

PLANNING COMMITTEE

20 JULY 2017

Present: Councillors Street (Chair), Beaver, Clarke, B Dowling, Edwards, Roberts, Rogers, Sabetian (as the duly appointed substitute for Councillor Scott) and Turner (as the duly appointed substitute for Councillor Wincott)

7. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Scott and Wincott. Absence was noted for Councillor Cartwright.

8. DECLARATIONS OF INTEREST

| Councillor | Minute | Interest |
|------------|--|--|
| Street | 4.3 – Rocklands Private Caravan Park, Rocklands Lane, Hastings | Personal – The Council's representative on the High Weald AONB Joint Advisory Committee – they commented on application. |

9. MINUTES OF THE MEETING HELD ON 24 MAY 2017 AND 21 JUNE 2017

RESOLVED – that the minutes of the meeting held on 24 May 2017 and 21 June 2017 be approved and signed by the Chair as a true record.

10. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

11. PLANNING APPLICATIONS ATTRACTING A PETITION:

11.1 Land at Church Street, Hastings

Proposal: Approval of reserved matters, scale, external appearance of the buildings and the landscaping of the site, following Outline Approval HS/OA/14/00876 – Development of site to provide five dwellings

Application No: HS/DS/17/00194

PLANNING COMMITTEE

20 JULY 2017

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| Existing Use: | Brownfield parcel of land |
| Conservation Area | No |
| Listed Building | No |
| Public Consultation | 319 letters of objection and 1 petition received and 4 letters of support received |

The Planning Services Manager, Mrs Evans, presented this report for approval of reserved matters, scale, external appearance of the buildings and the landscaping of the site, following Outline Approval HS/OA/14/00876 – Development of site to provide 5 dwellings. She advised that the ‘background’ of page 4 of the report was slightly incorrect and clarified the details of the application, as above, for the committee.

The site is located to the east of Clifton Road on both sides of Church Street. The surrounding area is predominantly residential with two-storey houses to the north, south and west and one detached property nearby.

Outline planning permission for 5 dwellings was approved in 2014. As part of that assessment, means of access and layout were considered reserving scale, external appearance and landscaping for subsequent consideration as part of a reserved matters application. This application seeks to address the reserved matters (scale, external appearance and landscaping) to enable the development to proceed.

Members were informed of several updates to the report:-

- Since the publication of the Planning Committee Agenda, a late objection from No. 2 Greville Road has raised a concern in relation to the access to the gas box on the side of the property. In response to this, the agent has amended the curtilage of Plot 1 to ensure access is retained. This is secured by condition 7.
- Additional condition 13:
No development shall commence, including demolition, until details regarding the removal of Japanese Knotweed are submitted to and approved in writing by the Local Planning Authority. The details shall include method of removal from ground, removal from site and details of infill. The approved development shall be carried out in accordance with the approved details.
- Additional Informative 7:
It is an offence to plant or cause Japanese knotweed to spread in the wild under the Wildlife and Countryside Act 1981 and all waste containing Japanese knotweed comes under the control of Part II of the Environmental Protection Act 1990.

Members were shown plans, photographs and elevation drawings of the application site.

The Planning Services Manager advised members that the site is brownfield land as the previous housing was demolished. The site drops from north to south by

PLANNING COMMITTEE

20 JULY 2017

approximately 7 metres. The site is subject to surface water flooding secured by Condition 6 of Outline Consent HS/OA/14/00876. The site is within 250m of a landfill buffer. Although the site is allocated in the Local Plan, the housing allocation is less due to the exclusion of the triangular piece of land from this site, hence 5 dwellings instead of 6. The application is for 5 two-storey dwellings comprising 2 three-bed semi-detached and 3 two-bed detached dwellings. Each property will have 2 parking spaces, providing 10 parking spaces in total. Plots 2 and 3 will have garages. There will be a bin collection point for the residents, which is secured by Condition 8. The layout of the site has been agreed and is acceptable. No existing trees are to be retained. There had been a large number of representations received, some of which raise concerns regarding the sale of the land. The Planning Services Manager stated that the applicant owns all of the land and has filled in Certificate A, this has been checked against Land Registry records. There have been concerns regarding ecology. Ecology has been dealt with under the outline consent and is covered in Conditions 7, 8 and 9 of the outline consent. Concerns have also been raised regarding the quality of the reports and the qualifications of the individual who produced the reports. The Council are satisfied he is qualified to be able to produce a satisfactory report.

Mr Don Wise, petitioner, spoke against the application, he said the whole area of the 38 acre site has a 1,000 year old lease commencing on 17/12/1774. The present actions by the Council are illegal, selling more of this leasehold land freehold for building purposes. He referred to page 8 of the national and local list of planning requirements prepared 27 March 2015, which he said identifies the requirement for ecology information to be produced by a qualified ecologist. He said there had been no correct wildlife ecology survey or full correct report which conforms to British standards. The proposed site holds a very active badger sett which has been in existence for more than 100 years. The valley area he said is teeming with protected species of wildlife, there is clear evidence that over 80 badgers live in the Valley area. Along with bat roosts and newts breed in the pools and migrate to the high levels of the valleys. He requested the application be refused.

Mr Martin Hull, representing the applicant, spoke in support of the application. He stated that planning permission had been granted for the development and this application sought approval for details; appearance, scale and landscaping. Having reviewed the objections raised, he said those who have submitted representations do not appreciate that planning permission has been granted or that the site was allocated for housing. The majority of representations focus on matters of principle, relating to the value of the site's open space, the effect on badgers and the links to Speckled Wood. The layout and access arrangements for the proposed 5 houses have already been granted planning permission and Policy PCV04 already establishes the residential use of the land as does the outline planning permission. The Planning Services Manager confirmed there had been some concerns regarding the ownership of the land in terms of its historic sale. She said the matter was not relevant to the consideration of this application; however she had checked procedurally whether the application form had been filled in correctly. She said the application form had been filled in correctly by the person who was the applicant and owner of the land. In terms of the use of the land, she said housing on the site had been demolished many years ago and the site is allocated in the local plan as

PLANNING COMMITTEE

20 JULY 2017

residential. . The Principal Solicitor advised that restrictive covenants were not a material consideration and were a private land matter.

