

# PLANNING COMMITTEE

15 DECEMBER 2016

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

## 140. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Rogers.

## 141. DECLARATIONS OF INTEREST

Councillor	Minute	Interest
Beaver	6a – 2 The Green, St. Leonards on Sea	Personal – Distant relative lives at 45 The Green. They cannot see the site.
Street & Wincott	5a – Land rear of 15-23 Moscow Road, Hastings	Personal – The petitioner, David Hemsley, is a regular attendee to their monthly surgery. They have not discussed the planning application.
Wincott	5a – Land rear of 15-23 Moscow Road, Hastings	Personal – One of the objectors who runs a business in Ore Village is known to him.

## 142. MINUTES OF THE MEETING HELD ON 16 NOVEMBER 2016

**RESOLVED** – that the minutes of the meeting held on 16 November 2016 be approved and signed by the Chair as a true record.

## 143. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

## 144. PLANNING APPLICATIONS ATTRACTING A PETITION:

### 144.1 Land rear of 15-23 Moscow Road, Hastings

Proposal:    Erection of a single storey dwelling (Retrospective as previously approved (HS/FA/13/00370) not built in accordance with approved plans) As amended by site

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plan received 03.10.2016.

Application No:	HS/FA/16/00531
Existing Use:	Development Site
Conservation Area	No
Listed Building	No
Public Consultation	5 letters of objection; 5 letters of support and 1 petition received.

The Senior Planner, Mrs Meppem, presented this report for an application for a single storey dwelling house at land rear of 15-23 Moscow Road, Hastings. Mrs Meppem explained that development had commenced on an earlier application (HS/FA/13/00370), however some areas of the dwelling had not been built in accordance with the approved plans and as such a further application had been submitted to regularise the development. During the assessment of the application and just prior to the last committee meeting it was established the plans did not reflect what was built on site and therefore the application was deferred at the last meeting on 16/11/16 to allow amended plans to be submitted and to carry out consultation. A retrospective application was subsequently submitted to address the discrepancies between the approved plans and the development on site. Mrs Meppem advised members the amendments to the application were considered acceptable. Members were shown plans and photographs of the application site.

Mr Hemsley, Petitioner spoke against the application. He accepted that a number of discrepancies had been resolved and asked if the committee would add a condition to any consent restricting the blocking of the access way to other residents. He also asked if the developers could provide a more suitable paint finish.

Mr Ryan Ullah, Applicant, spoke in support of the application. He addressed issues covered by the Petitioner.

Councillor Beaver proposed a motion to approve the application as set out in the resolution below, including the addition of Condition 12. This was seconded by Councillor Scott.

**RESOLVED - (unanimously) to grant full planning permission subject to the following conditions:-**

- 1. Prior to occupation of the development hereby approved a soft landscaping scheme including a planting plan; 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 shall be submitted to and approved in**

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**writing by Local Planning Authority. The landscaping shall be carried out in accordance with the approved details and maintained thereafter;**

- 2. All planting seeding or turfing included 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;**
- 3. Prior to occupation of the development hereby approved 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 and maintained thereafter. These details shall include proposed finished levels or contours; means of enclosure; pedestrian access and circulation areas; hard surfacing materials and details for the preservation of the airbricks at the adjoining properties at No. 23 and 27 Moscow Road;**
- 4. The fence erected along the southern site boundary with the alleyway to the rear of the properties in Moscow Road shall be retained on site at all times and maintained to an acceptable level. If at any point the fence becomes damaged or dangerous, repair works shall be carried out to ensure safe means of access to the rear of the properties in Moscow Road;**
- 5. Prior to occupation of the development hereby approved details of the proposed ecological enhancements as suggested within the Ecological Survey prepared by Martin Newcombe dated November 2011 shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:**
  - i. the enhancement measures proposed (ie. the erection of bird boxes on buildings or artificial bat roosts) including a plan detailing the location of the proposed enhancements;**
  - ii. a written programme of implementation for the enhancement measures proposed.**

**The approved ecological enhancements shall then be installed on site within a timescale agreed by the Local Planning Authority and maintained thereafter;**

- 6. Notwithstanding the provisions of Schedule 2, Part 1 Classes A, B, C, D**

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or E of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension or external alteration to the property shall take place, and no outbuilding shall be erected within the curtilage without the grant of an additional planning permission;

