

PLANNING COMMITTEE

21 JUNE 2017

Existing Use:	Residential
Conservation Area	No
Listed Building	No
Public Consultation	14 letters of objection and 1 petition received.

The Principal Planner, Miss Philips, provided an update to the report. She requested this item be deferred to enable officers to consider the last minute changes made by the applicant and consult with the Council's Legal Department.

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

RESOLVED - (unanimously) to defer the application.

4.2 Site of Former Dane Court Nursing Home, 32-36 Chapel Park Road, St. Leonards on Sea

Proposal:	To create a 90-bed Care Home facility, with associated staff/visitor parking
Application No:	HS/FA/16/00740
Existing Use:	Vacant site – former residential care home
Conservation Area	No
Listed Building	No
Public Consultation	44 letters of objection and 2 petitions received.

Having declared his prejudicial interest, Councillor Cartwright was absent from the Chamber during discussion and voting.

The Principal Planner, Ms Roots, presented this report for the erection of a 90 bed care home facility on a vacant site, with associated staff/visitor parking. The building will be 4 storeys in height when viewed from Chapel Park Road and extending to 5 storeys at the rear. The building will be of brick construction with elements of white render. The care home will provide for 10 full-time and 5 part-time members of staff.

Members were informed of several updates to the report:-

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- 2 x additional objections – in addition to previous points made, one providing feedback on officer report
- Challenges made regarding implementation of policy – maintain that policies have been interpreted correctly in this decision making process, particularly with regard to DM1 and DM3 where the focus is on the impact of the development in terms of design and amenity, and not other interpretations of the policy
- Update on tree retention – 9 category C trees to be lost mostly on western boundary (replacement planting)
- Confirmation from Waste team that storage location is suitable

Members were shown plans and photographs of the application site.

The Principal Planner advised that this was a complex site and a number of objections had been received, these relate to landscaping, traffic and access, design and layout, ecology, impact on neighbouring residential occupiers and impact on sewerage system. She said there were a number of significant ecological constraints; these had been identified in the survey report.

A petition was also received from Mr Melvyn Johnson who was not present. The Chair asked if there was anyone else present to address the committee on this application. There was not.

Dr Susan Roberts, petitioner, spoke against the application, she said it does not constitute sustainable development. The development will generate more traffic, air pollution, flooding/drainage. The construction will destroy the ecology of a greenfield site. The development, she said, lacked vision. She said that she would not object to any development but felt the 90 bed care home was inappropriate for the site. She said its size had not been addressed and all of the objections had been ignored.

Mr Carl Ward, representing the applicant, spoke in support of the application. He said the application was for a 90 bed care home whereas the previously approved application was for an 80 bed care home. The use on this site has been established. The proposal is to provide a four storey development with a pitched roof (5 storey at the back). This was stated at pre-application stage. They undertook public consultation, visited the house next door and took on board comments regarding height and traffic calming. They have had numerous discussions with the Council's ecologist regarding the badgers. They have complied with planning policy and followed national guidance. All matters agreed and they are happy to be conditioned.

The Principal Planner referred to the comments made by Dr Roberts and said this was sustainable development which makes use of vacant land bringing it back into use. The proposed development is bigger than what was there; it is a large plot. She explained that they worked with East Sussex County Council Highways regarding traffic noise. Several re-consultations took place regarding access issues; these were all ironed out and met with the Highway Authority requirements.

Murray Davidson, Environment and Natural Resources Manager said there is a large badger sett in the centre of site. We are guided by National Planning Policy, local planning policy and statutory guidance to deal with protected species. Policy EN3 requires developer to ensure their proposal mitigates or compensates for

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unavoidable damage. We worked with the applicant and agreed the badger sett could not survive as the sett was right underneath the site, to compensate an artificial sett was agreed. The applicant came forward with proposals and we gave planning conditions on report. Before development starts, monitoring reports will need to show the badgers using the artificial sett.

Murray Davidson explained how artificial badger setts are used and referred to the large badger sett at the Link Road which was successful. He explained that the applicant is responsible for monitoring the relocation. Their ecologist is a member of the chartered ecologists, they set out strategy, monitor and work with us. We will not give a start date for the works until we are satisfied the badgers have been successfully relocated. He said that any development on this site will have adverse impact, as the badgers are in rubble, not in soil. The badgers have excavated into demolition material. He explained that badgers are very territorial; the sett proposed is a "des-res" within the same colony. The size of the new artificial sett is 10m x 8m and will have three breeding chambers. Mr Davidson explained how the badgers were encouraged to relocate to another sett. He said the methodology was to build an artificial sett, put out straw, food and entice them to the new sett. He said it would be a slow process over a period of time closing the other sett using gates.