The Planning Services Manager said the badgers would be protected by condition which will be implemented when the land is developed. She said she was satisfied the qualifications of the ecologist were relevant.

Murray Davidson, Environment and Natural Resources Manager said there had been a lot of concern regarding the qualifications of Ark Partnership. He said it is a requirement that most authorities require the Ecologist to be a member of the Chartered Institute. He said he was satisfied they were qualified and were well placed to undertake the work. He said there were no badger setts on the site itself but the badger sett is on adjacent land. The secure close boarded fence has been subject to vandalism and a hole has been cut through so badgers have moved into the site and their behaviour changed. The Police have been involved and are working with HBC and the Ecologist to ensure the badgers are protected. Conditions will ensure the badgers are safeguarded.

Councillor Beaver proposed a motion to approve the application subject to the addition of condition 13 and informative 7, as set out in the resolution below. This was seconded by Councillor Roberts.

RESOLVED - by (8 votes to 1 against) to approve reserved matters subject to the following conditions.

1. **The development hereby permitted shall be carried out in accordance with the time scales as imposed on the outline permission HS/OA/14/00876;**
2. **The development hereby permitted, in terms of scale, external appearance of the buildings and the landscaping of the site, shall be carried out in accordance with the following approved plans and details: 1628-00, 1628-01, 1628-02, 1628-03, 1628-04, 1628-05, 1628-06, 1628-07, 1628-08, 1628-09, External Materials Schedule dated March 2017 and SuDSmart Pro Report dated November 2016;**
- 3 **The refuse storage units as shown on plan 1628-08 shall be provided on site prior to occupation of the dwellings and retained thereafter;**
4. (i) **A phase two assessment including a program of soil gas monitoring at the site in order to determine the presence or absence of any landfill gas migrating to the site is to be undertaken 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 a suitably qualified personnel in accordance with current Government,**

PLANNING COMMITTEE

20 JULY 2017

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;**

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 commencement of development, a detailed method statement demonstrating how it is proposed to mitigate any adverse impacts on the surrounding area from noise and dust during the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved method statement unless otherwise approved by the Council;**
- 6. 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.**
- 7. Prior to commencement of development a plan showing the amendment to the boundary treatment for Plot 1 shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall then be implemented on site in accordance with the approved details;**
- 8. Prior to commencement of development details of the proposed area for refuse bins awaiting collection shall be submitted to and approved in writing by the Local Planning Authority. This area shall then be provided prior to occupation of the dwellings hereby approved and maintained thereafter;**

PLANNING COMMITTEE

20 JULY 2017

9. No development shall take place until there has been submitted to and approved by the Local Planning Authority the finalised scheme of soft landscaping, which shall include indications of any existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme;
10. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the 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;
11. No development above ground shall take place until full details of the finalised hard landscape scheme have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); and
12. 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.
13. No development shall commence, including demolition, until details of the scheme have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of any removal of trees or structures, removal of any existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); and

Reasons:

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

PLANNING COMMITTEE

20 JULY 2017

91 of the Town and Country Planning Act 1990;

- 2. For the avoidance of doubt and in the interests of proper planning;**
- 3. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 4. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination;**
- 5. To safeguard the amenity of adjoining and future residents;**
- 6. To safeguard the amenity of adjoining residents;**
- 7. To safeguard the amenity of adjoining and future residents;**
- 8. To ensure a satisfactory standard of development;**
- 9. In the interests of the visual amenity;**
- 10. In the interests of the visual amenity;**
- 11. In the interests of the visual amenity; and**
- 12. In the interests of the 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;**
- 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. There may be badgers on the site and your attention is drawn to the provisions of the Badger Protection Act 1992. It is a criminal offence to kill or injure a badger; to damage or obstruct access to its sett; or to disturb a badger when it is occupying a sett;**
- 4. 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;**
- 5. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk**

PLANNING COMMITTEE

20 JULY 2017

Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works; and

6. The applicant is advised to contact East Sussex County Council on 01273 482254 to apply for the necessary licence if it is proposed to carry out any road closures, etc during construction.
7. It is an offence to plant or cause Japanese knotweed to spread in the wild under the Wildlife and Countryside Act 1981 and all waste containing Japanese knotweed comes under the control of Part II of the Environmental Protection Act 1990

11.2 96 Norman Road, St. Leonards on Sea

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| Proposal: | Installation of replacement kitchen extract duct (Retrospective) |
| Application No: | HS/FA/17/00100 |
| Existing Use: | Takeaway |
| Conservation Area | Yes – St. Leonards East |
| Listed Building | No |
| Public Consultation | 91 letters of objection and 1 petition received. |

The Planning Services Manager, Ms Evans, presented this report for the installation of replacement kitchen extract duct (retrospective). She said the site relates to the takeaway business which occupies the ground floor and the basement of the two-storey terrace building. The extraction fan runs from the kitchen and terminates 1.3m above the ridge line to the roof; there are limited views of the extraction fan. The previous extraction fan was damaged and removed as a result of a fire. The application is retrospective following the service of an enforcement notice. She said a number of representations had been received raising concern regarding noise produced by the fan and suggested the first floor window associated with the kitchen of the Chinese takeaway window be closed shut and blocked up. She advised this application was not for the use, but for the extraction duct and whether noise from the duct will be acceptable or not. It is not affected by whether the kitchen windows are open or closed. Enforcement require conditions to ensure the fan is not harmful to residential amenity.

Members were shown plans and photographs of the application site.

PLANNING COMMITTEE

20 JULY 2017

Ms Helen Marshall, petitioner, spoke against the application, she said she had no objection to the takeaway being next door. Her concerns related to odour, noise and airborne vibration of the new extraction fan, which had affected her health and wellbeing. She said it was disappointing that the kitchen window could not be conditioned. The window, she said, creates more noise than the fan from the cookers and woks banging. The majority of properties surrounding the site are residential, there are only 2 commercial premises nearby which close at 11am. The true noise levels will be reported in 6 months. She said she was happy for the application to proceed subject to the outcome of the noise report.

