

Planning Committee Agenda

Wednesday, 24 February 2016 at 4.30 pm

Council Chamber, Town Hall, Queen's Square, Priory Meadow, Hastings,
TN34 1QR

For further information, please contact Emily Horne on 01424 451719 or email:
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Present: Councillors Street (Chair), Scott (Vice-Chair), Beaney, Beaver, Edwards, Dowling, Lee, Roberts, Rogers and Wincott

63. APOLOGIES FOR ABSENCE

None.

64. DECLARATIONS OF INTEREST

None.

65. MINUTES OF THE MEETINGS HELD ON 15 DECEMBER 2015 AND 23 DECEMBER 2015

RESOLVED – that the minutes of the meeting held on 15 December and 23 December 2015 be approved and signed by the Chair as a true record.

66. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

67. PLANNING APPLICATIONS ATTRACTING A PETITION:

68. 3 & 4 LINTON ROAD, HASTINGS

Proposal:	Change of use from residential to HMO (retrospective).
Application No:	HS/FA/15/00834
Existing Use:	Unlicensed HMO
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

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Public Consultation:

7 letters of objection and 1 petition received

The Planning Services Manager reported on a retrospective application for change of use from residential to Houses of Multiple Occupation (HMO) at 3 & 4 Linton Road, Hastings.

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.

Within the curtilage of No. 4 is a boiler room and ground floor WC which have been erected without planning permission. Although the retention of these extensions was not included within the 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.

Together nos.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 approximately 21 steps up to the front doors. The front gardens are also terraced to reflect the topography.

The planning application was submitted further to investigation by the Planning Enforcement team and the HMO Licensing department.

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 required planning permission for use as an HMO.

The main issues considered were the use of properties as houses in multiple occupation; living environment; loss of family sized housing; extensions/room layout; basement/lighting; refuse storage; approach to the properties and evidence of community involvement.

Having reviewed the Council's Local Plan in relation to the retention of single family

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dwellings, the Planning Services Manager considered that the proposal met 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, she felt the application must be carefully considered. Although it was 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. The report advised that if members of the Committee chose to refuse permission, if the application were to be appealed by the applicant, there is a likelihood that costs could be awarded against the Council.

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

The Planning Services Manager provided several updates to the report as follows: under the 'Previous Site History' on page 38, applications HS/FA/10/00035 and HS/FA/14/00272 of the agenda were refused on 13/10/2014 not 2015 as stated in the report. Amendments to the floor Plan which originally showed a kitchen window and side elevation have been removed to reflect what is current and proposed.

The petitioner, Ms Kate Adams, was present and spoke against the application.

The applicant, Mr Thomas Branczyk, was present and spoke in support of the application.

Councillor Beaney proposed a motion to refuse the application against the officer recommendation. This was seconded by Councillor Lee. The motion was lost by 3 votes for to 6 against, with 1 abstention.

Cllr Wincott proposed a substantive motion to approve the application as set out in the report. This was seconded by Councillor Scott. Councillor Rogers proposed an amendment to the motion by the addition of a condition for boundary treatment fencing between the rear gardens of the two properties. This amendment was not accepted by the proposer of the motion and was seconded by Cllr Roberts. The amendment was approved by the Committee by 5 votes to 3, with 2 abstentions.

The substantive motion to approve the application with the amendment as set out in condition 5 below was agreed by 7 votes to 3 against.

RESOLVED – by (7 votes to 3) that:-

- 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**

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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; and**
- 5. Details of the side boundary treatment between the rear gardens of Nos. 3 and 4 Linton Road shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this approval. The approved boundary treatment shall then be erected within three months of the date of this approval and retained thereafter.**

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; and**
- 4. For the avoidance of doubt and in the interests of proper planning.**
- 5. To safeguard the amenity of adjoining and future residents in accordance with policy DM3 of the Hastings Local Plan Development Management Plan (2015).**

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.**

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69. PLANNING APPEALS AND DELEGATED DECISIONS

The Planning Services Manager reported that two planning appeals had been received. Since then it was noted that an appeal on 24 and land east of 16-24 Ironlatch Avenue, St. Leonards on Sea had recently been approved on 22 January 2016. The appeal was allowed and planning permission was granted for the demolition of existing bungalow at 24 Ironlatch Avenue and the construction of 9 dwellinghouses and a new access road on land to the east of Ironlatch Avenue.

All matters had arisen between 14th December to 22nd January 2015.

RESOLVED – that the report be noted.