- 7. Prior to occupation of the development hereby approved details of the proposed surface and groundwater drainage system shall be submitted to and approved in writing by the Local Planning Authority. These details shall include evidence to demonstrate that the proposed methods for dealing with the surface and groundwater are adequate and proportionate to the site. The approved drainage provision shall then be installed on site and retained in working order thereafter;**
- 8. Prior to occupation of the development hereby approved evidence shall be submitted to the Local Planning Authority that the drainage measures installed on site meet the requirements of Southern Water;**
- 9. Prior to occupation of the development hereby approved the proposed bin store as shown on plan 1297.02 shall be provided on site. The bin store shall then be retained on site and maintained to a satisfactory level;**
- 10. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-  
  
08.00 - 18.00 Monday to Friday  
08.00 - 13.00 on Saturdays  
No working on Sundays or Public Holidays.**
- 11. The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1297.02, 16123 - P01A, 16123 - P02A, 16123 - P03A and Ecological Survey dated 10.11.2011; and**
- 12. Details of the colour of the render finish for the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Chair and Vice Chair of Planning Committee and the occupants of No.21 Moscow Road.**

### **Reasons:**

- 1. To ensure a satisfactory form of development in the interests of the visual amenity;**
- 2. To ensure a satisfactory form of development in the interests of the visual amenity;**

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3. To ensure a satisfactory development and to safeguard the amenity of adjoining and future residents;
4. To ensure a satisfactory standard of development;
5. In the interests of achieving a gain for nature conservation and to encourage other wildlife on the site;
6. To ensure against overdevelopment on site and in the interests of the amenity of the neighbouring residential occupiers;
7. To prevent increased risk of flooding;
8. To ensure a satisfactory standard of development;
9. To ensure a satisfactory standard of development;
10. To safeguard the amenity of adjoining residents;
11. For the avoidance of doubt and in the interests of proper planning; and
12. In the interests of visual amenity.

### Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning; and
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

### 145. PLANNING APPLICATIONS

#### 145.1 2 The Green, St. Leonards on Sea

Proposal: Change of use from children's care home (C2) into a HMO of 6 bedrooms, 5 bed-sits and 1 self contained flat plus ancillary storage and office use.

Application No: HS/FA/16/00609

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Existing Use:	Vacant former Children's care home (C2)
Conservation Area:	No
Listed Building	No
Public Consultation	5 letters of objection received

Senior Planner, Mrs Meppem, presented this report on the change of use from vacant children's care home (C2) into HMO: comprising 6 bedrooms and 5 bedsits, 1 self-contained flat, ancillary storage and associated office use.

She informed the Committee of an amendment to the report on page 52 of the agenda. The Highway Officer's comments should read as follows: 'With this in mind, it is considered that a recommendation for refusal could **not** be justified in this instance....' She also said that a late objection from Councillor Cartwright had been received commenting on the car park and HMO which had been addressed in the report. Members were shown plans and photographs of the application site.

After discussion, it was proposed to include an additional informative to state that the applicant is advised that the premises should be managed in a responsible manner at all times.

Councillor Scott proposed a motion to approve the application as set out in the resolution below with the inclusion of the informative. This was seconded by Councillor Wincott.

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

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;**
- 2. The change of use hereby permitted shall be carried out in accordance with the following approved plans and details: 001, 002-rev 4, 003-rev3, 004, 008 and 009-rev1;**
- 3. Any external facing bathroom or WC windows shall be obscure glazed and remain as such at all times; and**
- 4. Prior to occupation, details of the cycle storage and refuse storage shall be provided to and approved by the Local Planning Authority. The storage facilities shall then be provided and retained on site in accordance with these details.**

### Reasons:

- 1. This condition is imposed in accordance with the provisions of Section**

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**91 of the Town and Country Planning Act 1990;**

- 2. For the avoidance of doubt and in the interests of proper planning;**
- 3. To safeguard the amenity of adjoining and future residents; and**
- 4. 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 proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place;**
- 4. Consideration should be given to the provision of a domestic sprinkler system; and**
- 5. The applicant is advised that rooms A1, A2, A3, A4, A5, A6, A7 and A8 are not authorised for residential use by this permission. Should the applicant wish these rooms to be used for residential purposes a separate planning consent will be required.**
- 6. The applicant is advised that the premises should be managed in a responsible manner at all times.**

### 145.2 10 Godwin Road, Hastings

Proposal:	Alterations to property and change of use from three flats to a single dwelling with self contained annexe, provision of first floor balcony & external steps down to basement and demolition of flat roof garage.
Application No:	HS/FA/16/00727
Existing Use:	Residential
Conservation Area:	Yes – Tillington Terrace
Listed Building	No

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Public Consultation

6 letters of objection received from 4 complainants

The Planning Services Manager, Mrs Evans, presented this report for alterations to the property to change back to a single dwelling with 4 bedrooms and 1 self-contained 1 bedroom annexe and the provision of a first floor balcony and external steps to basement and demolition of flat roof garage.