The Planning Services Manager referred to the comments made by Ms Marshall. She said the previous extract duct was restricted to 35 decibels and it is conditioned on this application to enable it to operate properly. The ongoing enforcement case has been put to one side while the planning application is being assessed. She confirmed that Enforcement will check whether everything is done correctly and will keep in touch when key things take place during the course of events.

Mr Stuart Rumsey, representing the applicant, spoke in support of the application. He said the takeaway was lawful, the duct was approved in 2006 and it is in the same position as the new one. The former consent stipulated the fan should be 35 decibels and it is proposed the new extraction fan will have the same decibel output.

The Planning Services Manager responded to Mr Rumsey's comments, she said Environmental Health had no objection regarding odour. The Planning Services Manager said a number of conditions had been put in place to make duct acceptable eg condition 1 a silencer and condition 2 acoustic enclosure. She confirmed the duct will remain, but it is not the finished product.

Councillor Beaver recommended the addition of the words "produced by an independent noise consultant" to condition 8, to provide an independent view to satisfy both the petitioner and planning authority. Councillor Beaver proposed a motion to approve the application subject to amended Condition 8, as set out in the resolution below. This was seconded by Councillor Turner.

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

- 1. Specifications of an acoustic silencer to be installed within the ductwork, shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this permission. The specifications shall show the silencers positioned in front of the fan, so that the silencer is located between the fan and the terminal point of the duct. The approved details shall then be implemented within 3 months of the date of this permission unless another date is agreed in writing by the Local Planning Authority. The approved details, once implemented shall thereafter be retained and maintained;**
- 2. Specifications of the acoustic enclosure to the duct work (fitted with acoustically treated panels) shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of**

PLANNING COMMITTEE

20 JULY 2017

this permission. The approved details shall then be implemented within 3 months of the date of this permission unless another date is agreed in writing by the Local Planning Authority. The approved details, once implemented shall thereafter be retained and maintained;

3. Specifications of the acoustic louvers to be installed at the terminal point of the flue shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this permission. The approved details shall then be implemented within 3 months of the date of this approval unless another date is agreed in writing by the Local Planning Authority. The approved details, once implemented shall thereafter be retained and maintained;
4. Details of how the duct shall be attached to the roof/chimney shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this approval. The approved details shall then be implemented within 3 months of the date of this permission unless another date is agreed in writing by the Local Planning Authority. The approved details, once implemented shall thereafter be retained and maintained;
5. Details of the anti-vibration mounts shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this approval. The approved anti vibration mounts shall be installed within 3 months of the date of this permission unless an alternative date is agreed to in writing by the Local Planning Authority. The approved details, once implemented shall thereafter be retained and maintained;
6. Details of the odour control measures shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this permission. The approved scheme of measures shall be implemented within 3 months of the date of this permission unless an alternative date is agreed to in writing by the Local Planning Authority. The approved measures, once implemented shall thereafter be retained and maintained;
7. Details of a maintenance plan shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this approval. The duct hereby approved shall thereafter be maintained in accordance with the approved maintenance plan;
8. Six months following implementation a further detailed BS4142: 2014 noise report, produced by an independent noise consultant, shall be submitted to and approved in writing by the Local Planning Authority. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the 35dB level when measured according to British Standard BS4142: 2014, at any adjoining or nearby noise sensitive premises.
Prior to any survey work or measurements being carried out the

PLANNING COMMITTEE

20 JULY 2017

survey methodology including times, duration, locations and fan speeds shall be submitted to and approved in writing by the Local Planning Authority;

- 9. Within 1 month of the installation date of the anti-vibration mounts, an investigation using a class one sound level meter and competent acoustician shall take place inside the top bedroom at 94 Norman Road, St Leonards on Sea, to determine the effectiveness of the anti-vibration mounts and any structure borne transmission.
Prior to any survey work or measurements being carried out the survey methodology including times, duration, locations and fan speeds shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall take place with the maximum fan settings operational and the results made available in writing to the Local Planning Authority; and**
- 10. At close of business, the fans serving the kitchen extract system shall be switched off by 23:30 hrs (Sunday - Thursday) and 00:00 (Friday - Saturday), with the exception of 1st of June to 31st August where the fan shall be switched off by 01:00.**

Reasons:

- 1. To safeguard the amenity of adjoining and future residents;**
- 2. To safeguard the amenity of adjoining and future residents;**
- 3. To safeguard the amenity of adjoining and future residents;**
- 4. To safeguard the amenity of adjoining and future residents;**
- 5. To safeguard the amenity of adjoining and future residents;**
- 6. To safeguard the amenity of adjoining and future residents;**
- 7. To safeguard the amenity of adjoining and future residents;**
- 8. To safeguard the amenity of adjoining and future residents;**
- 9. To safeguard the amenity of adjoining and future residents; and**
- 10. To safeguard the amenity of adjoining and future residents.**

Notes to the Applicant

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;**

PLANNING COMMITTEE

20 JULY 2017

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. It is noted that the premises is still under notice to comply with the provisions of the abatement notice served by Environmental Health on the 10th October 2016 and as a preventative measure should keep the window closed to prevent noise from the kitchen being audible outside the property or in any neighbouring residential property;

Failure to ensure that best practical means has been employed to prevent the egress of noise is likely to be a breach of the notice served and consideration to prosecution will be given upon witnessing of a breach of the notice. It should also be noted that a formal breach of the notice would be assessed by Duty Environmental Health Officers and only after careful consideration of the following factors such as: time, frequency, type and duration of noise and not just the mere presence of some noise. Officers will then make a professional judgement as to whether the noise is interfering with the material use of another property.

