, DM5, DM6, HN4, HN7, HN8, HN9, LRA7, LRA8
Public Consultation:	745 letters of objection and 2 Petitions and 7 letters of support Received

The Planning Consultant reported on an application for the construction of a new road linking Sedlescombe Road North (A21) with Queensway (B2092) at land between Queensway and Sedlescombe Road North, St. Leonards on Sea.

This application was previously considered at Planning Committee on 4 February 2015. At that time, it was resolved that planning permission should be granted for the new road subject to conditions. The planning permission was subsequently issued.

That permission was legally challenged in the High Court, and although the claim was not determined by the High Court, the planning permission was quashed by consent before reaching a hearing, on the advice of our legal Counsel. This was on the basis that the committee report did not adequately draw members' attention to the requirements of policy DM6 of the (at that time emerging – now adopted) Hastings Local Plan: Development Management Plan, nor to the fact that the development would breach statutory limits in relation to air quality. Additionally, the conditions imposed on the planning permission in relation to air quality were not sufficient to secure mitigation to overcome air quality exceedances.

PLANNING COMMITTEE

15 DECEMBER 2015

The application proposals remain the same as was considered at the meeting held in February. Members were asked to consider additional information on traffic modelling, air quality and ecology and asked to consider the proposal afresh.

In the period since the last committee meeting in February, the applicant has provided sufficient information to satisfy what were conditions 18 (environmental management plan), 19 (biodiversity monitoring plan) and 20 (ecological design strategy) with regard to the vegetation clearance phase of development and condition 24 (approved phasing of planning permission HS/FA/14/00832). In accordance with that ground clearance, EPS licences have been issued by Natural England. The development itself has not started on site.

The application site relates to land between Sedlescombe Road North (A21) and Queensway (B2092). The application site accommodates a car showroom, existing road infrastructure, existing accesses to businesses, part of the planted bank along the northern boundary of Sainsbury's car park and undeveloped land. The undeveloped land consists of open meadow/grassland, woodland and scrubland. The applicant has also identified Junction Road and Maplehurst Road as part of the application in relation to possible road closures.

The wider area has a very mixed character consisting of an industrial estate (West Ridge/Ashdown), several retail uses (Sainsbury's, Pets at Home, Dunelm Mill, McDonalds and the various car showrooms, residential development and undeveloped land.

The site crosses a local wildlife site (LWS), preserved woodland, an Archaeological Notification Area and is close to an area of Ancient Woodland.

The site also includes part of the designated Ridge West/Ashdown Industrial Estate allocated in the Hastings Local Plan 2004 (HLP) and allocations LRA7 and LRA8 which are employment allocations in the Hastings Local Plan: Development Management Plan (adopted 2015).

The applicant proposes to build a new road linking Sedlescombe Road North with Queensway – known as the Queensway Gateway Road (QGR). The QGR proposal includes 3 roundabouts – one at either end (on Queensway and on Sedlescombe Road North) where it joins the existing road network, and one in the middle which would allow for access to the allocated land for employment development.

The proposal utilises the existing Whitworth Road alignment with a new section of road being proposed from the end of Whitworth Road to Queensway. No right turn, left in and left out only junctions are proposed for the accesses to the existing businesses on Whitworth Road and a new left in and left out only junction is shown onto the northern part of Sainsbury's car park.

The proposal includes shared footways and cycleways between the middle roundabout and Sedlescombe Road North, uncontrolled crossings and upgrades and diversions to existing rights of way.

The main issues considered were the principle of development; environmental

PLANNING COMMITTEE

15 DECEMBER 2015

impacts, transport impacts, noise and vibration, air quality, ecology and nature conservation, landscape and visual amenity, ground conditions, water quality and drainage, heritage and evidence of community involvement. Transport and Air Quality are the subject of the ES Supplementary Report which has been subject to further consultation and considered in detail in the report.

The Planning Consultant considered the proposed development was acceptable in principle given the strong policy support for the proposal in the HPS and other documents. This support had recently been confirmed by the County Council's Communities, Economy and Transport Manager, the Council's Head of Regeneration and Culture, the South East Local Enterprise Partnership and Rother District Council.

She felt the proposed QGR will have a strategic role on the highway network, but also a local role in providing employment generating uses (the amount of employment floorspace required was identified through the background evidence to the Hastings Planning Strategy and Development Management Plan) and in relieving congestion in the locality.

The QGR will have the capacity to accommodate the development it intends to serve and will provide a strategic improvement to the local highway network as part of the wider collective of road improvements and the completion of the BHLR. The benefits of the QGR were summarised in the report as:-

- Releasing land for employment floorspace which is a key planning objective of the HPS and DMP.
- Improving road connectivity and redistributing traffic from the BHLR to the A21.
- Reducing congestion on The Ridge and Queensway, in the Little Ridge and Ashdown area more generally.
- Supporting the role of the HBLR in unlocking the growth corridor.

The ES, and the ES Supplementary Report, have identified the environmental effects of the development. Where adverse effects have been identified on ecology, mitigation is proposed and will be controlled by condition. Although these will not remedy all the effects, the resultant degree of harm is low when balanced against the need for the development.

The Planning Consultant considered the effect of airborne pollutants on ecology. The Report states that there are no statutory thresholds for air quality on ecological receptors, as there are for human receptors but critical levels are set. The Planning Consultant clarified this by stating that the Air Quality Standards Regulations 2010 do include a duty on the Secretary of State to ensure that the critical levels for the protection of vegetation are not exceeded. The critical levels are based on the European Air Quality Directive 2008. The Government has acknowledged that it has been in breach of its duty under the Directive to secure compliance in certain zones with the limits for nitrogen dioxide levels. The Government is currently preparing an Air Quality Plan as required under the Directive. An objector has contended that it would not be lawful for the Council to grant planning permission where the development would result in a breach of the critical levels in respect of vegetation.

The effect of the airborne pollutants on the vegetation could be significant and no

PLANNING COMMITTEE

15 DECEMBER 2015

specific mitigation is proposed for this effect. The principle effect would be that of N and NO_x on any potential lower plant assemblages in the Ancient Woodland. High levels of these pollutants can cause the decline of such species, reducing overall biodiversity. Whilst there is no reported lower plant assemblage in the Ancient Woodland, the Council were advised by a member of the public that this is not the case. However, no species list is provided. The citations for the Ancient Woodland and the Local Wildlife Site do not identify lower plant species of interest. The Environmental Statement was based on a habitat survey undertaken by a competent ecologist. Although the habitat survey did not expressly state that there were no lower plant assemblages in the AW, it did not recommend there was a need for further surveys. The woodland is of county and not national significance. The steps taken by the applicant's ecologist are considered appropriate and the Borough Ecologist is satisfied with these findings.

The Air Quality Regulations include a duty for the Secretary of State to ensure that the critical levels of pollutants for vegetation are not exceeded. Planning Practice Guidance and the NPPF require Local Planning Authorities to consider the natural environment, as well as human health, in sustaining air quality limit values and objectives. As stated in the Report the NPPF advises that planning policies and decisions must reflect and where appropriate promote relevant EU Obligations and statutory requirements. Even if there were a breach of an EU limit value, which relates to human health, the PPG advises that if it is not practicable to amend the application, consideration should be given to refusing planning permission. However, the PPG does not advise that the authority has to refuse permission. The objectors who contend that it would be unlawful to grant permission where there is a breach of a critical level (which relates to ecological interests) provide no legal authority directly on this point to support that contention. There would be serious implications if an authority had to refuse planning permission in every instance where there was a breach of a critical level.

There is no specific mitigation suggested by the applicant for this effect. There is tree and shrub planting shown in the landscape plan which will provide landscaping and habitat formation, and which should have a mitigating effect on pollutant levels.

The question comes back to whether the relatively low levels of pollution that might affect lower plants in a wood of local significance can be weighed in the balance for the new road, or whether, because limit values are predicted to be exceeded, the development is open to challenge as a result. The legal advice is that there is currently no direct legal authority that indicates the authority is barred from doing so, providing it so on the correct basis as set out in the report and discussion.

The recommendation is that the need for the development is such that it outweighs the acknowledged harm to ecology. The mitigation and compensation measures go some way to alleviate that harm and are appropriate in the circumstances to meet the requirements of planning policy.

The proposals are considered to fully accord with policies DS2, FA1, SC1, EN4, EN6, E2, T1, T2, T3 of the HPS and policies DM6 of the DMP. Where there is a conflict with policies EN2, EN3 and HN8 (on ecological matters) the relatively low level of

PLANNING COMMITTEE

15 DECEMBER 2015

harm and the high level of local and strategic support means that it is considered that the proposal accords with the development plan as a whole.

After considering these matters, the Planning Consultant recommended the proposal for approval subject to conditions.

A number of amendments were noted to the resolution as follows: the deletion of Condition and Reason Nos. 5 and 6 and the correction of Conditions 3, 16, 17, 18, 19 and 21 to all refer to Condition No. '22'. Also, Note 5 be amended to read Condition Nos. 4 and '10', not 12, and Note 6 be corrected to read Condition No. '13', not 15.

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

The petitioner, Andrea Needham, was present and spoke against the application.

The applicant, John Shaw, was present and spoke in support of the application.

Councillor Cooke, Ward Councillor for Ashdown, was present and spoke in support of the application.

Members discussed this application at length and asked questions of the Officers present.

Councillor Edwards proposed a motion to approve the application as set out in the resolution below, subject to the deletion of Condition and Reason Nos. 5 and 6 and the correction of Conditions 3, 16, 17, 18, 19 and 21 to all refer to Condition No. '22'. Also, Note 5 be amended to read Condition Nos. 4 and '10', not 12, and Note 6 be corrected to read Condition No. '13', not 15. This was seconded by Councillor Beaver.

RESOLVED – by 7 votes for and 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. The development hereby permitted shall be carried out in accordance with the following approved plans: C600-015 S3, C600-016 S2, C600-025 S1, C100-025 S2, C100-026 S3, and C100-040 S6.
3. Before each phase of development, in accordance with the phasing approved as part of condition 22 below, is commenced a Construction Environmental Management Plan (not including biodiversity) in accordance with the approach outlined in the chapters of the submitted Environmental Statement shall be submitted to, and approved in writing by, the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;

PLANNING COMMITTEE

15 DECEMBER 2015

- iii) construction traffic management; iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) measures to control noise disturbance;
 - viii) measures to investigate and remediate any land contamination;
 - ix) measures to maintain land stability during construction;
 - x) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - xi) working hours.
4. The road must be built to an adoptable standard.
 5. 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.
 6. 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 9 above to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.
 7. The road hereby approved shall not be brought into use until the diversion of the affected footpaths has been achieved under s257 of the Town and Country Planning Act 1990.
 8. The newly created paths - as a result of the diversion of the existing Public Rights of Way - shall be constructed to an adoptable standard.
 9. Before it is implemented a scheme of soft landscaping shall be submitted to and approved by the Local Planning Authority. It 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.
 10. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the operation of the

PLANNING COMMITTEE

15 DECEMBER 2015

road, 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.