70. PLANNING APPLICATIONS:

71. LAND OFF, ROBERT TRESSELL CLOSE, HASTINGS

Proposal:

Variation of condition 21 (approved plans) of planning permission HS/FA/14/00823 – amendment to front elevation and parking HS/FA/15/00805.

Application No:	HS/FA/15/00805
Existing Use:	Vacant
Conservation Area:	Yes - Blacklands
National Planning Policy Framework:	No conflict

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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),
HN1 (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:

4 letters of objection received

Planning Services Manager reported on an application for 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 at Land off Robert Tressell Close, Hastings, TN34 1UP.

Condition 21 relates to 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.

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 main issues were the residential amenity, character and appearance and

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evidence of community involvement.

The Planning Services Manager recommended that planning permission be granted subject to conditions.

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

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

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

1. **The development hereby permitted shall be begun before the expiration of three years from the date of 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;

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

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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;

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- 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; and**
- 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;**

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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); and
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

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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.**

(The Chair declared the meeting closed at. 7.09 pm)

Agenda Item 5a

AGENDA ITEM NO:

Report to: PLANNING COMMITTEE

Date: 24 February 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: Land adjacent, 99 West Hill Road, St Leonards-on-sea

Proposal: Erection of detached house with two parking spaces

Application No: HS/FA/15/00511

Recommendation: Grant Full Planning Permission

Ward: MAZE HILL

File No: WE72076V

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

Interest: Freeholder

Existing Use: Residential Curtilage

Policies

Conservation Area: Yes - Grosvenor Gardens

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

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

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

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - Conservation Area

Letters of Objection: 28

Petitions Received: 1

Letters of Support: 1

Application Status: Not delegated - Petition received

Summary

This application was previously presented to Planning Committee on the 25th November 2015. At this time a resolution to grant permission subject to conditions was agreed:

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

The applicant, as a result of various health issues, is not able to meet the deadline of the 25th February 2016 in respect of a completed S106 legal agreement or resolution of viability issues. As a result the applicant has requested an extension to the deadline until the 25th May 2016. An overall time extension has been agreed until the 1st June in Order to facilitate this. It is recommended that the resolution of grant be amended to remove the deadline of 25th February 2016 and replaced with a new deadline of the 25th May 2016.

The report below is identical to that previously brought to committee with the exception of the proposed deadline with the recommendation which is amended.

Background

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

The main issues are the impacts on the amenity of the neighbouring properties, the impact on the Grosvenor Gardens Conservation Area, the impact on the character and appearance of the area and the stability of the cliffs.

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

The Site and its Location

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

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

Details of the Proposal and Other Background Information

This is a fully detailed application. The proposal involves the creation of a single storey, four bedroomed detached dwelling, set below the existing ground level. To facilitate the erection of this dwelling it is proposed to remove the existing conservatory which serves No. 99 West Hill Road and separate the existing curtilage to create a new plot. The proposed dwelling is shown to have a grass roof at a similar level to the existing pavement along West Hill Road with a small bank of solar panels facing seawards. To provide adequate light to the rooms at

the rear of the property it is proposed to install rooflights and create an open courtyard between the kitchen and dressing room. To the front on the site (sea facing) it is proposed to install full height sliding bi-folding doors to ensure adequate levels of light enter the front of the property. It is proposed to screen the development from the road with boundary hedging encompassing the site; this is also proposed to ensure an acceptable level of privacy is retained. It is also proposed to create two parking spaces to the side of No. 99 West Hill Road with the prime function of serving the new dwelling.

Previous Site History

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

Details of Consultations

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

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

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

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

Planning Considerations

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

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

Living Environment

Policy DM3 of the Hastings Development Management Plan requires that dwellings with 4 bedrooms require a minimum internal floor area of 106m². Having reviewed the floor plan of the proposed dwelling it is apparent that the proposals exceed this requirement.

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

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

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

Land Stability

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

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

Highways

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

Character of the Area

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

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

I take into account the concerns raised by the local residents in relation to the proposed design of the dwelling and its relationship to the existing architectural character of the Conservation Area. However, I am of the opinion that the proposed dwelling, due to its distinctiveness and architectural quality would positively contribute to the Conservation area. I have also discussed the proposal with the Council's Conservation Consultant who has advised that, on balance, the proposed development would not have an unacceptable impact on the special character of the Conservation Area.

Ecology

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

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

Mammals

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

Nesting birds

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

Reptiles

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

Drainage

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

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

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

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

Sustainable Development

The NPPF sets a presumption in favour of sustainable development (paragraph 14), which aims to boost significantly the supply of housing (paragraph 47) and encourages local planning authorities to identify the type and tenure of housing required (paragraph 50).