11.3 Rocklands Private Caravan Park, Rocklands Lane, Hastings

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| Proposal: | Discharge of Condition 4 (details of the planting scheme and soft landscaping), 6 (archaeological monitoring), 7 (foul and surface water drainage scheme) and 8 (external colour scheme) of Appeal A ref. APP/B1415/C/15/3029007 – (EN/15/00028) |
| Application No: | HS/CD/16/00655 |
| Existing Use: | Caravan Park |
| Conservation Area | No |
| Listed Building | No |
| Public Consultation | 52 letters of objection and 1 petition received. |

The Principal Planner, Ms Roots, presented this report for the discharge of condition

PLANNING COMMITTEE

20 JULY 2017

4 (details of the planting scheme and soft landscaping), part of condition 6 (archaeological monitoring) and 7 (foul and surface water drainage scheme).

The site is located within the Highway Weald Area of Outstanding Natural Beauty (AONB), the Hastings Historic Core Archaeological Notification Area (ANA) and Site of Specific Scientific Interest (SSSI) Impact Risk Zone (IRZ).

Public comments received on or after 10 July, since the publication of the Planning Committee Agenda:

- Petition and further comments from Save Ecclesbourne Glen Campaign Group received on 12, 14 and 16 July 2017.
- Revised Archaeologist consultation comment received on 19 July 2017
- Revised planting scheme received on 20 July 2017.

Members were informed of several updates to the report:-

- 2nd petition from same petitioner – focuses on discharge of condition 4, the proposed planting scheme. Issues already covered from previous objections
- 3 additional objections from 1 organisation relating to planting scheme and officer report.
- Maintain that report is accurate and clarify that members have opportunity to read all objections and summarised only in officer's report
- Landscaping conditions requires details to be submitted and approved within 3 months of the date of decision
- Government guidance advises enforcement action to be taken only if unlikely to be granted planning permission
- With this in mind, not considered reasonable or proportionate to take enforcement action on a technical breach of condition until the matter discussed at Committee and a decision reached
- Revised planting plan dated July 2017 - amended details on:
 - Oak tree planting depths (30cm)
 - No planting mounds proposed
 - Removal of section related to gradients and planting of whips (not relevant, and existing soil levels maintained)
- Confirmation from County Archaeologist 14 July that further to amended landscaping plan being received – confirm works are unlikely to disturb any significant archaeological remains
- Amendment to page 39 of agenda (last sentence on page) Refers to situation prior to the inclusion of additional oak trees within the same area as holly whips although Historic England have been consulted on this and raise no objection
- Amended recommendation:
 - The discharge of conditions 4, 6 and 7 are based on the following information: Planting Schedule & Planting Maintenance and Establishment Specification (The Mayhew Consultancy Ltd, July 2017. Remainder of recommendation as set out in report*

Members were shown plans and photographs of the application site.

PLANNING COMMITTEE

20 JULY 2017

The Principal Planner advised that Condition 8 (external colour scheme) of Appeal A ref. APP/B1415/C/15/3029007, (EN/15/00028) was discharged through delegated authority on 8 September 2016. Condition 6 was partly discharged at the Planning Committee meeting on 16 November 2016 in relation to the Written Scheme of Investigation. On 8 February 2017 the Planning Committee resolved to defer part 2 of condition 6 in relation to the written record of archaeological works undertaken, to take account of any potential changes to the drainage layout, and the impact this could have on archaeology. She advised that the matter had been resolved and all outstanding conditions were recommended for discharging at the same time.

The Principal Planner advised that there had been some criticism of the report which she said was inaccurate. She also said the landscaping condition attached to the Inspector's decision requires details of the landscaping scheme to be submitted to and approved within 3 months of the date of the decision. The landscaping scheme was originally submitted within 3 months, although it hasn't been approved. Government Guidance states that enforcement action can only be taken if it is likely that permission would be granted. Given the decision has not been made, she said the Council does not believe it is reasonable or proportionate to take out enforcement action at this stage on what is a technical breach until the matter has been discussed and decision reached at this meeting.

She said several revised planting plans have been received. A more recent plan received in July 2017 which showed the same planting as the previous submission, the only difference is tree planting depths, making them smaller, no planting mounds were proposed and the section on gradient and planting width was removed, which wasn't relevant. The new landscaping scheme that was uploaded in July on the Planning Portal is the main one, but it doesn't change the essence of planting that has been consulted on with the relevant authorities and discussed in the report.

The Principal Planner clarified that on page 39 of the officer's report "No new planting will occur within the Scheduled Ancient Monument (SAM)". This she said was based on the second landscaping scheme (for holly planting), and was amended to include English Oak trees on that boundary. The County Archaeologist and Historic England have been consulted and have no objection. The recommendation in the report will be updated to show the planting date is July and not June. In response to the High Weald unit comments, the applicant has added more oak trees in amongst the holly at the bottom of the site. Additional planting will be added to protect the north east area of the site.

Regarding drainage, she said there had been a lot of negotiations and work between Southern Water and the applicant since their objection regarding new connections to the sewer. Southern Water is now confident the proposals are acceptable and they are happy to allow the connection. In terms of surface water she said the site as a whole was effected by surface water flooding. As a result of the new holiday let building there is a reduction in surface water run-off, when compared to what was previously there.

The Chair advised the committee the applicant would not be attending and therefore was not present to speak.

PLANNING COMMITTEE

20 JULY 2017

Mr Bob Okines, petitioner, spoke against the application, he said the report states the caravan park is screened by protected woodland which is not the case now. The view of the entire site has been opened up by landslide and by progressive thinning and removal of trees over the last decade or so. The report also states the AONB unit have no objections to the proposals, this he said is not entirely true and they agree that a long term solution is more important than a short term fix. He asked members to ask Mr Davidson how tall the new trees are going to grow during the next 3 to five years. At a previous committee meeting he said the committee were advised it was going to take many years for the trees to reach a suitable height. Furthermore, the Planning Inspectorate has recommended the planting scheme include semi-mature specimens. He said the girth should be 20cm for an oak tree to be classified as semi-mature. All of the proposed oak trees are at 8cm to 10cm in girth.