Concerns had been received regarding the proposed balcony to the rear elevation at first floor level, this was not considered to cause unacceptable overlooking. Furthermore, it was considered there would be sufficient parking on site supported by on street parking. Members were advised that the minor external alterations were not considered harmful to the character of the conservation area and that no objection was received from the Conservation Officer. Members were shown plans and photographs of the application site.

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

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
01,02 Rev I (version submitted 29.11.16) ,03 Rev G,04 Rev A,05;
3. The materials to be used in the construction of the external surfaces of the extension and alterations hereby permitted shall match those of the existing main building;
4. 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.
5. The internal doorway at first floor level between the main house and the annexe area shall be retained and shall not be sealed shut or covered over at any time.



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### 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 visual amenity of the area;
4. To safeguard the amenity of adjoining residents; and
5. In order to ensure that the annexe remain subservient to and part of the main house and for reasons of highway safety.

### 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. Your attention is drawn to the requirements of the Party Wall etc. Act 1996;
4. Your attention is drawn to the East Sussex County Council on-line sustainable Urban Drainage (SUDs) Tool-kit regarding suitable drainage schemes for the west stairwell and the south light-well at basement level:  
  
<http://www.eastsussex.suds-tool.co.uk/>  
<https://www.eastsussex.gov.uk/environment/flooding/sustainabledrainagesystems;>
5. The internal annexe hereby approved shall not be used as a separate self-contained dwelling and shall not be sealed off as to sub-divide the dwelling unless an application for planning permission is first submitted to and approved by the Local Planning Authority.

### 145.3 Station Plaza, Station Approach, Hastings

Proposal: Application to modify existing planning obligation – namely Section 106 Agreement relating to Planning Permission HS/FA/06/00983, amendment to Affordable Housing Requirements.

Application No: HS/LA/16/00344

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Existing Use:	Mixed Use
Conservation Area:	No
Listed Building	No
Public Consultation	4 letters of objection received

Principal Planner, Ms Phillips, presented this report for the modification of existing S106 affordable housing obligation attached to planning permission HS/FA/06/00983 for a mixed use development of five new buildings comprising education; health, retail and 103 residential units (30% affordable housing).

A viability statement was submitted as part of the application by the developer, which was subsequently independently assessed by the District Valuer Service. The DVS have concluded that the requirement for affordable housing cannot be viably provided.

Ms Phillips advised that a letter of concern had been received from Mr Jemison regarding the greenway that had been promised as part of development. She said his letter could not be taken into account, as this application was for the modification of a S106 agreement for affordable housing.

The Chair said that the planning application was submitted in 2006 (HS/FA/06/983) and granted in 2007.

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

**RESOLVED - (unanimously) that the Planning Services Manager be authorised to modify the Agreement under Section 106BA of the Town and Country Planning Act 1990 to delete the provision for 30%, affordable housing.**

### **145.4 Half Man Half Burger, 7 Marine Court, Marina, St. Leonards on Sea**

Proposal:	Proposed alterations to external extract ductwork on low level roof over looking undercliff to the North of Marine Court
Application No:	HS/LB/16/00744

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Existing Use:	Restaurant
Conservation Area:	Yes – Burtons' St. Leonards
Listed Building	No
Public Consultation	3 letters of objection received

The Planning Officer, Miss Sargant, presented this report for Listed Building Consent for external extract ductwork on low level roof to the rear of Marine Court.

Work will involve raising the existing brick extract terminal; adding new ducts on either side of the existing brick terminal out through the parapet wall finished with two black matt louvres flush with the wall, and to power coat duct work to match parapet wall.

The corresponding planning application (HS/FA/15/00197) was granted on 12/05/2015.

Councillor Roberts proposed a motion to grant Listed Building Consent as set out in the resolution below. This was seconded by Councillor Clarke.