11. No development shall commence until details of how the development impacts upon existing drainage and sewerage infrastructure crossing the site has been submitted to and approved in writing by the Local Planning Authority. Details shall include measures for protection and diversion of the infrastructure were appropriate. The development shall be carried out in accordance with the approved details.
12. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, including detailed hydraulic calculations, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the connectivity of different drainage features, surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.
13. The surface water drainage scheme above shall include:
 - xii) details of how the scheme shall be maintained and managed after completion;
 - details of specific measures to minimise the risk of deterioration in water quality of receiving watercourses and waterbodies downstream (for both the construction and operational phases of development);
 - details that are in accordance with the submitted Flood Risk Assessment (ref 11636 Rev D1 dated September 2014); and
 - details showing that the restricted discharge rates shall be in accordance with chapter 6 "Development Proposals", pages 18 to 31 of the FRA.
14. Before each phase of development (including demolition, ground works, vegetation clearance) in accordance with the phasing approved as part of condition 22 below is commenced a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:

PLANNING COMMITTEE

15 DECEMBER 2015

- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”.
- 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).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- 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 and phasing agreed, unless otherwise agreed in writing by the local planning authority.

15. Before each phase of development (including demolition, ground works, vegetation clearance) in accordance with the phasing approved as part of condition 22 below is commenced a biodiversity monitoring strategy shall be submitted to, and approved in writing by, the local planning authority. The content of the Strategy shall include the following:

- Aims and objectives of monitoring to match the stated purpose.
- Identification of adequate baseline conditions prior to the start of development.
- Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- Methods for data gathering and analysis.
- Location of monitoring.
- Timing and duration of monitoring.
- Responsible persons and lines of communication.
- Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

PLANNING COMMITTEE

15 DECEMBER 2015

16. Before each phase of development (including demolition, ground works, vegetation clearance) in accordance with the phasing approved as part of condition 22 below is commenced an ecological design strategy (EDS) addressing, mitigation, compensation, enhancement, restoration, shall be 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.
17. Before each phase of development, in accordance with the phasing approved as part of condition 22 below, is commenced full details of the hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.
18. 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.
19. No development of each phase of development, in accordance with the phasing approved as part of condition 22 below, shall commence until an adequate ground stability investigation has been undertaken and suitable stability measures have been submitted to and approved in

PLANNING COMMITTEE

15 DECEMBER 2015

writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

- 20. Before each phase of development is commenced details of the precise extent of that phase shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved phasing.**
- 21. Prior to the construction of the proposed development a suitable ground investigation is undertaken to establish the depth of groundwater in the vicinity of the proposed attenuation basin, to be submitted and approved in writing by the Local Planning Authority and implemented in accordance with that consent.**
- 22. Prior to the commencement of development on site a CCTV survey of the existing highway drainage network should be undertaken between the point of connection and the outfall to an open waterbody to establish the capacity of the network to accommodate the expected flows. The results of the survey should be submitted and approved by the Local Planning Authority in conjunction with the Highway Authority prior to the commencement of construction on site.**

Reasons:

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.**
- 2. For the avoidance of doubt and in the interests of proper planning.**
- 3. In the interests of:**
 - maintaining highway safety in accordance with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy and policy DM3 of the Hastings Local Plan: Development Management Plan;**
 - maintaining a tidy appearance during construction in accordance with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy and policy DM1 of the Hastings Local Plan: Development Management Plan;**
 - protecting neighbouring residential amenities in accordance with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy and policy DM3 of the Hastings Local Plan: Development Management Plan;**
 - minimising the amount of construction and demolition waste being disposed of in landfill sites in accordance with the East Sussex County Council Supplementary Planning Document on Construction and Demolition Waste; and**
 - protecting the natural environment in accordance with policy EN1 of the Hastings Local Plan: The Hastings Planning Strategy.**

PLANNING COMMITTEE

15 DECEMBER 2015

- 4. In the interests of highway safety as the road will be part of the strategic public highway in accordance with policy T3 of the Hastings Local Plan: The Hastings Planning Strategy.**
- 5. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.**
- 6. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.**
- 7. To ensure that Public Rights of Way are maintained.**
- 8. In the interests of pedestrian safety.**
- 9. In the interests of the visual amenity.**
- 10. In the interests of the visual amenity.**
- 11 To prevent increased risk of flooding and to ensure there is no damage to sewerage infrastructure.**
- 12. To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity in accordance with the principles of the NPPF.**
- 13. To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity in accordance with the principles of the NPPF.**
- 14 To protect features of recognised nature conservation importance.**
- 15. To protect features of recognised nature conservation importance.**
- 16. To protect features of recognised nature conservation importance.**
- 17. In the interests of the visual amenity and to ensure mitigation measures suggested in the submitted Environmental Statement are realized.**
- 18. In the interests of the visual amenity and to ensure mitigation measures suggested in the submitted Environmental Statement are realized.**
- 19. To ensure adequate mitigation for land instability in accordance with policy DM5 of the Hastings Local Plan: Development Management Plan.**
- 20. In the interests of allowing the development to continue in a flexible but controlled manner.**

PLANNING COMMITTEE

15 DECEMBER 2015

21. To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity in accordance with the principles of the NPPF.
22. To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity in accordance with the principles of the NPPF.

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. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the Lead Local Flood Authority which is East Sussex County Council;
4. Works to the existing highway will require a s278 legal agreement with East Sussex County Council;
5. The requirements of condition 4 and 10 above should be discussed with East Sussex County Council prior to the start of construction and completion of a s38 legal agreement.
6. The applicant is advised to contact Southern Water with regard to condition 13 above.
7. Any works affecting the watercourses as a result of culverting will require Ordinary Watercourse Consent from the Lead Local Flood Authority.

(The Chair declared the meeting closed at. 7.38 pm)

This page is intentionally left blank

PLANNING COMMITTEE

23 DECEMBER 2015

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

57. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Wincott.

58. DECLARATIONS OF INTEREST

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

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Lee	38.3 - Former Observer Building, 53 Cambridge Road	Personal – Site can be viewed from home address.
Street	38.2 - Aldi, Rye Road	For information: Met the manager at Aldi for the launch of the Local Business Crime Reduction Partnership

59. MINUTES OF THE MEETING HELD ON 25 NOVEMBER 2015

RESOLVED – that the minutes of the meeting held on 25 November 2015 be approved and signed by the Chair as a true record.

60. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

61. PLANNING APPEALS AND DELEGATED DECISIONS

The Acting Development Manager reported that two planning appeals had been received.

All matters had arisen between 14th November to 11th December 2015.

RESOLVED – that the report be noted.

62. PLANNING APPLICATIONS:

62.1 91-93, 109 and rear of 103 Middle Road, Hastings

Proposal:

PLANNING COMMITTEE

23 DECEMBER 2015

Demolition of existing buildings and erection of 11 dwellings together with parking space and access.

Application No:	HS/FA/15/00232
Existing Use:	Former Business Uses
Conservation Area:	No
National Planning Policy Framework	Paragraphs 7, 14, 17, 32, 49, 50 and 56
Hastings Local Plan – The Hastings Planning Strategy:	FA5, SC1, SC3, SC4, EN2, EN3, H1, H2, H3, E1, T3
Hastings Local Plan – Development Management Plan:	DM1, DM3, DM4, DM6, HN7 and HN8
Public Consultation:	11 letters of objection received

The Acting Development Manager reported on an application for the demolition of existing buildings and erection of 11 dwellings together with parking space and access at 91-93, 109 and rear of 103 Middle Road, Hastings.

This was a revised application for 11 houses made following a refusal of planning permission for 13 houses in 2014. The application consists of the demolition of the existing buildings on the site, which are a mix of commercial uses and a dwelling, and their replacement with a cul-de-sac of 11 x 2 bed houses. The previous application was refused because a cramped layout leading to poor living environment and not being in keeping with the surrounding area. This current scheme reduces the number of houses on the site and makes alterations to the layout of the site and the arrangement of the dwellings to overcome the previous reasons for refusal. In weighing up the planning issues, it is considered that the balance is now in favour of the application proposals.

The application site lies to the east of the town between the A259 and Fairlight Road. It is an area within a perimeter block formed by Middle Road and Old Top Road and the recreation ground. The site accommodates a former car repair garage, possibly other business uses and a single detached dwelling. All the current buildings on the site are in considerable disrepair. The site lies in a predominantly residential area, with a mixture of single storey and two storey houses, detached, semi-detached and terraced.

This is an outline application with access, appearance, layout and scale being determined at this stage. Landscaping is a reserved matter.

The applicant proposes to demolish the existing buildings on the site and erect 11 dwellings with a mix of terraced, semi-detached and detached houses with parking. A

PLANNING COMMITTEE

23 DECEMBER 2015

previous application on the site was refused for reasons of over development, poor quality living environment for existing and future occupants and out of character with existing pattern of development.

The main issues were the impacts on loss of employment land, character and appearance, living environment, highways and transport, safety and security, ecology, affordable housing, drainage, sustainable development.

The Acting Development Manager felt the proposal overcomes the previous reasons for refusal and provides an acceptable development that is in keeping with the character of the area, provides a satisfactory standard of accommodation and amenity for existing and future occupiers. The demolition of the existing buildings represents a positive improvement for the area in visual terms, as such he recommended the outline consent be granted subject to conditions.

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

Councillor Beaver proposed a motion to approve the application subject to the addition of Condition and Reason No. 15 as set out in the resolution below. This was seconded by Councillor Lee.