Councillor Scott recommended a note to the applicant regarding the inclusion of a domestic sprinkler system.

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

RESOLVED – by (7 votes to 1 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:
 - 1273-F01 Rev D (Proposed Access Arrangements with Traffic Calming Feature)
 - 1273-03 (Existing/Proposed On-Street Parking Arrangement)
 - 1273-06 (Refuse Vehicle Tracks)
 - 1386_100 Rev A (Existing Site Plan)
 - 1386_200 Rev M (Proposed Site Plan)
 - 1386_201 Rev H (Proposed Floor Plans)
 - 1386_202 (Block Plan)
 - 1386_203 (Proposed Roof Plan)
 - 1386_300 Rev F (Proposed Elevations)
 - 1386_301 Rev D (Street Scenes)
 - 1386_302 Rev C (Site Section)
 - KL.328.001 Rev O (Soft landscaping proposal)
 - 1386-LP
3. With the exception of internal works, the building works required to

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carry out the development allowed by this permission together with deliveries to and from the premises, must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

09.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

4. **No development shall take place until the measures outlined in the submitted ecological statements and reports set out below 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 or 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 within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority**

The submitted reports referred to are:

- Preliminary Ground Level Bat Roost Assessment of Trees (Middlemarch Environmental, May 2016)**
- Reptile Survey (Middlemarch Environmental, June 2016)**
- Badger Survey (Middlemarch Environmental)**
- Amended Badger Mitigation Strategy (Middlemarch Environmental)**
- Pre-development Arboricultural Survey (Middlemarch Environmental, December 2015)**
- Composite Ecology Report (Middlemarch Environmental, December 2016).**

5. **No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:**
- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and**

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- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
6. The development shall not commence until the artificial badger sett has been installed/constructed in accordance with the submitted badger mitigation strategy RT-MME-123315-01 dated August 2016 and subsequent revision dated December 2016 - Rev A. by Middlemarch Environmental;
 7. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competent person (e.g. an ecological clerk of works or on-site ecologist) have been submitted to and approved in writing by the local planning authority. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details;
 8. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a. Risk assessment of potentially damaging construction activities.
 - b. Identification of "biodiversity protection zones".
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d. The location and timing of sensitive works to avoid harm to biodiversity features.
 - e. The times during construction when specialist ecologists need to be present on site to oversee works.
 - f. Responsible persons and lines of communication.
 - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h. Use of protective fences, exclusion barriers and warning signs.

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

9. No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Construction Environmental Management Plan, CEMP, Biodiversity. All

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protective fencing and warning signs will be maintained during the construction period in accordance with the approved details;

- 10. No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to monitor the effectiveness, use and success of the artificial badger sett. The content of the Strategy shall include the following:**
- a. Aims and objectives of monitoring to match the stated purpose.**
 - b. Identification of adequate baseline conditions prior to the start of development.**
 - c. Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.**
 - d. Methods for data gathering and analysis.**
 - e. Location of monitoring.**
 - f. Timing and duration of monitoring.**
 - g. Responsible persons and lines of communication.**
 - h. 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 and cover a period of ten years from the installation of the artificial sett;

- 11. The new access shall be in the position shown on the submitted plan [number 1273-F01 rev D] and laid out and constructed in accordance with details to be secured within a S278 agreement with the Highway Authority;**
- 12. No development shall commence until such time as a technically accepted highway scheme [layout of the new access, relocation of carriageway narrowing feature, access protection lines, reposition of designated parking bays, street lighting and signage] and details**

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incorporating the recommendations given in a Stage 2 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved highway scheme shall be completed prior to first occupation of the development hereby permitted;