**RESOLVED** - (unanimously) that Listed Building Consent be granted subject to the following conditions:-

1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.
2. The works hereby permitted shall be carried out in accordance with the following approved plans:

HGSI5 - Location Plan, HGSI5 - Site Plan, P003

### Reasons:

1. This condition is imposed in accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.

### Notes to the Applicant

1. Failure to comply with any condition imposed on this consent 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

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**applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.**

**The reason for granting this consent is:**

- 1 National Planning Policy Framework Section 12 applies. The works proposed will not harm the designated heritage asset.**

### **145.5 Car Showroom, 323 Bexhill Road, St. Leonards on Sea**

Proposal:	Demolition of existing showroom, construction of new showroom and refurbishment of existing workshop
Application No:	HS/FA/16/00258
Existing Use:	Car dealership and workshop (sui generis)
Conservation Area:	No
Listed Building	No
Public Consultation	3 letters of objection received

The Planning Services Manager, Mrs Evans, presented this report for construction of a new car showroom on the junction of Bexhill Road and Bulverhythe Road. Works will involve the demolition of the existing showroom part of the business near the frontage of the site with a replacement showroom extension to the site of the existing workshop building, and refurbishment of existing workshop and rearrangement of the display and parking areas around the site. The extension is single storey.

The Planning Services Manager advised that this application had been submitted because the dealership wants to expand. She stated that the showroom will be re-positioned further back within the site and both the existing and proposed building will not follow the established building line. The floor area will be reduced. Additional concerns regarding the impact on adjoining residents were not considered excessive due to the footpath between the property and site and noise levels associated with the use of the new parking spaces would not be noticeably in excess of the road traffic. Members were shown plans and photographs of the application site.

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

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

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

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2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
1546/3A, 1546/4A, 1546/2000D, 1546/2001D, 1546/2002D, 1546/2003A and 1546/2004.
3. Prior to the commencement of development (including any demolition) a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include measures for the control of environmental impacts of the development during construction. The development shall be carried out in accordance with the approved plan;
4.
  - i) A detailed site investigation for the presence of contaminants, methane and carbon dioxide in soil shall be submitted to and approved by the Local Planning Authority prior to the commencement of construction works on site. Details of the investigation shall be approved by the Local Planning Authority prior to investigative works commencing. Such investigation and assessment should be carried out by suitably qualified personnel in accordance with current Government, Environment Agency and British Standard Guidance. Should any significant risks be identified by such an investigation, a remediation scheme including suitable monitoring and verification methodologies shall be agreed in writing by the Local Planning Authority;
  - ii) The remediation scheme, as agreed by the Local Planning Authority, shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The remediation scheme is to include considerations and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval;
  - iii) On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details;
5. Prior to its installation, details of all new lighting should be submitted to and approved in writing by the Local Planning Authority. Details shall include measures to angle and shield lighting. The lighting shall be installed in accordance with the approved details;
6. Prior to its installation details of any new plant or mechanical equipment (i.e. ventilation or extraction equipment) shall be submitted

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to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details;

7. **With the exception of internal works, the building works and associated deliveries to the site required to carry out the development hereby approved, 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**

8. **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. The development shall be carried out accordance with the approved details;**
9. **Prior to demolition works commencing on site a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority. This shall include the size of vehicles, routing of vehicles and hours of operation. (Given the restrictions of 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;**
10. **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;**
11. **The development shall not be brought into use until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be used for any other purpose;**
12. **The development shall not be 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;**
13. **The development shall not be brought into use 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. **The development shall be carried out in accordance with the mitigation measures stated in the Phase 1 Flood Risk Assessment Report by Ambiental (dated October 2014, ref 2092); and**

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- 15. Prior to commencement of development, details of how the proposed sustainable and green design measures listed in Environmental/Energy Statement by GRS Architect Ltd (dated April 2016) will be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.**

### **Reasons:**

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. 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. To protect those redeveloping the site, any future users and neighbouring properties from potential landfill gases and soil contamination;**
- 5. In the interests of the amenity of the neighbouring residential occupiers and to reduce light pollution;**
- 6. In the interests of the amenity of the neighbouring residential occupiers;**
- 7. To safeguard the amenity of adjoining residents;**
- 8. In the interests of highway safety;**
- 9. In the interests of highway safety and for the benefit and convenience of the public at large;**
- 10. In the interests of highway safety and for the benefit and convenience of the public at large;**
- 11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 13. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development;**
- 14. To prevent increased risk of and to ensure appropriate mitigation against flooding; and**

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15. To ensure a satisfactory development in accordance with policies SC3 and SC4 of the Hastings Local Plan: The Hastings Planning Strategy.

### 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. The developer's attention is drawn to correspondence received from Southern Gas Networks, dated 01 June 2016, which includes information on safe development and gas infrastructure.

### 146. PLANNING APPEALS & DELEGATED DECISIONS

The Planning Services Manager reported that three planning appeals had been received and one planning appeal had been dismissed and one had been allowed. She also reported on the number of delegated decisions.

All matters had arisen between 7 November to 2 December 2016.

The report was noted.

A recording of this meeting is available to view via the following link: **to follow**

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