RESOLVED – (unanimously) that:-

Grant Outline Planning Permission subject to the following conditions:

- 1. Approval of the details of 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 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 new access shall be in the position shown on the approved drawings and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to commencement of development;**

PLANNING COMMITTEE

23 DECEMBER 2015

6. Prior to demolition works commencing on site a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the size of vehicles, routing of vehicles and hours of operation (Given the restrictions of the access and/or the approach road the hours of delivery/ collection should avoid peak traffic flow times and the size of vehicles should be restricted). The development shall be carried out in accordance with the approved scheme;
7. During any form of earthworks and/or excavations that is 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. The development shall be carried out in accordance with the approved details;
8. 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 area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles;
9. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles;
10. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Local Planning Authority and be subject to its approval, in consultation with this Authority. The development shall be carried out in accordance with the approved details;
11. The development hereby approved shall not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme for the improvement of nearby bus stops on Middle Road. These improvements should take the form of a new bus stop flag, pole and raised kerbs. Such scheme shall provide for the timing of the improvement works in relation to the implementing of the development, and shall be implemented in accordance with such timing;
12. Prior to the commencement of development on site, a badger mitigation and method statement shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved statement;

PLANNING COMMITTEE

23 DECEMBER 2015

13. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority;
- (ii) Development shall be carried out in accordance with the details approved under (i) and 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.
14. The development hereby permitted, not including landscaping subject to condition 1 above, shall be carried out in accordance with the following approved plans:
- 4314/14/EX, LBP/C, 9, 7/A, 6/B, 1/B, 2/C, 3/C, 4/B, 5/A, 8/A.**
15. 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.

Reasons:

1. The application is in outline only;
2. The application is in outline only;
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990;
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990;
5. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;
6. In the interests of highway safety and for the benefit and convenience of the public at large;
7. In the interests of highway safety and for the benefit and convenience

PLANNING COMMITTEE

23 DECEMBER 2015

of the public at large;

8. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;
9. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development;
10. In the interests of highway safety and for the benefit and convenience of the public at large;
11. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development;
12. To ensure protected species are not adversely affected;
13. To prevent increased risk of flooding;
14. For the avoidance of doubt and in the interests of proper planning; and
15. 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; and
3. Consideration should be given to the provision of a domestic sprinkler system.

62.2 Aldi, Rye Road, Hastings

Proposal:	Variation of condition 18 (delivery hours) of planning permission HS/FA/13/00414 - proposed hours 0600-2200 Monday to Saturday. Sunday & Bank holidays to remain unchanged.
Application No:	HS/FA/15/00824
Existing Use:	Supermarket

PLANNING COMMITTEE

23 DECEMBER 2015

Conservation Area:	No
National Planning Policy Framework	Section 11
Hastings Local Plan – The Hastings Planning Strategy	SC1
Hastings Local Plan – Development Management Plan	DM6
Public Consultation:	6 letters of objection received

The Acting Development Manager reported on an application to extend the permitted delivery times of Aldi supermarket from between 07:00 and 22:00 to between 06:00 and 22:00 - allowing deliveries to occur an hour earlier.

The application site relates to the relatively new (2014) Aldi supermarket located in the north-east area of Hastings. The site is located off Rye Road which is a busy main road forming part of the A259 coastal highway. The site is predominantly surrounded by residential development including an adjacent residential care home.

Planning permission, reference HS/FA/13/00414, was granted in 2013 for the demolition of an existing hardware store (B&Q) and the erection of a new supermarket (Aldi). The planning application was accompanied by a noise report explaining the potential impact on local residents and, as a result of this, a condition was placed on the planning permission that deliveries could only be made between the hours of 07:00 and 22:00.

Now that the supermarket has been operational, the owners consider that deliveries need to occur slightly earlier in order to ensure the store is sufficiently stocked by opening time. As such, they have applied to extend the delivery times by an hour earlier from 06:00 to 22:00. The application has been accompanied by another noise report to explain the impact of this change.

The main issue with this change is the possible impact on neighbouring residential amenities and, in particular, noise disturbance. The application was accompanied by a noise report which explains that, compared with existing background noise levels and with certain noise control measures, the proposed change in hours will not result in harm to neighbouring residents.

Taking into account the impact on neighbouring residents, the Acting Development Manager felt the proposed change in delivery hours was considered to be acceptable and therefore recommend approval subject to conditions.

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

PLANNING COMMITTEE

23 DECEMBER 2015

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

RESOLVED – by (9 votes to 0, with 1 abstention) that full 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 planning permission HS/FA/13/00414;
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

0882-CHE -100, 101, 102, 110B, 111C, 112B, 113C, 114B, 115B, 116B and 117
3. The new access shall be in the position shown on the submitted plan (drawing no. 0882-CHE-110B) and laid out and constructed in accordance with the attached HT407 form/diagram. All works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to occupation of the development hereby permitted;
4. The development shall not be brought into use until the existing access shown on submitted drawings has been stopped up and the kerb & footway reinstated in accordance with details submitted to and approved in writing by the Local Planning Authority;
5. The access hereby permitted shall not be used until a turning space for vehicles has been provided and constructed in accordance with the approved plan (drawing no. 0882-CHE-110B) and the turning space shall thereafter be maintained in a suitable condition for that use and shall not be used for any other purpose;
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 and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The development shall be carried out in accordance with the approved details;
7. Prior to demolition works commencing on site a Traffic Management Scheme shall be submitted to and approved in writing 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. (Given the restrictions of the access and/or the approach road the hours of delivery/ collection should avoid peak traffic flow times). The development shall be carried out in accordance with the approved scheme;

PLANNING COMMITTEE

23 DECEMBER 2015

8. 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;
9. The development shall not be brought into use until 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 motor vehicles;
10. The development shall not be brought into use until the cycle parking area has been provided in accordance with the approved plans and the area shall thereafter be retained for that use and shall not be used other than for the parking of cycles;
11. The development shall not be brought into use until a scheme has been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the construction of the traffic island in Rye Road including associated dropped kerbs and tactile paving as well as the removal of the existing and has been implemented. This scheme shall include the alterations to the road markings;
12.
 - (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;
 - (i) Development shall be carried out in accordance with the details approved under (i) and the development shall not be brought into use until those works have been completed;
 - (iii) The development shall not be brought into use 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.
13. No development shall take place until the measures outlined in the submitted ecological statements and reports (Badger Method Statement by The Ecology Consultancy), dated August 2013 have been fully implemented, unless:
 - (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;
 - (ii) unless the scheme(s), or programme(s) of measures contained

PLANNING COMMITTEE

23 DECEMBER 2015

within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

- 14. No development shall commence until a scheme for the provision of public art has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the approved building being brought into use;**
- 15. 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.**
- 16. No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority. The rating level of noise emitted from all fixed plant and machinery should not exceed 36 dBA between 2300 and 0700 hours and 42dBA between 0700 and 2300 hours when measured or calculated at 1m from the facade of the nearest noise sensitive property. The measurements and assessments shall be made according to BS 4142:1997. The plant and machinery shall be installed in accordance with the approved details;**
- 17. The premises shall not be used for trading except between the following hours:-

0800 to 2200 Monday - Saturday,
1000 to 1800 Sundays, and
0900 to 1800 on Bank Holidays.**
- 18. The premises shall not accept deliveries except between the following hours:-

0600 to 2200 Monday - Saturday,
0900 to 2200 Sundays, and
0700 to 2200 on Bank Holidays.**
- 19. All planting seeding or turfing comprised in the approved soft landscaping scheme shown on drawing no. V0882L01A 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**

PLANNING COMMITTEE

23 DECEMBER 2015

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;

20. No development shall take place until tree protection measures of the *Arboricultural Impact Assessment and Method Statement* by David Cashman dated 31 May 2013 and the accompanying plan (drawing no. 13095-BT2) to safeguard the trees and/or hedges to be retained on the site have been erected. All such protection measures 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;
21. Notwithstanding that shown on drawing no D22155/JB/A and prior to their installation, details of the proposed external lighting and external lighting columns shall be submitted to an approved in writing by the Local Planning Authority. The installation shall be carried out in accordance with the approved details;
22. The glazed shopfront doors and windows hereby approved shall at all times be maintained in clear glass throughout and shall not be obscured, laminated, screened or otherwise blocked so as to prevent substantial direct vision into the unit from outside, other than that specifically annotated on the approved drawings or with the prior written approval of the Local Planning Authority and shall be maintained as such thereafter to the satisfaction of the Local Planning Authority; and
23. Between the hours of 2200 and 0700 deliveries shall be carried out strictly in accordance with the noise control measures listed at paragraph 4.15 of the submitted *Environmental Noise Report - Variation of delivery hours* by Sharps Redmore Acoustic Consultants (dated 24 September 2015, project no. 1515352) and in addition delivery vehicle engines shall be switched off when not manoeuvring and no horns sounded or radios/stereo players used.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;
2. For the avoidance of doubt and in the interests of proper planning;
3. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;

PLANNING COMMITTEE

23 DECEMBER 2015

4. In the interests of highway safety;
5. In the interests of highway safety;
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 for the benefit and convenience of the public at large;
9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;
10. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development;
11. In the interests of highway safety;
12. To prevent increased risk of flooding;
13. To protect features of recognised nature conservation importance;
14. To provide public art in accordance with policy DG20 of the Hastings Local Plan 2004;
15. To safeguard the amenity of adjoining residents;
16. To safeguard the amenity of adjoining residents;
17. To safeguard the amenity of adjoining residents;
18. To safeguard the amenity of adjoining residents;
19. In the interests of the visual amenity;
20. In the interests of the health of the trees and to protect the visual amenity;
21. In the interests of the character and appearance of the area and to protect neighbouring residential amenities;
22. In the interests of the visual amenity of the area; and
23. In the interests of the amenity of the neighbouring residential occupiers.

Notes to the Applicant

PLANNING COMMITTEE

23 DECEMBER 2015

- 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 planning permission has been issued as a variation to planning permission HS/FA/13/00414. The pre-commencement conditions listed above are copied from the previous permissions and may have already been discharged. If the conditions have been dealt with previously you will not be required to deal with those conditions again, unless matters associated with those conditions have changed. Any outstanding matters required by condition should be submitted to the Local Planning Authority as soon as possible. There may also be informatives from the previous permissions which still apply; and**
- 4. The applicant is advised that signage should be erected in the delivery area to remind delivery drivers and staff of the need to protect neighbours from noise and disturbance. It would also be helpful for a clear line of communication with the manager of the store to be made available to local residents should they have concerns about noise and disturbance.**

PLANNING COMMITTEE

23 DECEMBER 2015

62.3 Former Observer building, 53 Cambridge Road, Hastings

Proposal:	Temporary use of sub-basement, ground floor and 1 st floor. Uses include Art gallery and artist studio spaces at first floor, ground floor pop-up multi function space including bar, café and food vending units with communal dining area, lower ground/sub-basement use as a dining/independent cinema/entertainment area). The basement area is proposed to be used as an installation/storage space.
Application No:	HS/FA/15/00641
Existing Use:	Vacant Printing Works
Conservation Area:	Yes – Hastings Town Centre
National Planning Policy Framework	No Conflict
Hastings Local Plan – The Hastings Planning Strategy	EN1
Hastings Local Plan – Development Management Plan	DM6, HN1, SA4, HTC3
Public Consultation:	5 letters of objection and 2 letters of support received

The Acting Development Manager reported on a retrospective application for temporary use of the sub basement, ground floor and 1st floor of the former Observer building, 53 Cambridge Road, Hastings. Uses include Art Gallery and artist studio spaces at first floor, ground floor pop-up multi function space including bar, café and food vending units with communal dining area, lower ground/sub basement use as a dining/independent cinema/entertainment area). The basement area is proposed to be used as an installation/storage space.