He said he did not understand why Mr Wilken (Borough Arboriculturalist) has agreed the current proposal is now acceptable. Proposals to the north of the building will only shield the view of the building from the caravan park and does not accord with the Planning Inspector's wishes that screening should be placed in the north east. The planting scheme does nothing to shield the view from Ecclesbourne Glen and Ecclesbourne Meadow. The holly at the south of the building will take many years to mature and will thicken the hedge row, but have no effect on the view. If you are minded to discharge the conditions we ask that the planting schedule meets the requirements and expectations of the Planning Inspector to screen building from all angles, and a TPO condition to protect the new trees for their future protection. He said the discharge of the drainage condition reconfirms the applicant's consultant has used the fact that the area is not suitable for soakaways as a lever to allow Southern Water to change their mind over land commissioned for use as a combined sewer. He said there was a typo in the officer's report relating to the height of the trees which states the trees will be planted at height of 8 to 10cm, he said he had not seen any reference to actual height of proposed trees in all the documentation apart from this reference. The height of the trees and perceived height relative to the building is one of the most important considerations. We ask Mr Davidson how tall are the proposed trees, not the girth.

Councillor Bacon, Ward Councillor for Old Hastings, was present and spoke against the application. He raised his concerns regarding the surrounding area. Hastings Country Park, he said, is in an AONB and is in a prestigious location of biodiversity management and one of our greatest assets to residents and tourists alike. Hastings Borough Council and we as councillors do have the responsibility to maintain and protect the stunning views and serenity of the Country Park, remembering at the centre of this the natural and not man made beauty of this area. Already due to landslips we have lost the footpaths around Ecclesbourne Glen, this has caused further visual exposure to Rocklands Caravan Park and the controversial building which does not enhance the area. It is our obligation as custodians of the Country Park to rectify this by ensuring sufficient planting is in place to screen the caravan park and bunker alike. He went on to say the proposed scheme does not provide screening of the building and caravan park which currently dominates the views of this area. He thanked the Save Ecclesbourne Glen Group for updating him and members with the photos of the current site. He expressed concern that the revised

PLANNING COMMITTEE

20 JULY 2017

planting scheme was submitted at such short notice and although consultees have been notified, he questioned whether consultees had reviewed this properly. Friends of Hastings Country Park have commented and they also do oppose the discharge of conditions from the comments made.

The Planning Services Manager clarified the actual wording the Planning Inspector used with regard to Condition 4. He never said the building should not be visible, he is saying he wants details of screening and that's what we have done. The screening is to the north east of building. There is no mention in the requirements that he had for soft landscaping that the trees be semi-mature. Because of the location it is exposed to weather conditions. If you were to plant a tree that was slightly more mature you would find that after a few years it wouldn't thrive and might die. For a tree to properly survive it has to be planted from a very young age so it can grow in that condition and mature and strengthen. She said that if we plant semi-mature trees in the long term it is not an effective solution.

The Principal Planner explained the AONB unit and what happened with their objections. She said they originally objected to the application and then they objected to the type of trees and to the holly not providing enough screening. In response to that, the additional oaks were proposed and we explained they would be small to start with and they pointed out that they were more concerned with the long term effectiveness of that screening than short term and they referred to the expertise of our Borough Arboriculturalist. In respect of that they were happy with the location of the trees and the additional planting. In terms of holly on Council Land, it was picked up in the beginning, in the recommendation it does clearly state in the report that they will be asked to enter into an agreement with HBC. It has been covered. Regarding the screening of caravan park as a whole, the Inspector's decision relates to the holiday let building and not the whole caravan park.

Mr Davidson said the question was not about mature trees, but what trees will survive in that hostile environment. He said it would be better to grow smaller trees that will grow bigger.

Councillor Dowling proposed a motion to approve the application as set out in the resolution below subject to the amendment of the date of the planting scheme to July 2017. This was seconded by Councillor Roberts.

RESOLVED – by (7 votes to 2 against) that the following conditions be fully discharged:

Condition 4 (details of the planting scheme and soft landscaping)

"Details of the planting and soft landscaping scheme to the north-east of the building and on the south and west boundaries shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision. The details 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

PLANNING COMMITTEE

20 JULY 2017

establishment); schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme"

Condition 6 (archaeological monitoring)

"No further groundworks required to complete the development shall take place until the implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority."

Condition 7 (foul and surface water drainage scheme)

"A foul and surface water drainage scheme submitted to and approved in writing by the Local Planning Authority shall be implemented in accordance with the approved details prior to first occupation".

The discharge of conditions 4, 6 and 7 are based on the following information:

- **Planting Schedule & Planting Maintenance and Establishment Specification (The Mayhew Consultancy Ltd, July 2017)**
- **Drainage Layout Plan (Drawing: 11.396/03E)**
- **Written Scheme of Investigation for Archaeological Monitoring (Archaeology South-East, August 2016)**
- **Archaeological Watching Brief Report (Archaeology South-East, December 2016)**

The applicant is advised that should changes to the scheme, not currently identified in the application, be made in light of any subsequent revisions to drainage or relevant ground works that may occur through the building regulation process, conditions 6 and 7 will no longer be deemed to be discharge and a further application will be required.

The applicant is also advised that they will need to enter into an agreement with Hastings Borough Council to enter and carry out landscaping works on land within their ownership.

The committee took a five minute comfort break.

11.4 Little Acres Farm, Frederick Road, Hastings

PLANNING COMMITTEE

20 JULY 2017

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| Proposal: | Erection of 32 dwellings, formation of vehicular and pedestrian access, parking spaces and associated landscaping (Amended description) |
| Application No: | HS/FA/17/00003 |
| Existing Use: | Residential |
| Conservation Area: | No |
| Listed Building | No |
| Public Consultation | 14 letters of objection and 1 petition received. |

This item was deferred at the last meeting held on 21 June 2017, to enable officers to consider the last minute changes made by the applicant and consult with the Council's Legal Department.

The Planning Services Manager, Ms Evans, presented this report for the erection of 32 dwellings, formation of vehicular and pedestrian access, parking spaces and associated landscaping (amended description).