Following on from this guidance, the Planning Strategy identifies that there is need for additional family size dwellings across the Borough which has an unusually high number of flats (paragraphs 8.3 - 8.8, Policy H2).

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

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

Affordable Housing

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

Local Listing

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

Other considerations

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

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

Recommendation

A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure a financial contribution towards the provision of off-site affordable housing, unless it has been conclusively shown that the development would not be viable if a

payment were made. In the event that the Agreement is not completed or the viability issue not resolved by 25 May 2016 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2028 unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Grant permission subject to the above

Recommendation

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the proposed dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
4. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
5. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs lighting

etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

6. The development shall not be occupied until the 2 parking areas have been provided in accordance with the submitted plan (Drawing No.DRWG/DH/03). Thereafter the parking areas shall be retained for that use and shall not be used other than for the parking of motor vehicles.
7. The development shall not be occupied until cycle parking areas have been provided in accordance with the submitted plan (Drawing No. DRWG/DH/04).
8. No development shall take place until the investigations outlined in paragraph 6.1 of the submitted Land Stability Assessment by GabrielGeo Consulting, dated 5th October 2015 have been carried out and the resulting report and/or plans submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved report/plans.
9. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.
10. During the construction phase the following Ecology requirements shall be adhered to;

Mammals

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

Nesting birds

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

Reptiles

- All vegetation should be regularly maintained at a short height - or removed - to prevent the development of habitat which is favourable to reptiles.
- Site clearance of vegetation should be done with care, and in such a way as to enable any reptiles that might be present to be safely driven towards

retained or adjacent habitat.

– Piles of debris, including logs, tiles, rubbish and vegetation all have the potential to be colonised by reptiles; such material should not be allowed to accumulate. If such debris does appear it should be removed off site by dismantling it carefully by hand, which will then allow any reptiles that may be present to escape.

– Compost heaps, or piles of vegetation waiting to be burnt, can provide a favourable habitat, particularly to hedgehogs and slow worms. Any dismantling of such heaps should be done by hand and with care, to ensure that any animals or reptiles they may contain are not injured. If possible, alternative compost heaps should be established elsewhere on the site to ensure that a continuity of habitat is retained.

11. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwelling hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwelling hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
12. The surface water management proposals formulated for the detailed design stage should be supported by detailed hydraulic calculations showing a 'like for like' discharge rate between the existing and proposed scenarios during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events.
 13. The development hereby permitted shall be carried out in accordance with the following approved plans and details: DRWG/DH/01, 02, 03, 04, 05. JC/KD/01A and Land Stability Assessment carried out by GabrielGeo Consulting dated 5th October 2015.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area.
3. To ensure a satisfactory form of development in the interests of the visual

amenity.

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

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. East Sussex County Council, must be consulted regarding the provision of a vehicular pavement crossing to Highway Authority's standard of specification and construction and at the applicant's expense.
Contact: highways@eastsussex.gov.uk 0345 6080 193.
4. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.
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.