The use has already commenced and the retrospective application is considered

PLANNING COMMITTEE

23 DECEMBER 2015

appropriate for a limited period of 2 years until such time as more permanent plans for the building are developed.

The current owners of the site wish to use the space for a temporary period until such time that the building can be redesigned for a more permanent use. A planning application for the proposed redevelopment has not yet been submitted.

The Observer Building was formerly a printing works for the Observer newspaper and has been vacant for over 20 years. It is an eight storey building located on the south side of Cambridge Road, bounded by Prospect Place to the west and Claremont Yard to the east. It is located within the Hastings Town Centre conservation Area.

The main issues were the use of the building and impact on residential amenity.

The Acting Development Manager felt the temporary use of this building will prevent further deterioration of an otherwise derelict building and that it also provides an active frontage in this quieter part of the Town Centre. He therefore recommended the application be approved subject to conditions.

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

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

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

1. **This permission shall be for a limited period of 2 years from the date hereof and on or before the expiration of such period the use hereby permitted shall be discontinued and any fixtures, fittings, machinery or other items associated with the temporary use removed from the building;**
2. **The premises shall not be used except between the following hours:-**
8am - 11pm Monday to Friday,
10am - 11pm Saturdays, Sundays and Bank Holidays.
3. **The development hereby permitted shall be carried out in accordance with the following approved plans:**
A-001,A-098, A-099, A-100, A-101
4. **All noise sensitive activities such as entertainment (music, amplified speech, cinema etc) shall be restricted to the rear ground floor;**
5. **Within 1 month of the date of this decision a full acoustic survey of the proposed ground floor space shall be undertaken and its results and any necessary sound proofing measures submitted to the Local**

PLANNING COMMITTEE

23 DECEMBER 2015

Planning Authority for approval. The approved sound proofing measures shall be carried out within 1 month of their approval;

- 6. Within 1 month of the date of this decision a scheme for the fitting of odour control equipment to the building shall be submitted to the Local Planning Authority for approval. The approved odour control equipment shall be installed within 1 month of its approval and maintained thereafter to the satisfaction of the Local Planning Authority;**
- 7. Within 1 month of the date of this decision a scheme for the sound insulation of odour control equipment shall be submitted to the Local Planning Authority for approval. The approved sound insulation equipment shall be installed within 1 month of its approval and be maintained thereafter to the satisfaction of the Local Planning Authority;**
- 8. No deliveries or removal of refuse/recycling shall take place before 7am and after 11pm; and**
- 9. Within 1 month of the date of this decision details of proposed bin storage shall be submitted to the Local Planning Authority for approval. The approved details shall be carried out within 1 month of their approval.**

Reasons:

- 1. The temporary use is not considered a suitable development to be granted permission in perpetuity, and nor would the Local Planning Authority wish to grant permission for the use on a permanent basis, as this could hinder the future regeneration/redevelopment/use of the whole building. The two year period will also allow time for the applicant to explore options for permanent use of the whole building in compliance with Hastings Local Plan - Development Management Plan Site allocation HTC3;**
- 2. To safeguard the amenity of adjoining residents;**
- 3. For the avoidance of doubt and in the interests of proper planning;**
- 4. To limit the amount of noise and safeguard the amenity of adjoining residents;**
- 5. To safeguard the amenity of adjoining residents;**
- 6. To safeguard the amenity of adjoining residents;**
- 7. To safeguard the amenity of adjoining residents;**

PLANNING COMMITTEE

23 DECEMBER 2015

8. To safeguard the amenity of adjoining residents; and
9. To ensure a satisfactory standard of development.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;
3. The Food Safety Act 1990 and the Health and Safety at Work Etc. Act 1974 will apply;
4. You are advised to consult the Rother and Hastings Building Control Partnership e-Mail: buildingcontrol@rother.gov.uk with regard to the provision of adequate means of escape in case of fire and necessary fire precaution works;
5. Any external alterations to the building will require the submission of a further application for planning permission;
6. If any of the measures required by the conditions above result in external alterations to the building a planning permission may be required. Please check with the Local Planning Authority before this work is carried out; and
7. For the avoidance of doubt the shutters and the ramped access to the main Cambridge Road entrance are not approved as part of this planning permission and a separate planning permission would be required. The shutters in this particular instance are not appropriate for the Town Centre Conservation Area and the applicant will need to consider the installation of a more appropriately designed entrance door before making their application. The ramped access is acceptable as long as it is removed at the end of everyday. If it is not removed on a daily basis then planning permission would also be required for the ramp and as with the door a more appropriately designed ramp would be required. An application for suitable replacements should be made within 1 month of this decision. If an application is not forthcoming enforcement action may be taken without further warning.

PLANNING COMMITTEE

23 DECEMBER 2015

62.4 817 The Ridge, St. Leonards on Sea

Proposal:	Erection of one detached house (one of two houses that were originally approved on 6 December 2012 under planning permission HS/FA/12/00772). HS/FA/15/00882
Application No:	HS/FA/15/00882
Existing Use:	Residential curtilage/garden
Conservation Area:	No
National Planning Policy Framework	No Conflict
Hastings Local Plan – The Hastings Planning Strategy	DS1, SC1 and H3
Hastings Local Plan – Development Management Plan	DM1, DM3, DM4
Public Consultation:	Not delegated – Applicant is employee of Hastings Borough Council in a politically restrictive post.

The Acting Development Manager reported on an application for one detached 4-bedroom dwellinghouse at the west side of 817 The Ridge, St. Leonards on Sea.

This application was brought before the committee as the applicant is an employee of Hastings Borough Council in a politically restrictive post.

The site is located to the south of The Ridge and comprises the side garden (west) of 817 The Ridge. It lies to the rear (south) of 821 The Ridge and alongside the side boundary of 823 The Ridge. To the rear of the application site planning permission has been granted for 3 dwellinghouses, set at a perpendicular angle to the proposed development, the rear gardens abutting each other. To the rear of this lies the Dunelm/Pets at Home stores.

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

It is proposed to use the existing access drive for 817 The Ridge which is accessed in between 815 and 821 The Ridge and to increase the width to 4.5m for the first 10m from the carriageway. The driveway will be extended in front of the existing and the proposed dwellinghouse providing 2no. car parking spaces for each of the dwellinghouses. Refuse and recycling bins are shown on the plan. The proposed rear garden has a depth of 15 metres.

PLANNING COMMITTEE

23 DECEMBER 2015

The accommodation will comprise 4 en-suite bedrooms at first floor level. The dwelling has a front facing gable and side facing dormer windows with pitch tile roofs and facing bricks.

This application is a part renewal of extant planning permission HS/FA/12/00772. This application relates to only one of the two originally approved dwellings, the one that was to be built on land to the west of the existing property (817 The Ridge).

In June 2015 planning permission was granted for 3 dwellings to the rear of 815-817 The Ridge. The access drive runs along the eastern side of 817 The Ridge and the second dwelling of the 2012 permission (HS/FA/12/00772) can therefore no longer be implemented.

The main issues were the impacts on the amenity of neighbouring residents; the character and appearance of the area and highway safety, drainage and affordable housing.

The Acting Development Manager felt the proposal had been designed to ensure that a good quality living environment is created for future occupants without impacting on the amenity of neighbouring residents. The scheme is considered to be in keeping with the character and appearance of the area and helps provide additional family size accommodation in this part of the Borough. It is therefore considered that the scheme represents sustainable development and helps to achieve the aims of the National Planning Policy Framework (NPPF) and local planning policy.

Having considered all matters, the Acting Development Manager recommended the application be approved subject to conditions.

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

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

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

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

4178/100/LBP, P4178/1-3, 4178/100/1, 4178/100/2
3. **With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-**

PLANNING COMMITTEE

23 DECEMBER 2015

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

- 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 dwellinghouse 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. (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.
- 6. No development shall commence on site until full details of the measures to be undertaken to divert the public sewers which are known to cross the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details;**
- 7. The development shall not be occupied until details of the materials and layout of the reconstructed access and the specification for the construction of the access have been submitted to and approved in writing by the Planning Authority and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with the approved details;**
- 8. The access shall be widened to 4.5m for a distance of 10m from the carriageway and all work shall be undertaken and completed by the applicant to the satisfaction of the Local Planning Authority prior to occupation of the development hereby permitted;**
- 9. There shall be no obstruction to visibility (over 0.8 metres above the level of the adjoining footway) in either direction onto The Ridge within splays of 2.4metres x 43metres;**
- 10. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall**

PLANNING COMMITTEE

23 DECEMBER 2015

thereafter be retained for that use and shall not be used other than for the parking of motor vehicles;

11. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles;
12. The side facing windows on both dwellings hereby approved shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.8 metres from finished floor level;
13. No development shall take place above ground until full details of all boundary enclosures have been submitted to and approved in writing by the Local Planning Authority. All such boundary enclosures shall be erected before the building to which it relates is occupied; and
14. All planting seeding or turfing comprised in the approved soft landscaping scheme drawing No. 4178 / 100 1 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.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;
2. For the avoidance of doubt and in the interests of proper planning;
3. In the interests of the amenity of the neighbouring residential occupiers;
4. In the interests of the visual amenity of the area;
5. To prevent increased risk of flooding;
6. To ensure that no property is occupied until adequate access and drainage facilities have been provided;

PLANNING COMMITTEE

23 DECEMBER 2015

7. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;
8. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;
9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;
10. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;
11. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development;
12. To protect the amenities of adjoining residential properties;
13. In the interests of the amenity of the neighbouring residential occupiers; and
14. To ensure a satisfactory form of development in the interests of the character and amenity of the 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;
3. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended); and
4. The drainage details shall include the SUDS Tool Report available on the East Sussex County Council website.