Since the publication of the Planning Committee Agenda, an additional waste consultation comment was received on 30 June 2017 and uploaded on 17 July 2017.

Members were informed of several updates to the report:-

- Reasons for conditions – no .11
'In the interests of highway safety'
- Condition 13 should read
'Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.'

Members were shown plans and photographs of the application site.

The Planning Services Manager, Ms Evans, advised the site is allocated in the Local Plan with the possible net capacity of 29 dwellings. Planning permission was granted in 2010 in outline for 30 residential units. 2011 reserved matters permission was granted relating to an outline consent. In 2015 various conditions were discharged relating to the outline consent. At the last Planning Committee meeting in June, members considered the modifications to the outline consent to remove the requirement for affordable housing. This extant scheme was previously approved, and it is live and is capable of being implemented. One of the key changes is the access road has been shifted up into the site. Furthermore, the applicant has spent time

PLANNING COMMITTEE

20 JULY 2017

improving the quality of the design of homes more so than the previous application. The scheme also includes a lot more landscaping. The policy requirement for affordable housing is 25%. The viability scheme submitted showed the site was not capable of providing affordable housing. It showed that only £95,000 could be put to affordable housing. That report was assessed independently and the assessment concurred with the viability report, so there are no objections in planning terms on that aspect. The two additional units proposed will result in approximately 10 additional vehicle movements a day. No objections have been received from consultees.

Mr Ingleton, petitioner, spoke against the application, he said development is governed by the Hastings Local Plan 2015 approved by Full Council. The site is allocated for residential development, land west of Frederick Road for 25 dwellings including affordable housing provision for 25%. 32 houses is a 28% increase over the local plan to get an additional 7 houses on the site and will not provide any social housing. The density of this application is 54 dwellings per hectare, almost twice the local plan of 30 dwellings per hectare in residential areas. The only way to achieve this is to provide a dense terrace development of 2, 3 and 4-storey. He said this dense development provides few pavements, few front gardens and poor road layout which will not be adopted. It is not in keeping with the surrounding area which are 2 storey dwellings. This scheme is 2, 3 and 4 storeys high. Policy H2 housing mix makes dense terrace blocks, not architect designed. There was no pre-application public consultation. This is a major and controversial application which will provide inner-city development which is too dense and too high against the interests of the local community. The proposed development will set a precedent for the development of the Ore Valley community. This proposed development is not worthy of the area of Hastings.

Mr Mike Pickup, representing the applicant, spoke in support of the application. He said the site already has planning permission for 30 dwellings. The application was submitted in December 2016 and has undergone various amendments to the scheme. None of the residents immediately around the site have objected to the scheme or on the petition. Since the petition was submitted the following changes have been made to the scheme:- the previously approved accommodation at 2nd floor level for 6 units have been removed; the eaves height has been reduced; all houses now have symmetrical roof pitches and the windows on 6 of the units have since been deleted; the elevational treatment to side and rear elevations visible from the road frontages have been improved and the 3 proposed units at top of site have been repositioned to minimise visual impact to the nearest properties in Frederick Road; The front elevation of plot 32 has also been enhanced to provide an improved focal point at the end of the proposed estate road, compared to the approved scheme, 23 of the units would have offices to encourage homeworking to reduce car use; The amount of hard landscaping has been reduced and replaced by additional soft landscape planting; The local play area has been reduced by 25% and this has been repositioned to a more prominent central position within the housing layout; 15 additional car spaces have been provided in accordance with Highway Authority standards. The parking layout and provision is much more cohesive with a reduced amount of courtyard parking; the housing design layout to work better with the site's falling ground levels; he said none of the consultees have raised objection. All houses will have suitable amenity space.

PLANNING COMMITTEE

20 JULY 2017

Councillor Charman, Ward Councillor for Tressell, was present and spoke against the application. She raised concerns regarding the quality of the scheme which she said was not good quality. The density and quality of life features low and will provide bigger profits for developer and less happy homes for people. The discharge of social housing alleviates social responsibility from developers; we have a social housing crisis mounting. With a contribution of £95,000, realistically what can we do with this very small amount of money, we can't afford to buy one property. She said if this scheme is approved, a road is built early on through the Cookson Closeentry which is not used to deliver any goods and that all goods are delivered via Frederick Road, otherwise we will receive complaints.

The Planning Services Manager clarified a number of points, in regard to density she said Policy H1 is for residential development for at least 40 houses per hectare. 40 is not the maximum it is the minimum. Density in itself is not the determining factor, it is the implications that arise from it i.e. harm to residential amenity. The application was assessed and the development not found to be harmful. None of consultation responses raise objections. The applicant has spent time amending the scheme; reducing roof bulk, this is an attractive residential development. A lot of the front dormers were bulky and have been removed. No. 32 will be ahead of the driveway into site and is an attractive focal point. The side elevations have been improved so they are not just blank walls. The materials used are interesting and varied to break up the look and make the development more attractive. In terms of the impact on the character of the area and residential amenity, we haven't identified a problem. Regarding the comment on pre-application public consultation, there is no requirement for the developer to enter into consultation so they have not failed. Regarding quality, it is covered by condition 4 for materials to be approved. Regarding deliveries in Frederick Road, if the Councillors are not happy with arrangement we can consult and reconsider. She asked members to bear in mind that Highways made no objection, the extant scheme approved that layout, the current application is for just 2 more houses. As to the access off Frederick Road the Planning Services Manager said they did not look at whether that access would be used for vehicle traffic, it was not considered. The width of the proposed driveway is 5m, however the other access from Frederick Road is not as wide and this could be a problem in terms of providing a suitable vehicular access.

Councillor Sabetian proposed a motion to approve the application subject to the revised wording of condition 13 and the reason for condition 11 and, as set out in the resolution below. This was seconded by Councillor Clarke.