13. Prior to the commencement of development a Construction Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include details of a temporary access, wheel washing facilities, compound areas for storage of materials/machinery/plant and contractor vehicles, turning area, routing of vehicles;
14. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the details shown on drawing 1273-F01 rev D or which have been submitted to and approved in writing by the Planning Authority and the turning space shall thereafter be retained for that use and shall not be obstructed;
15. The development shall not be occupied until car and 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 those uses;
16. No deliveries by vehicles of 7.5 tonnes and over shall be taken at or despatched from the site at any time;
17. Prior to occupation of development a Servicing Management Plan shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority which will indicate how deliveries are to be undertaken Servicing Management Plan shall be implemented as approved thereafter;
18. (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, in consultation with Southern Water and East Sussex County Council Flood Management Team. In addition to the foul drainage, the following details should also be provided:
 - Evidence (in the form of hydraulic calculations) to show that surface water runoff from the proposed development will be limited to 5 l/s (as proposed in submitted drainage strategy) for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. The hydraulic calculations should take into account the connectivity of the different surface water drainage

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features.

- A maintenance and management plan for the drainage system - to state who will be responsible for managing all aspects of the surface water drainage system, including any piped drains.
- (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the building hereby approved shall occur until those works have been completed.
- (iii) No occupation of the building 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.

19. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

- A plan detailing how the environmental impact of the construction work will be controlled, in light of the potential of proposed construction works to cause disturbance through noise and dust
- A report on any lighting scheme, detailing the provision for the avoidance of 'spill light'
- Any plant to heat the buildings, or other equipment (e.g. kitchen extract flue)

Development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed;

20. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces (and associated hard landscaped areas and all retaining and boundary walls) of the care home 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. No development shall take place above ground until full details of all boundary enclosures (including walls, fences and railings) 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;

22. No flood lighting or other means of external illumination of the building or site shall be provided, installed or operated except in accordance with a detailed scheme which shall have been submitted to and approved in writing by the Local Planning Authority. Any such report

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should detail the provisions for the avoidance of 'spill light' - light that obtrudes beyond the area it was intended to light into surrounding areas or properties;

- 23. The building shall not be brought into use until full details of refuse and hazardous material storage have been submitted to and approved in writing by the Local Planning Authority, and provided in accordance with the approved details. These facilities shall thereafter be retained in accordance with the approved details, unless otherwise first approved in writing by the Local Planning Authority;**
- 24. Prior to the commencement of construction, details of the climate change mitigation and adaptation measures to be used in the development hereby approved shall be submitted to, and approved in writing by the Local Planning Authority;**
- 25. A plan detailing how the environmental impact of the construction work will be controlled, in terms of the developments potential to cause disturbance to residential amenity through noise and dust, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of work;**
- 26. Details of any plant eg to heat the buildings or other equipment eg kitchen extract flue, shall be submitted to and approved in writing by the Local Planning Authority prior to installation; and**
- 27. No works shall commence until a full travel plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The Travel Plan must thereafter be implemented 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. To safeguard the amenity of adjoining residents;**
- 4. To protect features of recognised nature conservation importance;**
- 5. To protect features of recognised nature conservation importance;**
- 6. To protect features of recognised nature conservation importance;**
- 7. To protect features of recognised nature conservation importance;**
- 8. To protect features of recognised nature conservation importance;**

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- 9. To protect features of recognised nature conservation importance;**
- 10. To protect features of recognised nature conservation importance;**
- 11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 12. In the interests of road safety;**
- 13. In the interests of highway safety and for the benefit and convenience of the public at large;**
- 14. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 15. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 16. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 17. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 18. To prevent increased risk of flooding;**
- 19. To safeguard the amenity of adjoining and future residents;**
- 20. In the interests of the visual amenity of the area;**
- 21. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 22. To safeguard the amenity of adjoining and future residents;**
- 23. To ensure a satisfactory form of development in the interests of residential amenity;**
- 24. In accordance with Policies SC3 and SC4 of the Development Management Plan 2015;**
- 25. To safeguard the amenity of adjoining and future residents;**
- 26. To ensure a satisfactory standard of development; and**
- 27. In accordance with Policy T4 of the Hastings Planning Strategy 2014, to contribute to improved transport infrastructure particularly for pedestrians, cyclists and public transport.**