(The Chair declared the meeting closed at. 6.34 pm)

Agenda Item 5a

AGENDA ITEM NO: 5 (a)

Report to: PLANNING COMMITTEE

Date: 27 January 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: 3 & 4 Linton Road, Hastings, TN34 1TN
Proposal: Change of use from residential to HMO (retrospective).

Application No: HS/FA/15/00834

Recommendation: Grant Full Planning Permission

Ward: BRAYBROOKE
File No: LI75003
Applicant: Mr Branczyk per DIRECT PLANNING 95-97 Riverbank House Hight street St Mary Cray, Kent. BR5 3NH

Interest: Freeholder
Existing Use: Unlicensed HMO

Policies

Conservation Area: No
National Planning Policy Framework:

Hastings Local Plan -
The Hastings Planning Strategy:
SC1 - Overall strategy for managing change in a sustainable way
H2 - Housing mix
H4 - Houses in Multiple occupation
FA2 - Strategic policy for central area

Hastings Local Plan -
Development Management Plan:
DM3 - General amenity
DM4 - General access
HC1 - Conversion of existing dwellings
LP1 - Considering planning applications

Public Consultation

Adj. Properties: Yes
Advertisement: No
Letters of Objection: 7
Petitions Received: 1

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

Summary

This application is for the retrospective change of use of the No.3 and No. 4 Linton Road to Houses of Multiple Occupation.

3 Linton Road

On the upper floors of the property there are 5 bedrooms, 2 bathrooms, a WC and a kitchen. The ground floor is currently used as a separate residential property for the applicant and his family. This use of the ground floor is proposed to continue and does not form part of the proposal for this application.

4 Linton Road

Within No. 4 there are 8 bedrooms, 1 bathroom, 1 WC and a kitchen.

It should be noted that within the curtilage of No. 4 a boiler room and ground floor WC have been erected without planning permission. Although the retention of these extensions is not included within this application, the Agent has been advised that a retrospective application should be submitted as a matter of urgency. If no such application is submitted, Planning Enforcement will progress the matter.

The Site and its Location

No.3 and 4 form a pair of semi-detached, 3-storey dwellings located on the west side of Linton Road. The properties are set back from the highway and sited in a raised position with approx 21 steps up to the front doors. The front gardens are also terraced to reflect the topography.

This planning application has been submitted further to investigation by the Planning Enforcement team and the HMO Licensing department.

Details of the Proposal and Other Background Information

Use class C4 Houses in multiple occupation (HMOs) are defined as small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. Generally, under the Town and Country Planning (Use Classes) Order the change from a single private dwellinghouse to a class C4 HMO for up to 6 occupiers constitutes permitted development and therefore an application for planning permission is not required. The Council has implemented an Article 4 Direction for HMOs which means that planning permission will be required to change the use of a single family house into a shared house occupied by between three and six unrelated individuals. This direction came into effect on 02 July 2012 and covers the whole Borough. It is noted, irrespective of this order, that 4 Linton Road, with 8 bedrooms requires planning permission for use as an HMO.

Previous Site History

3 Linton Road

HS/FA/79/00482 - Change of use from guest house to elderly person rest home -
Granted - 22/08/1979

HS/FA/85/00523 - Erection of single storey rear extension - Granted - 27/09/1985

HS/FA/93/00640 - Change of use from rest home to residential - Granted - 14/02/1994

HS/FA/09/00068 - Loft conversion with dormers to side and rear on main roof. Rear

dormer to low level rear roof - Refused - 08/04/2009
HS/FA/09/00563 - Loft conversion with dormers to side and rear - Granted - 05/02/2010
HS/FA/10/00035 - Retrospective application for change of use of first and second floors from single dwelling to house in multiple occupation (C4) and proposed first floor extension - Refused - 13/10/2015 -Appeal Dismissed - 25/06/2015

4 Linton Road

HS/FA/14/00272 -Retrospective application for change of use from single dwelling to house in multiple occupation (sui generis) including proposed ground floor and first floor extensions - Refused - 13/10/2015 - Appeal Dismissed - 25/06/2015

Details of Consultations

As part of this application 51 neighbouring properties were consulted and a site notice was displayed. In response to this 8 letters of objection were received and a valid petition has been submitted with 25 signatures.

The letters of objection and the comments within the petitions are summarised as follows;

- No. of HMOs within the Ward
- Increased noise levels
- Loss of privacy
- Harmful impact on the character of the area
- Poor waste storage facilities
- Insufficient Parking

Planning Policy

Housing Mix and Size of Accommodation

Policy HC1 of the Development Management Plan relates specifically to the conversion of existing dwellings. This policy requires that, to support the provision of quality homes and dwelling mix, converting all or part of a dwelling to another use or into multiple dwellings will normally be permitted provided that:

- a) The building can no longer be retained in its entirety for single family housing occupancy;
- b) It would not include significant extension(s) or significant changes to room layouts to achieve an adequate standard of accommodation;
- c) It would not involve the self-containment of basement areas or other parts of any property having inadequate light or low ceilings or which would result in a poor outlook from main windows; and
- d) It would make adequate provision for refuse storage.

Policy HC1 is supported by the following paragraphs;

Hastings Development Management Plan (para 3.1) states that it is an aim of the Planning Strategy to both increase the supply of new dwellings and at the same time promote an appropriate mix of dwellings types and sizes in the Borough, with an emphasis on increasing the supply of larger and family sized units. This paragraph goes on to state that Policy SC1 of the Planning Strategy seeks to meet the housing needs of all sectors of the community and that this can be achieved through new development and/or the conversion of existing dwellings. It is agreed that the conversion of large single dwelling houses into flats can

provide a useful source of new dwellings. However, at the same time care needs to be taken to ensure that valuable family housing is not lost or, that, as a result of inappropriate conversions poor living environments are created either for the occupiers of such units or existing neighbouring residents.

Paragraph 3.2 states that Policy HC1 supports the Planning Strategy policies with regard to housing mix and quality. Judgements about a house and whether it should be retained as a single dwelling will be made based on the existing number of bedrooms within the dwelling, and amenity factors such as whether the proposed layout of rooms reflects, as far as practicable, the existing room layout. The subdivision of floorspace to create internal rooms to provide facilities will not normally be acceptable, for example.

Paragraph 4.12 (supporting regeneration) of the Hastings Planning strategy states that the Council's preferred way forward is a housing target that allows us to support the following objectives without increasing the pressure to build in the town's most environmentally sensitive areas:

- Employment-led growth – a scale of housing growth that is proportionate to the town's ability to attract new jobs, retain existing ones and help facilitate sustainable travel to work patterns
- Meet the needs of those of working age, including promoting the right mix of housing that encourages higher skilled people to move to the town and to create opportunities for younger people to remain in Hastings. This includes providing more family homes and larger dwellings
- Maximise the provision of affordable housing
- Meet the needs of those residents currently living in unsuitable accommodation – such as overcrowded properties or those in disrepair
- Provide for the needs of the growing number of people of retirement age

Policy H2 of the Planning Strategy states that the Council will seek to ensure a genuine mix of housing types within existing and future communities

Chapter 8 Housing, Paragraph 8.7 of the Planning Strategy notes that the Council wishes to encourage a greater variety of provision in terms of dwelling types and sizes. In particular, the development of larger homes (3 or more bedrooms) given the bias in the stock towards smaller dwellings and flats, will be encouraged. It is likely that developments within the existing suburban areas will provide the best opportunities to deliver larger homes where relatively lower density development will be appropriate.

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".

Previous applications for the change of use of these properties to HMOs were refused by the Council and dismissed by the Planning Inspectorate as noted in the planning history section above. The inspector considered three key points. The first was whether the HMO use was acceptable, the second was whether the proposed extensions were acceptable and the third was whether the loss of family sized housing was acceptable. The Inspector concluded that the change of use to an HMO was acceptable in principle, however due to the overriding concerns about the proposed extensions, the appeal was dismissed. These extensions have now been removed from the proposal and this application purely seeks retrospective

permission for the change of use of the properties to houses of multiple occupation.

In respect of the third issue and the inspector's assessment of the loss of family sized housing the following points were noted:

- Both properties have extensive accommodation over three floors
 - Both properties are approached by means of steep steps
 - There is a preponderance of smaller family houses within the immediate vicinity
- on these three points the Inspector concluded the loss of the family sized housing was acceptable.

The inspector's report closes by stating that the change of use is in accordance with the thrust of the HC1 of the DM Plan and H4 of the Planning Strategy.

Use of properties as Houses in Multiple Occupation

Policy H4 of the Hastings Borough Local Plan states that planning permission will not be permitted where more than 10% of the total number of properties within a 100 metre radius of the application property are already in use as either Class C4 or other types of HMO in a Sui Generis use.

Having carried out the calculation for this site it is apparent that there are 2 HMOs and 92 properties within 100 metres of No. 3 and 4 Linton Road. This equates to approx 2.1%. The number of HMOs is based on a list provided by Housing on Nov 2014, Council Tax on Nov 2015 and LLPG HMO classifications on 4 Jan 2016. As this application is retrospective the existing properties (3 & 4 Linton Road) have been excluded from the calculation. If they are included then there are 4 HMOs and therefore this equates to approx 4.3%.

Living Environment

Hastings Borough Council Planning Department currently have no accommodation size standards for Houses of Multiple Occupation. However, having assessed this proposal against the relevant standards for self-contained flats it is apparent that bedrooms meet the space standards. Policy DM3 of the Development Management Plan introduces new standards for residential accommodation, however these relate more to total floor areas rather than individual bedroom sizes within an HMO. In light of this, the room sizes have been assessed against the Department for Communities and Local Government technical guidance. Having carried out this assessment it is apparent that the rooms meet the criteria. However, it should be noted that Bedrooms 4 and 5 within No. 3 Linton Road and 8 and 10 within No. 4 are only considered large enough for single rooms. The Inspector concluded at appeal on this point that the use of the properties as HMOs was acceptable and as such this aspect of the application is considered acceptable.

It is noted that concerns have been raised in respect of insufficient parking, noise arising from the use, loss of parking and impact on the character of the area.

In respect of parking, whilst there is no off street parking provided, the site is within walking distance of the Town Centre with easy access to public transport. The Highway's Officer has previously raised no objection subject to conditions which are included within the recommendation.