RESOLVED – by (6 votes to 3 against) that:-

A) 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 offsite affordable housing**

PLANNING COMMITTEE

20 JULY 2017

In the event that the Agreement is not completed by 20 October 2017 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 and 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:

5211/LP, 5211/BP/C, 5211/BP1, 5211/EX, 5211/COMPS/A, 5211/1/C, 5211/2/D, 5211/6A, 5211/7A, 5211/8B, 5211/9A, 5211/10A, 5211/11A, 5211/12A, 5211/13A, 5211/14A, 5211/15/C, 5211/17/A, 5211/18, tw/1 606457/100 S7

3. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

4. No development above ground shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings (including treatment of garage 'void' areas) hereby permitted have been submitted to or displayed on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;
5. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,
 - the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and egress and routeing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,

PLANNING COMMITTEE

20 JULY 2017

- the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.
6. Means of vehicular access to the site shall be from Tuppeney Close only.
 7. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
 8. The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.
 9. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
 10. No part of the development shall be occupied until the vehicle turning space and footway/cycleway link to Frederick Road has been constructed within the site in accordance with the approved plans. The spaces shall thereafter be retained at all times for those uses and shall not be obstructed.
 11. No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense prior to occupation of the approved dwellings.
 12. No part of the development shall be occupied until a suitable vehicle access arrangement has been provided for property 11 Tuppeney Close, in accordance with the approved plans.
 13. Development shall not commence until a drainage strategy detailing

PLANNING COMMITTEE

20 JULY 2017

the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

14. No development shall take place until the measures outlined in the submitted ecological statements and reports Little Acres Farm, Frederick Road, Ore, East Sussex Ecological Assessment Report by Ash Partnership dated February 2017 have been fully implemented, unless:
 - (i) the programme for such measures is otherwise specified within that document, in which case the works shall be carried out in accordance with the timescales contained therein or;
 - (ii) unless the schemes, or programmes of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

15. Prior to commencement of development a detailed surface water drainage strategy (as outlined in JMLA Drainage Assessment Report (Ref tw/160457/jml)) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
 - (a) Surface water runoff from the proposed development to be limited to 4.3l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features;
 - (b) How surface water flows exceeding the capacity of the surface water drainage features will be managed safely;
 - (c) A maintenance and management plan for the entire drainage system which clearly states who will be responsible for managing all aspects of the surface water drainage system, including piped drains. These responsibility arrangements must remain in place throughout the lifetime of the development;
 - (d) Evidence (including photographs) showing that the drainage system has been constructed as per the approved detailed drainage designs.

Works shall be carried out in accordance with these approved details.

PLANNING COMMITTEE

20 JULY 2017

16. All works shall be carried out in accordance with advice contained within the Ground Contamination Risk Assessment Report by Ashdown Site Investigation Limited dated June 2015 and 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. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval prior to continuation of those works. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed remediation details;
17. The approved dwellings shall not be occupied until full details of all boundary walls/fencing have been submitted to and approved in writing by the Local Planning Authority. All such boundary walls/fences shall be erected before the building to which it relates is occupied;
18. The windows on the 1st and 2nd floor side east elevation flank wall of plot 32 shall remain obscure glazed at all times;
19. 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;
20. All planting seeding or turving 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;
21. No development, other than above ground demolition, 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 means of enclosure; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc);

PLANNING COMMITTEE

20 JULY 2017

- 22. 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; and**
- 23. Prior to occupation of the approved dwellings, to prepare and submit to the Council a scheme detailing the laying out, long term maintenance, management and ownership for the play area and open space to be approved in writing by the local planning authority. The scheme should include a plan of the site indicating the siting and layout of the play area and open space. The scheme should also include rights of access and such other services as are necessary for the use and enjoyment of the play area and open space for the purpose of constructing, inspecting, repairing, replacing and maintaining any fencing or furniture thereon. The play area and open space shall be laid out in accordance with the approved scheme prior to the occupation of any dwellings hereby approved.**

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. In the interests of the visual amenity;**
- 5. In the interests of highway safety and the amenities of the area;**
- 6. In the interests of road safety;**
- 7. To ensure adequate parking for the development;**
- 8. To ensure adequate off-street provision of parking in the interests of amenity and highway safety;**
- 9. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies;**
- 10. In the interests of road safety;**
- 11. In the interests of highway safety;**
- 12. In the interests of road safety;**

PLANNING COMMITTEE

20 JULY 2017

13. To ensure that no property is occupied until adequate access and drainage facilities have been provided;
14. To protect features of recognised nature conservation importance;
15. To ensure surface water from the development is managed safely;
16. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination;
17. To ensure a satisfactory form of development in the interests of the character and amenity of the area;
18. To safeguard the amenity and privacy of residents at 203 and 205 Frederick Road;
19. To ensure a satisfactory form of development in the interests of the visual amenity;
20. To ensure a satisfactory form of development in the interests of the character and 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 ensure a satisfactory form of development in the interests of the character and amenity of the area; and
23. To ensure a satisfactory form of development in the interests of the character and amenity of the area.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;
3. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk;
4. Any play equipment must conform to BSEN1176;
5. The developer is advised to contact Asset protection London South

PLANNING COMMITTEE

20 JULY 2017

East at AssetProtection@networkrail.co.uk prior to any works commencing on site to discuss their proposals in relation to the underlying tunnel, and to enable approval of any relevant works;

6. 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; and
7. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.

12. OTHER PLANNING APPLICATIONS:

12.1 Filsham Nurseries, 37 Charles Road West, St. Leonards on Sea

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| Proposal: | Demolition of existing buildings and ancillary buildings. Erection of 7no residential units, landscape and parking. |
| Application No: | HS/FA/16/00412 |
| Existing Use: | Redundant garden nursery |
| Conservation Area: | No |
| Listed Building | No |
| Public Consultation | 10 letters of objection received |

The Principal Planner, Ms Roots, presented this report for demolition of existing buildings and ancillary buildings and the erection of 7 residential units, landscaping and parking.

Members were shown plans and photographs of the application site.