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Notes to the Applicant

1. **Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;**
2. **Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;**
3. **Formal applications for connection to the public foul sewerage system, and the water supply, 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;**
4. **The applicant is strongly advised to contact the Environmental Health Division before services, fixtures and fittings etc. are installed to the kitchen and other food rooms/areas, for advice on satisfying the requirements of food safety law; and**
5. **If during development and excavations any suspicions become evident or are aroused as to the potential or presence for any contaminated land, then works should immediately cease and a contaminated land assessment / ground investigation report be carried out which should then be submitted to and approved in writing by the Local Planning Authority prior to the work, associated with the permission hereby granted, commencing.**
6. **Consideration should be given to the provision of a domestic sprinkler system.**

4.3 Little Acres Farm, Frederick Road, Hastings (HS/LA/17/00032)

Proposal: Discharge of Section 106 Planning Obligation – The provision of two x 2 bedroom, four x 2 bedroom and two x 3 bedroom units of affordable housing – dated 20/07/2010 of Outline Permission HS/OA/08/000017 (Demolition of existing detached bungalow & outbuildings to provide the erection of 30 residential units)

Application No: HS/LA/17/00032

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Existing Use:	Residential (vacant land)
Conservation Area:	No
Listed Building	No
Public Consultation	5 letters of objection received.

The Principal Planner, Ms Phillips, presented this report to discharge a S106 Planning Obligation attached to an outline planning permission ref: HS/OA/08/00017, dated 20 July 2010 in respect of the provision of 25% affordable housing (demolition of existing detached bungalow and outbuildings to provide for the erection of 30 residential units).

Members were shown plans and photographs of the application site.

The Principal Planner advised the committee that the provision of 30 dwellings is extant. The applicant has submitted a viability report which concluded the extant scheme cannot provide affordable housing. The Principal Planner therefore recommended the S106 Planning Obligation be discharged.

Councillor Charman, Ward Councillor for Tressell, was present and spoke against the application. She said social housing was being sacrificed for overdevelopment in this town to eradicate social housing, it is dense, of poor design, of minimum cost and maximum development, and this creates a larger profit for the developer and brings down sales. She said policies needed to be changed on a national level.

Mr Pozerskis, Valuer, Bruton Knowles, undertook the viability scheme. He said he compared both cases, the second case was deemed more viable. He said he ran reduced profit on the scheme and still couldn't find a way of making it work.

Councillor Beaver proposed a motion to approve the change as set out in the resolution below, this was seconded by Councillor Cartwright.

RESOLVED – (unanimously) to agree to discharge the S106 Agreement dated 20th July 2010 in respect of the provision of 25% affordable housing.

5. OTHER PLANNING APPLICATIONS:

5.1 Flat 14, Wilton House, Grosvenor Gardens, St. Leonards on Sea

Proposal: Proposed third floor extension to existing second floor flat to form bedroom and terrace area.

Application No: HS/FA/17/00149

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Existing Use:	Residential
Conservation Area:	Yes – Grosvenor Gardens
Listed Building	No
Public Consultation	3 letters of objection received

The Planning Services Manager, Mrs Evans, presented this report for a third floor extension to existing second floor flat to form bedroom and terrace area.

The Planning Services Manager provided an update to the report:-

- The original application form for this proposal was updated. The name of the applicant remained unchanged and the later application form comes c/o Elevations Design Ltd.

Members were shown plans and photographs of the application site.

The Planning Services Manager confirmed that it is proposed to increase the floor space and bring it within the national minimum internal space standards. She stated that there were similar extensions along the terrace. The extension will provide a bedroom with en-suite shower-room / WC and a small roof terrace area. The materials will be contemporary. Public objections received referred to blocking the light into the bathroom of Flat 18, structural stability, and the fire escape route. This is dealt with under Building Regulations. The Conservation Officer made no objections.

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:

17.863/02 Rev B
3. The terrace area hereby approved must at all times be kept clear of external obstruction or screening that would block or screen the existing rear window;
4. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be those shown on approved

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drawing number 17-863/02 Rev B:
Zinc sheet finish
Grey UPVC windows and doors
Galvanized metal handrail

5. 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. 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 neighbour amenity;
4. In the interests of the visual amenity of the area; and
5. 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. The proposal is for extension and alteration to residential dwelling(s) to which the Building Regulations 1991 apply. The grant of this planning permission does not affect or reduce any need for building regulation necessary before the development takes place.

6. PLANNING APPEALS AND DELEGATED DECISIONS

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

All matters had arisen between 15 May 2017 to 9 June 2017.

The report was noted.

(The Chair declared the meeting closed at. 7.22 pm)