Environmental Health have advised that there have been no recorded noise complaints for either property. Whilst it is appreciated that there may be a slight change in the way the property is used, it is not considered that the noise levels would rise to a point that would

make the HMO use unacceptable.

No further windows are proposed as part of this application and it is not considered that the proposed use will cause unacceptable overlooking. As noted above no extensions are now proposed and as a result there would be no significant change to the character of the area.

Loss of Family Sized Housing

As with the previous applications no evidence has been submitted by the applicant demonstrating that the dwellings can no longer be retained as single family dwelling units. The Council acknowledges the checkered history of No. 3, which has had several different uses however, the most recent lawful use of No. 4 was as a single family dwellinghouse. In essence it is clear that the objectives of the Local Plan are both to provide accommodation to meet all the different types of housing need and to address the significant bias towards smaller dwellings in the existing stock by both promoting the provision of larger dwellings in new development and preventing, where reasonable, the loss of family sized units through change of use. The Council's policy for family sized housing is not based on an identified shortfall of family sized housing but rather an aim to retain and build family sized housing which forms part of a wider objective in order to change the demographic of the population. This in turn will improve prospects for economic development and regeneration.

The Inspector in their appeal decision has clearly taken the view that the loss would not be harmful. The loss of the housing would represent 2 units out of the overall housing stock and would enable the provision of cheaper accommodation, meeting other needs in the Borough. The views of the Inspector on this specific point are considered questionable however, to refuse an application on this point where the issue has already been determined at appeal would potentially mean an award of costs against the Council in respect of a future appeal. In this respect, therefore, although a finely balanced issue, it is considered that the loss of family housing is acceptable.

Extensions / Room Layout

No significant extensions or room layouts are proposed.

Basement/Lighting

The scheme does not comprise a basement and the accommodation is considered to benefit from suitable satisfactory levels of daylight.

Refuse Storage

The refuse storage provision on site is limited due to the terracing of the front garden. As a result of this, the bins have previously been left on the public foot way. As part of the previous applications, it was indicated by the applicant that he would be prepared to create a refuse storage area for No.s 3 & 4 Linton Road similar to that at No. 5. This would involve a large amount of excavation works to the front garden of No. 4 to create a street level storage area. A similar area has been created at No. 5 which was granted planning permission in 1957. A bin store area of this nature may be acceptable. No alternative proposal for the storage of the bins has been submitted with this application. The inspector's appeal decision made clear that the lack of a refuse bin storage area was not acceptable. If minded to approve this application, a condition could be attached to require details submitted and approved.

Approach to the properties

Due to the topography of the Borough of Hastings, the Council do not consider the reference to the stepped entrance pertinent to the consideration of the use of the properties.

Evidence of Community Involvement

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

The Council has considered the implications of the Human Rights Act 1998 during the consideration of this application. It is considered that the interference with the human rights of the applicant and the residents under Article 8 and Article 1 of the Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the freedom of others or the control of his/her property in this way is in accordance with the general interest.

Conclusion

Having reviewed the Council's Local Plan in relation to the retention of single family dwellings, it is considered that the proposal meets the aims of the Hastings Planning Policies having regard to the previous decision issued by the Planning Inspectorate. However, due to the planning history of this site and the previous decision by the Planning Inspectorate, this application must be carefully considered. Although it is considered that the change of use of these properties would result in the loss of family sized units, this was not thought harmful by the Planning Inspectorate. Should the Members of the Committee chose to refuse permission in this instance, it should be noted that, if the application were to be appealed by the applicant, there is a likelihood that costs could be awarded against the Council.

Recommendation

Grant Full Planning Permission subject to the following conditions:

1. Within 3 months of the grant of this permission details of a bin storage area(s) shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be completed in accordance with the approved details and once provided the bin storage area(s) shall be used for the storage of refuse only and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.
2. Within 3 months of the grant of this permission, details of a cycle parking area shall be submitted to and approved in writing by the Local Planning Authority. The area shall thereafter be retained for that use and shall not be used other than for the parking of cycles unless otherwise agreed in writing by the Local Planning Authority.
3. Within 3 months of the grant of this permission a travel plan statement for the residents of the properties shall be submitted to and approved in writing by the Local Planning Authority.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: DP/2641/PP/REV C/01, P/2641/PP/REV B/02 and DP/2641/PP/REV B/03

Reasons:

1. To ensure a satisfactory standard of development that causes no obstruction to the public highway.
2. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
3. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
4. 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. 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/15/00834 including all letters and documents

Appeal Decisions

Site visit made on 21 May 2015

by **R J Maile BSc FRICS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 June 2015

Appeal A Ref: APP/B1415/W/15/3002813
3 Linton Road, Hastings, East Sussex, TN34 1TN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr T Branczyk against the decision of Hastings Borough Council.
 - The application ref: HS/FA/10/00035, dated 24 January 2010, was refused by notice dated 13 October 2014.
 - The development proposed is "to obtain retrospective planning permission for a change of use from residential use to HMO (house in multiple occupation) use."
-

Appeal B Ref: APP/B1415/W/15/3002829
4 Linton Road, Hastings, East Sussex, TN34 1TN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr T Branczyk against the decision of Hastings Borough Council.
 - The application ref: HS/FA/14/00272, dated 17 March 2014, was refused by notice dated 13 October 2014.
 - The development proposed is "retrospective planning application for the change of use from a single dwelling to an HMO which provides accommodation to students."
-

Decisions

Appeal A Ref: APP/B1415/W/15/3002813

1. The appeal is dismissed.

Appeal B Ref: APP/B1415/W/15/3002829

2. The appeal is dismissed.

Preliminary Matter

3. In both instances the planning applications as considered by the Council include proposals for single storey extensions – to the rear and at first floor level in the case of 3 Linton Road and to the flank at ground floor level to 4 Linton Road.

Main Issues

4. The main issues in respect of both appeals are:
-

- a) Whether the dwellings should be retained in single family occupation.
- b) The effect of the development upon the character and appearance of the host buildings and that of the surrounding area.

Reasons

a) *Retention in single family occupation.*

5. The subject properties comprise a pair of semi-detached Victorian villas located in an elevated position above Linton Road. They are within a mixed residential area of mostly similar Victorian houses on the west side of the road and smaller, principally inter-war houses opposite. Both dwellings are sustainably located close to the town centre and main line railway station.
6. The application in respect of 3 Linton Road sought to regularise use as an HMO of a ground floor unit having three bedrooms, a kitchen, dining room and access to the rear garden, together with an upper unit providing five further bedrooms, a kitchen and bathrooms. A proposed extension would provide for a separate dining room. In the case of 4 Linton Road there are presently seven bedrooms within the building and shared facilities that include kitchen, dining room and bathrooms.
7. The Hastings Local Plan, Development Management Plan, Proposed Submission Version 2014 ('the DMP') is at an advanced stage towards formal adoption. I therefore intend to accord considerable weight to its emerging policies, which are relevant to my determination of these appeals.
8. DMP Policy HC1 deals with the conversion of existing dwellings and supports the provision of quality homes and an appropriate dwelling mix. Converting all or part of a dwelling to another use or into multiple dwellings will normally be permitted, subject to a number of detailed criteria. Amongst these are: a) - that the building can no longer be retained in its entirety for single family housing occupancy; and d) - that adequate provision is made for refuse storage.
9. Policy H4 of the adopted Planning Strategy¹ states that change of use to HMOs will not be permitted where more than 10 per cent of the total numbers of properties within a 100m radius of the application property are already in use as either Class C4, or other types of HMO. Paragraph 8.19 of the supporting text to that policy states, amongst other matters, that:

'It is likely that the number of HMOs in the town as a whole will increase, driven by increasing student numbers as a result of the new University campus, changes to housing benefit and the increasing need for smaller affordable units of accommodation.'
10. In the cases before me, the surrounding area comprises mostly single family dwellings or converted flats. On behalf of the appellant it is contended that there are currently fewer than 1 per cent HMOs within a 100m radius of 3 and 4 Linton Road, a matter with which the Planning Officer agreed. Furthermore, there is no evidence before me to suggest that the likely increase in demand for student accommodation and the need and demand for HMOs referred to in the Planning Strategy document is to be met elsewhere.

¹ The Hastings Planning Strategy 2011-2018 (February 2014).

11. I can appreciate the concerns of local residents who, for a variety of reasons, have objected to the proposals. Nevertheless, having regard to the nature of surrounding development I cannot accept that the change of use of these two adjacent properties as proposed will unbalance the local community as detailed at paragraph 8.20 of the supporting text to Policy H4 of the adopted Planning Strategy¹.
12. In principle I see no objection to the use of nos. 3 and 4 as HMOs, subject to the concerns that I have identified in Issue b) below. Both properties have extensive accommodation over three floors, are approached by means of steep steps from the pavement of Linton Road and are not particularly suitable for single family use. In addition, there would appear to be a preponderance of smaller family houses within the immediate vicinity to meet the Council's desire to provide a mix of dwelling types in the locality.
13. I therefore find on the first main issue that the loss of these properties to single family occupation should not be resisted and that development as proposed will accord with the thrust of "saved" Policy H4 of the Local Plan², emerging Policy HC1 of the DMP and Policy H4 of the adopted Planning Strategy¹.

b) Effect upon character and appearance.

14. Notwithstanding my conclusions on the principal main issue, I have concerns in respect of both appeals relating to detailed issues associated with the proposed extension to each of the properties and the arrangements for refuse storage.
15. I note that only two plans accompanied the planning application in respect of 3 Linton Road, as referred to in the Council's notice of refusal (nos. 1399-3 and 1399-4). Drawing no. 1399-4 provides details of the floor plan of the proposed dining room extension. However, there are no elevational drawings or block plans to indicate the appearance of this structure or its relationship with no. 4 next door.
16. Although the Council has raised no objection to this element of the scheme, it is necessary for any detailed consideration of its impact upon the host building and no. 4 next door that plans showing the elevations are provided. However, from the limited information before me the extension would project almost 7m beyond the back addition structures to both 3 and 4 Linton Road and, in isolation, would appear somewhat incongruous and unrelated to the original Victorian structure.
17. The proposed single storey extension to no. 4 fails to relate to the host building in terms of its design, fenestration and roof form. The set back from the front elevation is insufficient, whilst the rearward projection creates an unacceptable relationship with the rear-facing window of Room 2 and flank-facing window of Room 3 (as denoted on Drawing no. 1429-1) in terms of loss of daylight and overshadowing.
18. Whilst I accept that the appeal site is not within a Conservation Area or Area of special Residential Character, it is nevertheless a requirement of National policy at Chapter 7 of the Framework³ that great importance should be attached to

² The Hastings Local Plan 2004-2011 (adopted 2004).