The Principal Planner explained the site was in a residential area characterised by large detached/semi-detached properties with Amherst Tennis Club to the rear. She

PLANNING COMMITTEE

20 JULY 2017

said the site was overgrown and the buildings were unused and in need of repair, they will be demolished as part of the application. The site is affected by surface water flooding, however these issues have been addressed by the surface water drainage information submitted as part of the application. She said the site area for this application was smaller than the previous application and the number of units reduced from 10 to 7 units. The site is allocated for 9 units in the local plan, but in a slightly different site area.

She explained the alterations to the application:- Plot 1 had been redesigned to be in keeping with the surrounding area and had been reduced from 2 dwellings to 1. The dwellings on Plots 2 & 5 will have a more modern appearance. She said the County Highway Authority confirmed the parking proposed will produce a lot less traffic than the previous scheme. Most of the objections have been overcome.

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

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

1. **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:**
 - 15.071.010
 - 15.071.011
 - 15.071.020
 - 15.071.021
 - 15.071.032 (Rev B)
 - 15.071.030 (Rev E)
 - 15.071.050 (Rev D)
 - 15.071.051 (Rev D)
 - 15.071.052 (Rev B)
 - 15.071.053 (Rev B)
 - 16-415-TPP (Rev B)
 - Indicative Landscape Plan 02.06.17
3. **With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-**
 - 08.00 - 18.00 Monday to Friday
 - 08.00 - 13.00 on Saturdays
 - No working on Sundays or Public Holidays.
4. **Windows in the upper floor of the east side elevation of Plot 6 shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent**

PLANNING COMMITTEE

20 JULY 2017

and be permanently fixed shut and non-opening below 1.8 metres from finished floor level. Plot 6 shall not be occupied until the obscure glass is installed, and once installed, the windows shall be permanently maintained in that condition;

- 5. No part of the development shall be occupied until such time as the vehicular access, vehicle turning space and resident/visitor parking spaces have been constructed in accordance with plans and details hereby approved. The areas shall therefore be retained for those uses, and shall not be used for any other purposes;**
- 6. No part of the development shall be occupied until such time as the existing vehicular access onto Charles Road West has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority;**
- 7. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway;**
- 8. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles;**
- 9. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:**
 - the anticipated number, frequency and types of vehicles used during construction,**
 - the method of access and egress and routing of vehicles during construction,**
 - the parking of vehicles by site operatives and visitors,**
 - the loading and unloading of plant, materials and waste,**
 - the storage of plant and materials used in construction of the development,**
 - the erection and maintenance of security hoarding,**
 - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the**

PLANNING COMMITTEE

20 JULY 2017

public highway (including the provision of temporary Traffic Regulation Orders),

- details of public engagement both prior to and during construction works.
10. No part of the development shall be occupied until a dropped kerb (including tactile paving) across Charles Road West at the junction with The Green has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority;
 11. No development above ground shall take place (other than demolition) 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 artefact's and structures including refuse storage areas and forms of lighting (eg refuse or other proposed and existing functional services above and below ground (eg power, communications cables, pipelines etc. indicating lines, manholes, supports etc);
 12. 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;
 13. No development shall take place (other than demolition) until there has been a submission 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;
 14. 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;

PLANNING COMMITTEE

20 JULY 2017

15. No development shall take place until the measures outlined in the submitted ecological statements and reports have been fully implemented, unless:
- (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;
 - (ii) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

The submitted ecological statements and reports referred to are:

- Reptile Survey (Greenspace Ecological Solutions, January 2017)
 - Bat Emergence Survey (Greenspace Ecological Solutions, January 2017)
 - Extended Phase 1 Habitat and Bat Scoping Survey (Greenspace Ecological Solutions, June 2016)
 - Tree Survey Report (Rev B) (Canopy Consultancy, April 2017)
16. No development shall take place (including any demolition, ground works, site clearance) until a method statement for creation of new wildlife features such as bat roosts and structures and for the roof stripping and full and partial demolition of buildings have been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;

PLANNING COMMITTEE

20 JULY 2017

- f) initial after care and long-term maintenance;**
- g) disposal of any wastes arising from works.**

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

- 17. The demolition of any buildings or parts thereof, as specified in the application, shall not in any circumstances commence unless the local planning authority has been provided with either:**
 - a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or**
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.**

- 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.**
- (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.**
- (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.**

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 and future residents;**
- 4. To safeguard the amenity of adjoining and future residents;**
- 5. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety;**

PLANNING COMMITTEE

20 JULY 2017

- 6. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety;**
- 7. In the interests of road safety;**
- 8. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies;**
- 9. In the interests of highway safety and the amenities of the area;**
- 10. To enhance alternative travel options to the use of the car in accordance with current sustainable transport policies;**
- 11. To ensure a satisfactory standard of development;**
- 12. To ensure a satisfactory standard of development;**
- 13. To ensure a satisfactory standard of development;**
- 14. To ensure a satisfactory standard of development;**
- 15. To protect features of recognised nature conservation importance;**
- 16. To protect features of recognised nature conservation importance;**
- 17. To protect features of recognised nature conservation importance; and**
- 18. 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 off-site works (dropped kerbs/remedial works to footway) and construction of the new access will also need to be carried out under the appropriate license. The applicant should contact ESCC on 01273 482254 to apply for a license to ensure the construction is up to an acceptable standard;**
- 4. Consideration should be given to the provision of a domestic sprinkler system;**

PLANNING COMMITTEE

20 JULY 2017

5. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk;
6. The applicant is advised that Plots 1-6 should do not meet the minimum floorspace requirements for a 2 bedroomed, 4 person dwelling, and the smaller bedroom of each should only provide 1 bedspace. These dwellings should therefore provide 2 bedroomed, 3 person accommodation; and
7. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parcs@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.

13. PLANNING APPEALS AND DELEGATED DECISIONS

The Planning Services Manager reported that no planning appeals had been received; dismissed or allowed. She also reported on the number of delegated decisions.

All matters had arisen between 12 June to 7 July 2017.

The report was noted.

(The Chair declared the meeting closed at. 9.10 pm)