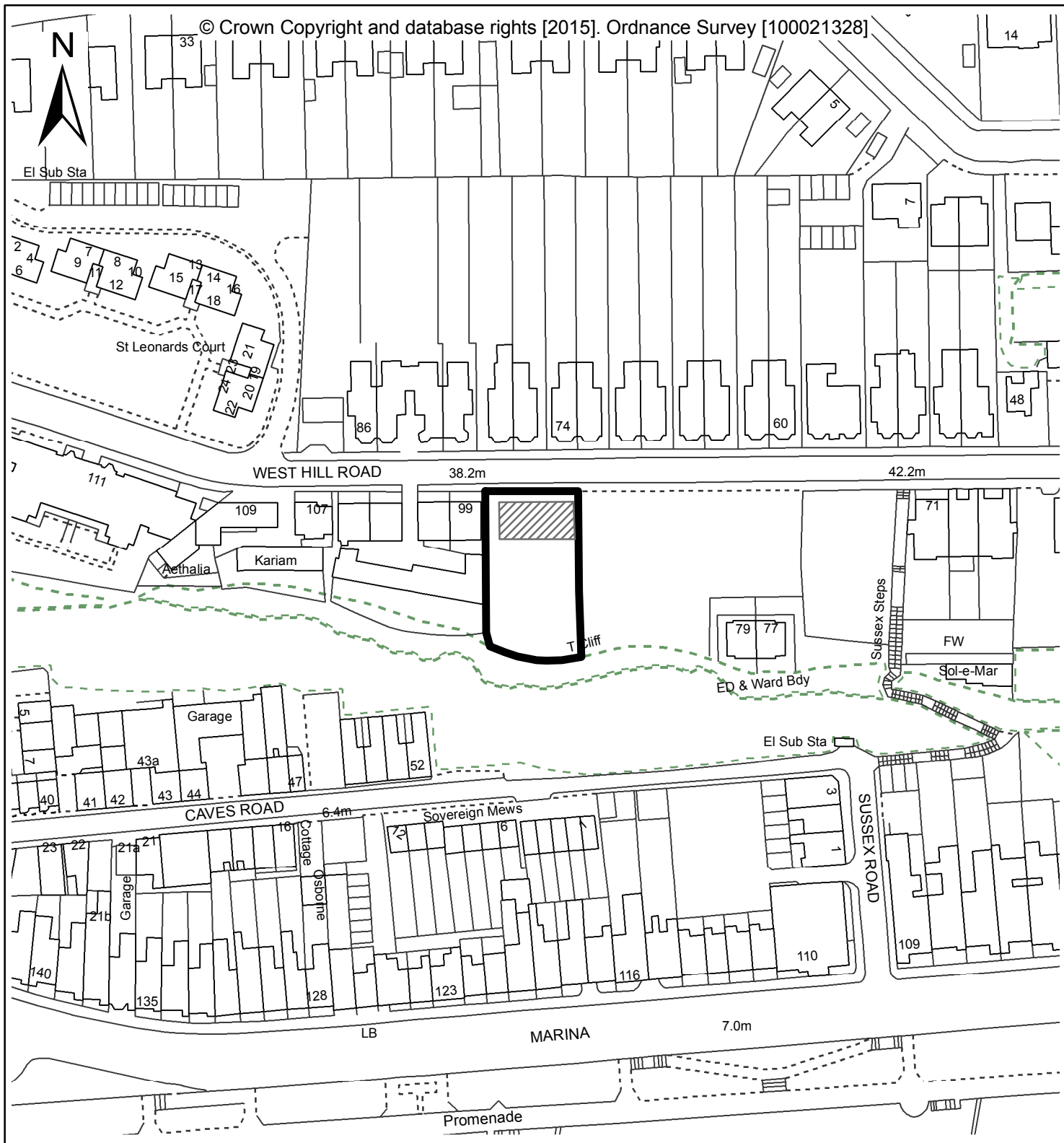
6. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

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



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

Erection of detached house with two parking spaces



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

Date: NOV 2015

Scale: 1:1,250

Application No. HS/FA/15/00511

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Agenda Item 6

Agenda Item: 6

Report to: Planning Committee

Date: 23 February 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 18 January to 10 February 2016

Recommendations: That the report be noted

Address	Proposal	PSM's Rec.	Where the decision was made	Type of Appeal
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The following appeals have been received:

Restaurant and Premises, 12 George street, Hastings, TN34 3EE	Change of use from A3 (restaurant) to A4 (drinking establishment)	Refuse Planning Permission	Delegated	Planning
16 Marina Park, Seaside Road, St Leonards-on-Sea, TN38 0AQ	Proposed sun lounge on existing roof terrace	Refuse Planning Permission	Delegated	Planning

The following appeals against conditions have been dismissed:

16 Russell Street, Hastings, TN34 1QU	Proposed conversion from shop storage to terraced house	Grant Planning Permission	Delegated	Planning
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The following appeals have been dismissed:

248 Wishing Tree Road, St Leonards-on-Sea, TN38 9LA	Erection of a pair of semi detached dwellings including construction of new access from Crowhurst Road	Refuse Planning Permission	Delegated	Planning
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The following appeals have been allowed:

101 Cambridge Road, Hastings, TN34 1EP	Proposed Change of Use from Dwelling House (C3) to HMO (Sui Generis)	Grant Planning Permission	Planning Committee	Planning
24 and land east of, 16-24 Ironlatch Avenue, St Leonards-on-Sea	Demolition of an existing bungalow at 24 Ironlatch Avenue and the construction of eight dwelling houses and a new success road on land to the east of Ironlatch Avenue	Refuse Planning Permission	Delegated	Planning

Type of Delegated Decision	Number of Decisions
Granted	37
Refused	3
Prior Approval Refused	1

Background Papers:

Various correspondence with Planning Inspectorate

Report written by:

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