³ The National Planning Policy Framework.

the design of the built environment. The extensions as proposed would fail to relate to their respective host buildings and, in terms of the flank extension to no. 4, to the appearance of the street scene.

19. The appellant's letter to the Council dated 16 June 2014 addresses matters of waste management by suggesting that a large street-level storage space would be provided similar to that at 5 Linton Road next door.
20. No detailed drawings have been provided to me, such that this matter is not capable of being addressed by means of a suitably worded condition. Furthermore, the open storage area at no. 5 is unsatisfactory in terms of its lack of screening and the resultant adverse impact upon the appearance of the street scene.
21. I therefore find on the second main issue that the proposed extensions to the properties and the provision of a pavement level waste storage area will have an unacceptable impact on the character and appearance of the host buildings and that of the surrounding area contrary to "saved" Policy DG1 (b), (f) and (g) of the Local Plan² and emerging DMP Policy DM1.

Other Matters

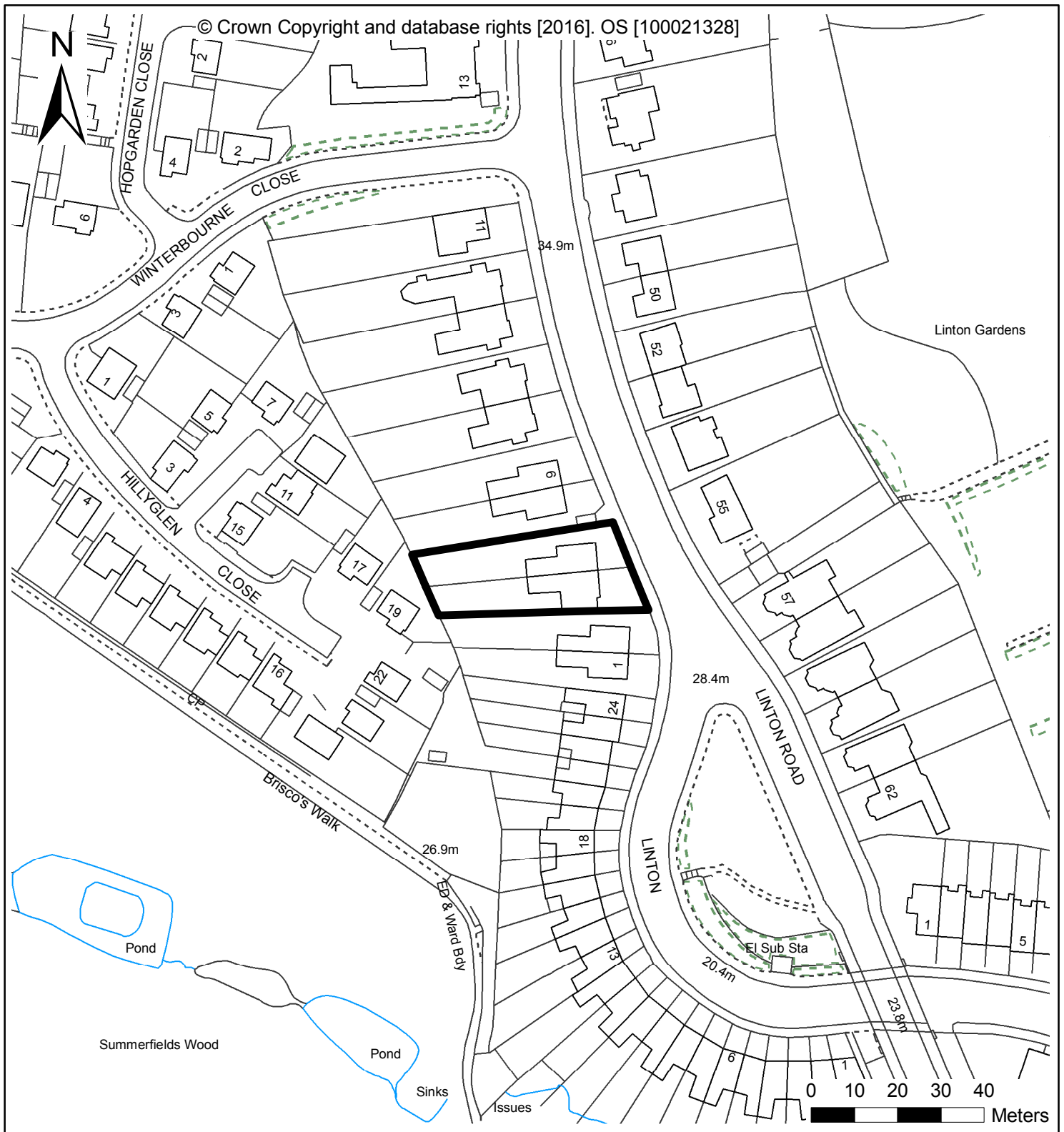
22. The Council's Housing Officer has commented in relation to 4 Linton Road that the kitchen should not be shared by more than five persons and that the proposals fail to comply with the Council's standards in other respects.

Conclusion

23. For the reasons given above, I conclude that the appeals should fail.

R. J. Maile

INSPECTOR



**3 & 4 Linton Road
Hastings
TN34 1TN**

Change of use from residential to HMO (retrospective).



Assistant Director Housing & Built Environment
Hastings Borough Council,
Aquila House, Breeds Place,
Hastings, East Sussex TN34 3UY
Tel: 01424 451090
email: dcenquiries@hastings.gov.uk

Date: Jan 2016

Scale: 1:1,250

Application No. HS/FA/15/00834

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 OS.

This page is intentionally left blank

Agenda Item 6

Agenda Item: 6

Report to: Planning Committee

Date: 27 January 2016

Report from: Planning Services Manager

Title of report: **PLANNING APPEALS & DELEGATED DECISIONS**

Purpose of report: To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 14 December 2015 to 15 January 2016

Recommendations: That the report be noted

Address	Proposal	PSM's Rec.	Where the decision was made	Type of Appeal
----------------	-----------------	-------------------	------------------------------------	-----------------------

The following appeals have been received:

Nothing to report

The following appeals have been dismissed:

23 – 27 Gensing Road, St Leonards-on-Sea, TN38 0HE	Conversion of four maisonettes into 8 flats	Refuse Planning Permission	Delegated	Planning
--	---	----------------------------	-----------	----------

The following appeals have been allowed:

30 The Broadway, Hastings, TN35 5EH	New dwelling	Refuse Planning Permission	Delegated	Planning
49 Gillsmans Park, St Leonards-on-Sea, TN38 0SN	New detached garage	Refuse Planning Permission	Delegated	Planning

Type of Delegated Decision	Number of Decisions
Granted	56
Refused	8
General PD (Approval)	1
Prior Approval Approved	2

Background Papers:

Various correspondence with Planning Inspectorate

Report written by:

Naiomi Sargant - Tel: (01424) 783264 Email: dcenquiries@hastings.gov.uk

Agenda Item 7a

AGENDA ITEM NO: 7 (a)

Report to: PLANNING COMMITTEE

Date: 27 January 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: Land off, Robert Tressell Close, Hastings, TN34 1UP

Proposal: Variation of condition 21 (approved plans) of planning permission HS/FA/14/00823 - amendment to front elevation and parking

Application No: HS/FA/15/00805

Recommendation: Grant Full Planning Permission

Ward: BRAYBROOKE
File No: LO55082
Applicant: Gold Property Developments Ltd per DK Designs FPT Ltd 96 Blackburn Drive Sheffield, South Yorkshire. S35 2ZP

Interest: Owner
Existing Use: Vacant

Policies

Conservation Area: Yes - Blacklands
National Planning Policy Framework: No conflict
Hastings Local Plan -
The Hastings Planning Strategy: DS1 (New Housing development),
FA2 (Strategic Policy for Central Area),
SC1(Overall Strategy for Managing Change in a Sustainable Way),
SC3 (Promoting Sustainable and Green Design),
SC4 (Working Towards Zero Carbon Development),
EN1 (Built and Historic Environment),
EN2 (Green Infrastructure Network),
EN3 (Nature Conservation and Improvement of Biodiversity),
H1 (Housing Density),
H2 (Housing Mix),
H3 (Provision of Affordable Housing),
T3 (Sustainable Transport)

Hastings Local Plan -
Development Management Plan: DM1 (Design Principles),
DM3 (General Amenity),
DM4 (General Access),
HM1 (Development affecting the Significance

and Setting of Designated Heritage Assets
(including Conservation Areas),
HN7 (Green Infrastructure in New
Developments),
HN8 (Biodiversity and Green Space)

Public Consultation

Adj. Properties:	Yes
Advertisement:	Yes - Conservation Area
Letters of Objection:	4
Petitions Received:	0
Application Status:	Not delegated - More than 2 letters of objection received

Summary

This is an application for the variation of condition 21 (approved plans) of planning permission HS/FA/14/00823 which allowed the erection of 10no. family dwellings and associated parking and access road. The application constitutes a minor amendment of the previously approved scheme. The application is recommended for approval.

The Site and its Location

The site consists of an undeveloped parcel of land to the west of Robert Tressell Close. The site adjoins residential properties to the north and south and the boundary of the Blacklands Conservation Area runs along the site's northern boundary. A vacant area of land lies to the east and a parking area to the west. Mature trees run along part of the northern, southern and eastern boundaries. As set out in the previous consent, the land levels on site drop between the southern and northern boundaries.

The area is defined by a mixture of housing types including larger houses at Lower Park Road to the north. Due to levels of open space and the gardens of neighbouring properties the area is considered to have a suburban type character and appearance.

Details of the Proposal and Other Background Information

Planning permission for 10no. family dwellings and associated parking and access road was granted at planning committee on 4 February 2015.

Condition 21 of this permission relates to the approved drawings and by varying this condition the applicant is proposing to replace some of the previously approved drawings with new drawings showing a small change in the floor area and front elevations to plots 1 - 5 and 9 - 10. The change in footprint relates to the squaring off of the building without a front projection for the entrance porch area. This results in a small increase in floor area as well as a repositioning to allow for a parking space in front of the dwellings.

Previous Site History

HS/OA/07/00963 Erection of 9 houses with parking & new access road & creation of 4 x replacement parking spaces.

- Granted 01 February 2008.
HS/DS/10/00681 Erection of 9 houses with parking & new access road & creation of 4 x replacement parking spaces. Approval of reserved matters pursuant to application HS/OA/07/00963.
Granted 01 January 2011.
HS/FA/14/00144 Development of land off Robert Tressell Close to provide 11no. family dwellinghouses and associated parking and access road.
Withdrawn 14 July 2014.
HS/FA/14/00823 Erection of 10no. family dwellings and associated parking and access road.
Granted 05 February 2015.

Details of Consultations

Subsequent to neighbour notification letters 4 individual letters of objection have been received. The comments mainly relate to the principle of development for this site as well as to the loss of trees.

Planning Considerations

Residential amenity

The changes, which relate to plots 1-5 and 9-10, will not affect the living conditions of future occupiers or adjoining properties. Although the dwellings have been moved slightly back into the plot, the amenity space exceeds the minimum garden space of 10m in depth. As with the previously approved applications, the relationship to adjoining properties remains acceptable in terms of residential amenity including privacy, noise, daylight and overshadowing.

All these matters were considered as part of planning application HS/FA/14/00823 and this application does not significantly change the scheme in that respect. The application is therefore in accordance with Policy DM3 (General Amenity) of the Development Management Plan.

Character and appearance

The minor changes to the front elevations include some changes to the area covered by render or brick as well as changes to the floor plan. The front entrance porches which were previously shown to project further to the front than the rest of the building have been removed and the footprint of the dwellings has been squared off. The dwellings have been moved slightly deeper into the plot in order to allow enough space for the car parking spaces. The proposed changes are relatively small and would not significantly affect the character of the area. As such the changes are considered acceptable and in accordance with Policy DM1 (Design Principles) of the Development Management Plan.

Trees: There are a number of trees within the centre of the site which are proposed to be removed however the loss of these trees has already been approved by the previous permission and the subsequent discharge of condition application HS/CD/15/00867. The proposal is therefore considered acceptable in this respect.

Evidence of Community Involvement

These proposals comply with the development plan in accordance with Section 38 (6) of the

Planning and Compulsory Purchase Act 2004 which states:

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

The 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 planning permission HS/FA/14/00823.
2. No development shall take place until the measures outlined in the submitted ecological statements and reports (Land off Robert Tressell Close, Hastings, Ecological Impact Assessment by the Bourne Valley Consultancy dated September 2007; and the update letter from the Bourne Valley Consultancy dated 17 October 2014) have been fully implemented, unless:

- (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;

unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

3. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
- (ii) Development shall be carried out in accordance with the details approved under (i) and the dwellings hereby approved shall not be occupied until those works have been completed.

The dwellings hereby approved shall not be occupied until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development (in accordance with BS5837

2012: Trees in relation to design, demolition and construction – Recommendations). New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.

5. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. No development shall take place until 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;
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. 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.
9. The dwellings hereby approved shall not be occupied until provision has been made for high speed broadband infrastructure to serve the development.
10. Prior to the commencement of development details of the proposed surface water drainage shall be submitted to the Local Planning Authority for approval. The development shall be completed in accordance with the approved details.
11. 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.
12. The development shall not be occupied until 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 motor vehicles.

13. 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.
14. During development every loaded lorry shall be covered before leaving the site.
15. No development shall take place until a scheme has been submitted to and approved by the Local Planning Authority that shows works to improve pedestrian access between the site and Priory Avenue by installing dropped kerbs at junctions where necessary. The improvements shall be provided prior to the occupation of any of the dwellings hereby approved, and shall be implemented in accordance with the approved scheme.
16. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.
17. No development shall commence until details of the size and location of any temporary structures required during the construction process, proposals in respect of the public footpath during construction, a vehicle wheel washing facility together with areas for the storage of materials, and temporary site hoardings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved details, and the approved details shall remain in place and in operation for the duration of the construction period.
18. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures within the approved protocol shall be carried out prior to commencement of development unless ongoing control has been approved.
19. No building hereby permitted shall be occupied until it has been connected to the main drainage system and the approved means of vehicular and pedestrian access thereto have been constructed to a specification and to an extent approved by the Local Planning Authority in relation to that building.
20. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
21. The development hereby permitted shall be carried out in accordance with the following approved plans:
2015-15-01, 50, 51, 52, 60, 61, 70, & 71, 2015-15-100, 2015-101; 1210-130,131,132

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
3. To ensure a satisfactory standard of development.
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. To ensure a satisfactory form of development in the interests of the visual amenity.
7. To ensure a satisfactory form of development in the interests of the visual amenity.
8. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).
9. To ensure a satisfactory standard of development.
10. In the interests of highway safety.
11. In the interests of highway safety and for the benefit and convenience of the public at large.
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 and the amenities of the area.
15. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety. (Hastings Local Plan 2004 policy TR10)
16. To protect features of recognised nature conservation importance.
17. In the interests of the visual and residential amenities of the locality.
18. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
19. To ensure that no property is occupied until adequate access and drainage facilities have been provided.

20. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
21. 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. Consideration should be given to the provision of a domestic sprinkler system.
4. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.
5. 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.
6. No excavation, mounding or tree planting should be carried out within 3m of the public foul sewer, and no new soakaways should be located within 5m of the public sewer without consent from Southern Water Services Ltd. 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.
7. The Local 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.
8. With regard to condition 14 of this planning permission the applicant's attention is drawn to the guidance set out in the Environment Agency's booklet: "The Knotweed Code of Practice", a copy of which is obtainable at:

<https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>
9. This planning permission has been issued as a variation to planning permission HS/FA/14/00823. Aside from the condition that has been varied the conditions listed above are copied from the previous permission and may have already been discharged. If the conditions have been dealt with previously you will not be required to deal with those conditions again, unless matters associated with those conditions have changed. Any

outstanding matters required by condition should be submitted to the Local Planning Authority as soon as possible.

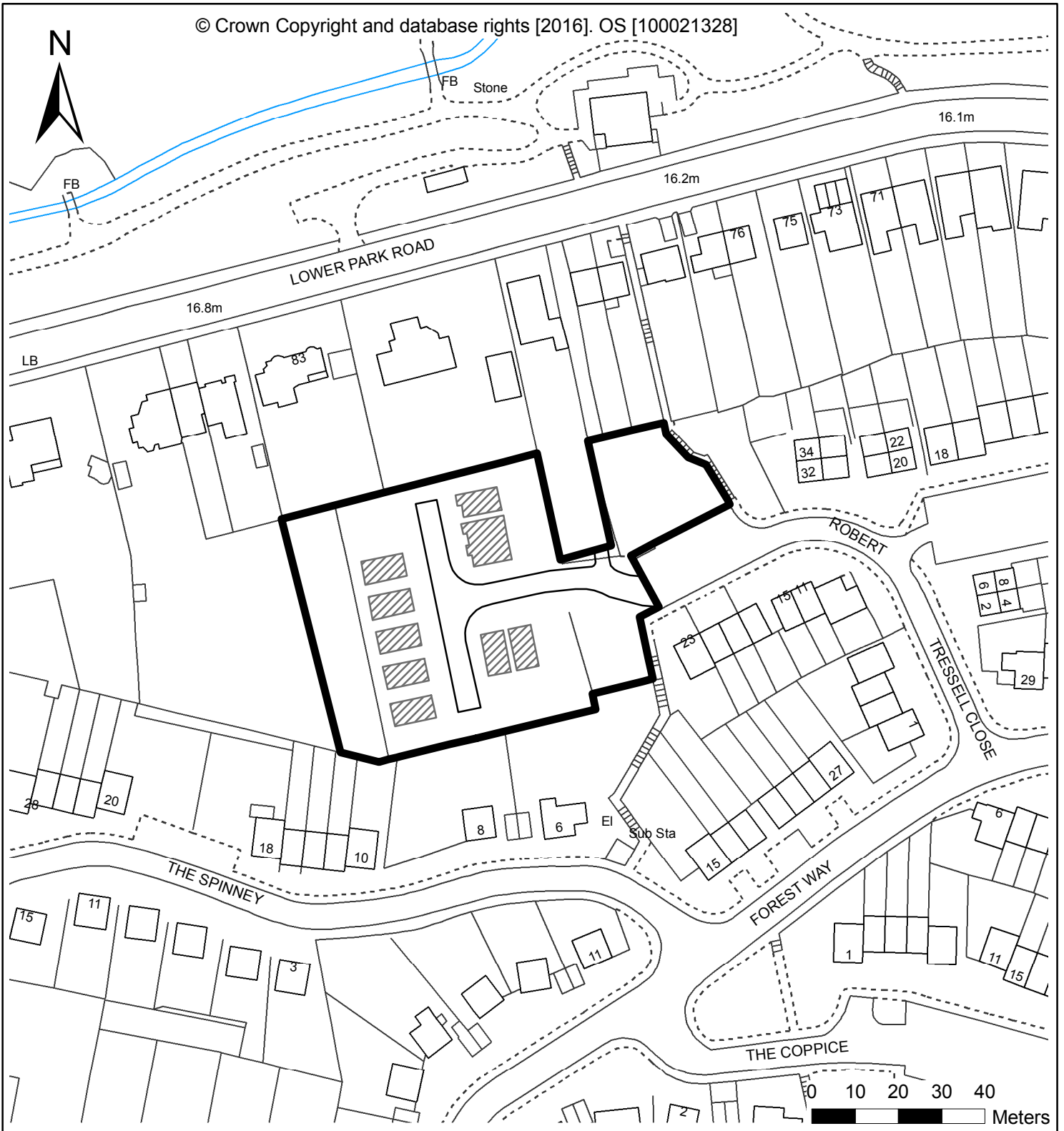
Officer to Contact

Mrs E Collins, Telephone 01424 783278

Background Papers

Application No: HS/FA/15/00805 including all letters and documents

This page is intentionally left blank



**Land off, Robert Tressell Close
Hastings
TN34 1UP**

Variation of condition 21 (approved plans) of planning permission
HS/FA/14/00823 - amendment to front elevation and parking



Assistant Director Housing & Built Environment
Hastings Borough Council,
Aquila House, Breeds Place,
Hastings, East Sussex TN34 3UY
Tel: 01424 451090
email: dcenquiries@hastings.gov.uk

Date: Jan 2016

Scale: 1:1,250

Application No. HS/FA/15/00805

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 OS.

This page is intentionally left blank